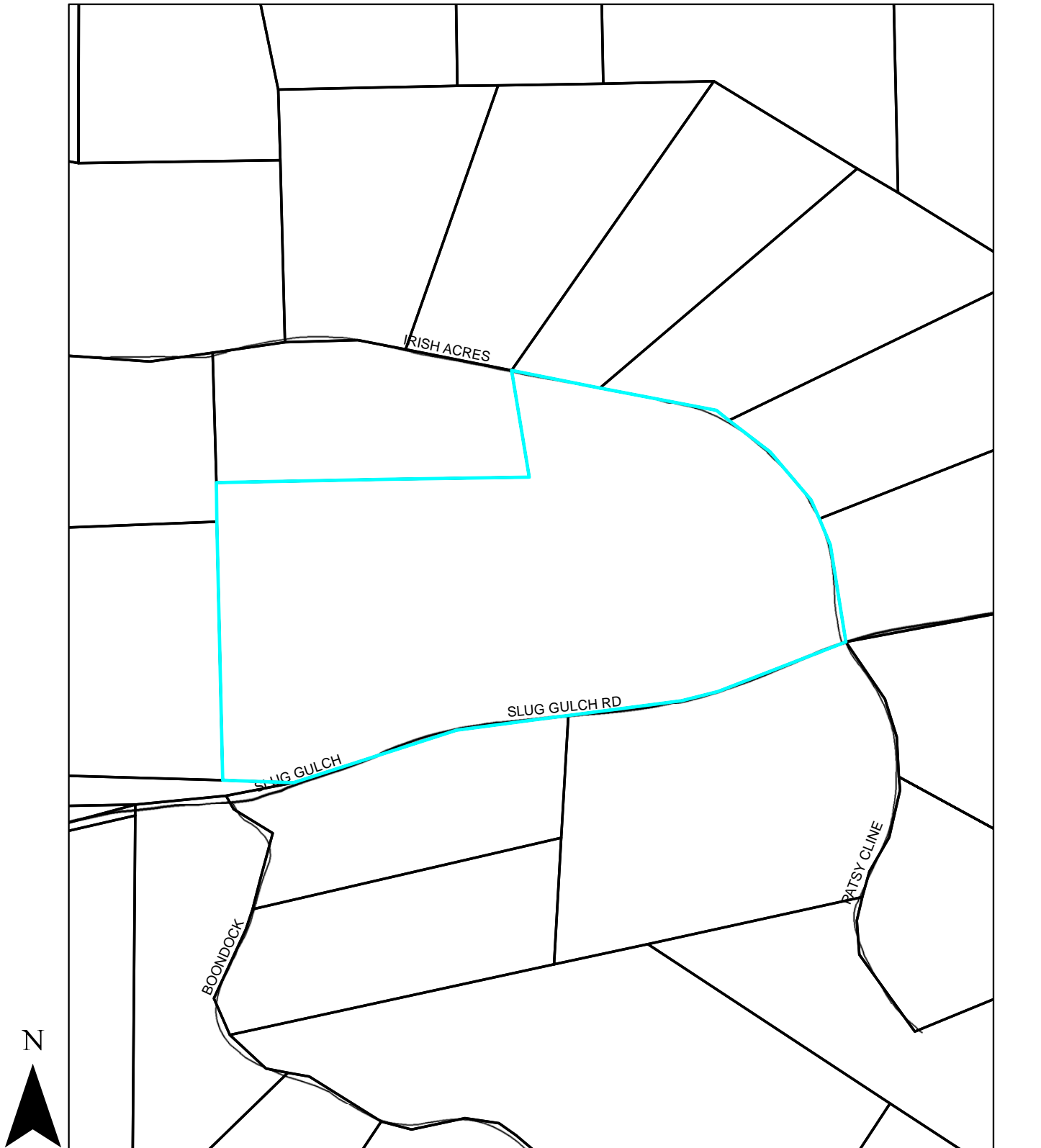
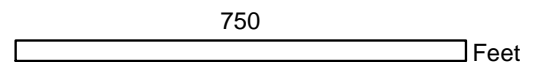


Exhibit A: Location Map

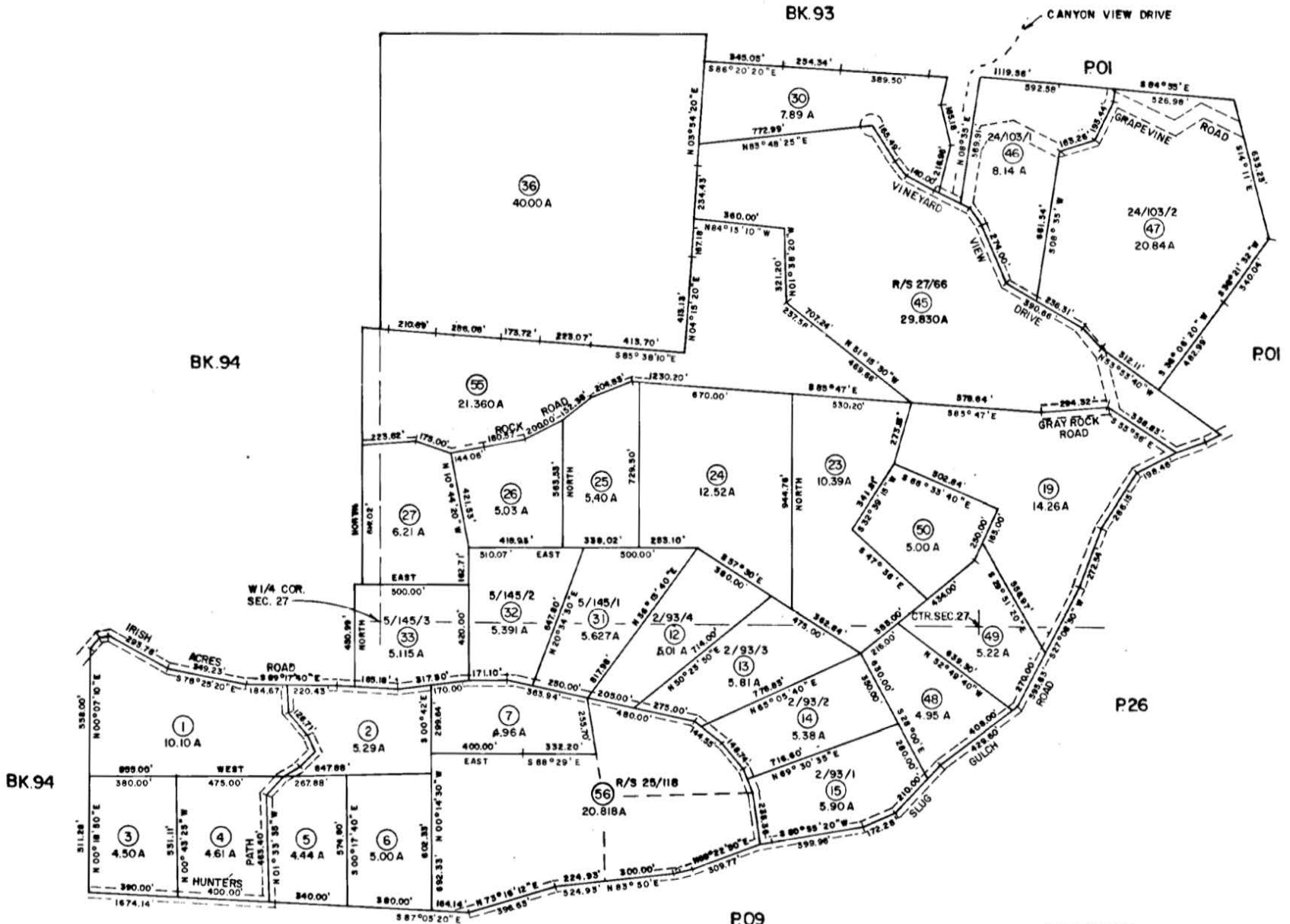


Prepared by:
Isaac Wolf
Planning Services Department
July 10, 2018

Project No. S04-0001-R-2
Oakstone Vineyards
APN: 095-080-56



Scale: 1: 3500



BK. 94

THIS MAP IS NOT A SURVEY, It is prepared by the El Dorado Co. Assessor's office for assessment purposes only.

P.09

NOTE - Assessor's Block Numbers Shown in Ellipses Assessor's Parcel Numbers Shown in Circles

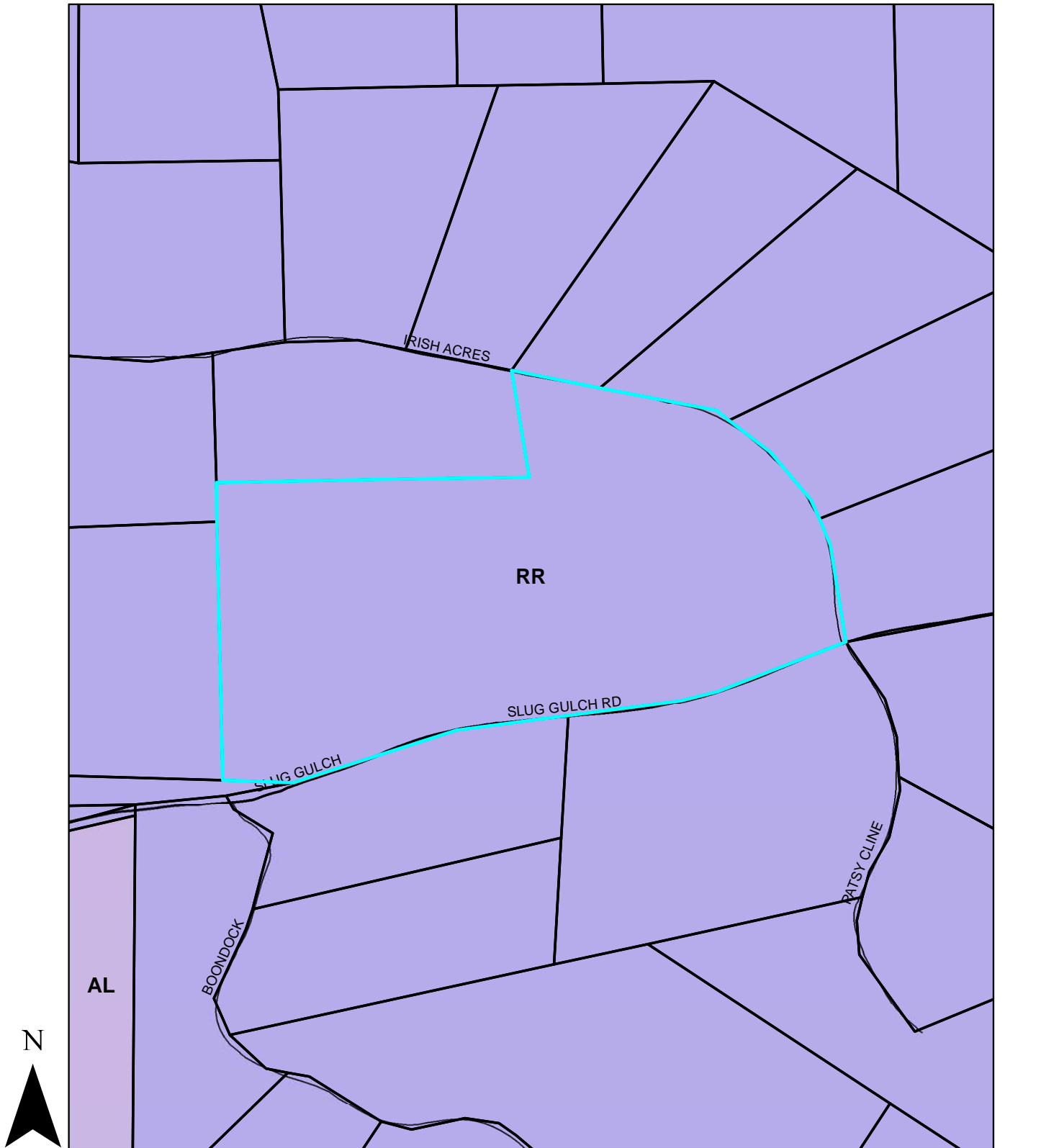
Exhibit B

ACREAGES

Assessor's Map Bk. 95 - County of El Dorado, Calif

OCT 5 2004

Exhibit C: General Plan Map

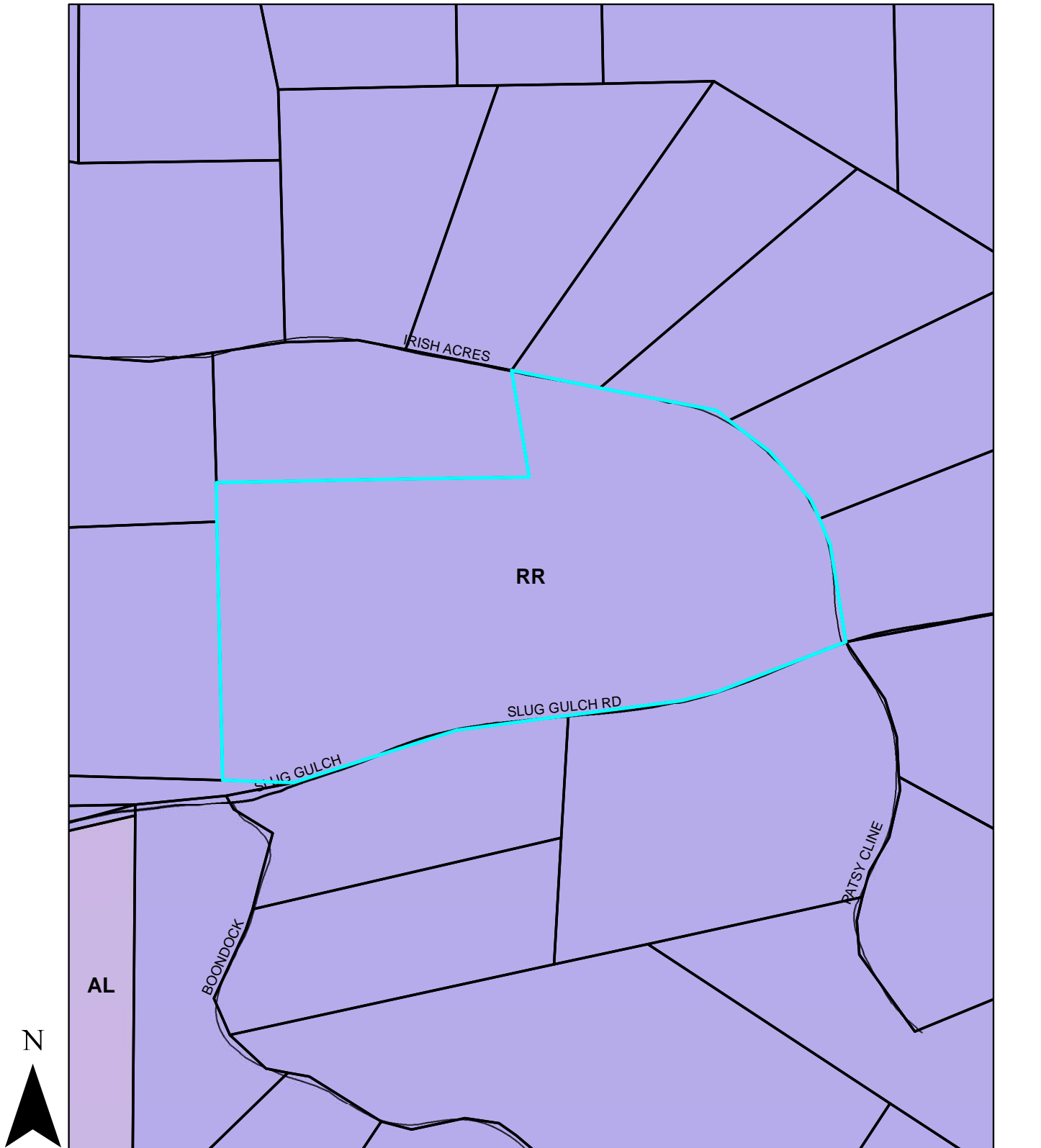


Prepared by:
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Planning Services Department
July 10, 2018

Project No. S04-0001-R-2
Oakstone Vineyards
APN: 095-080-56

750
Feet
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Exhibit D: Zoning Map

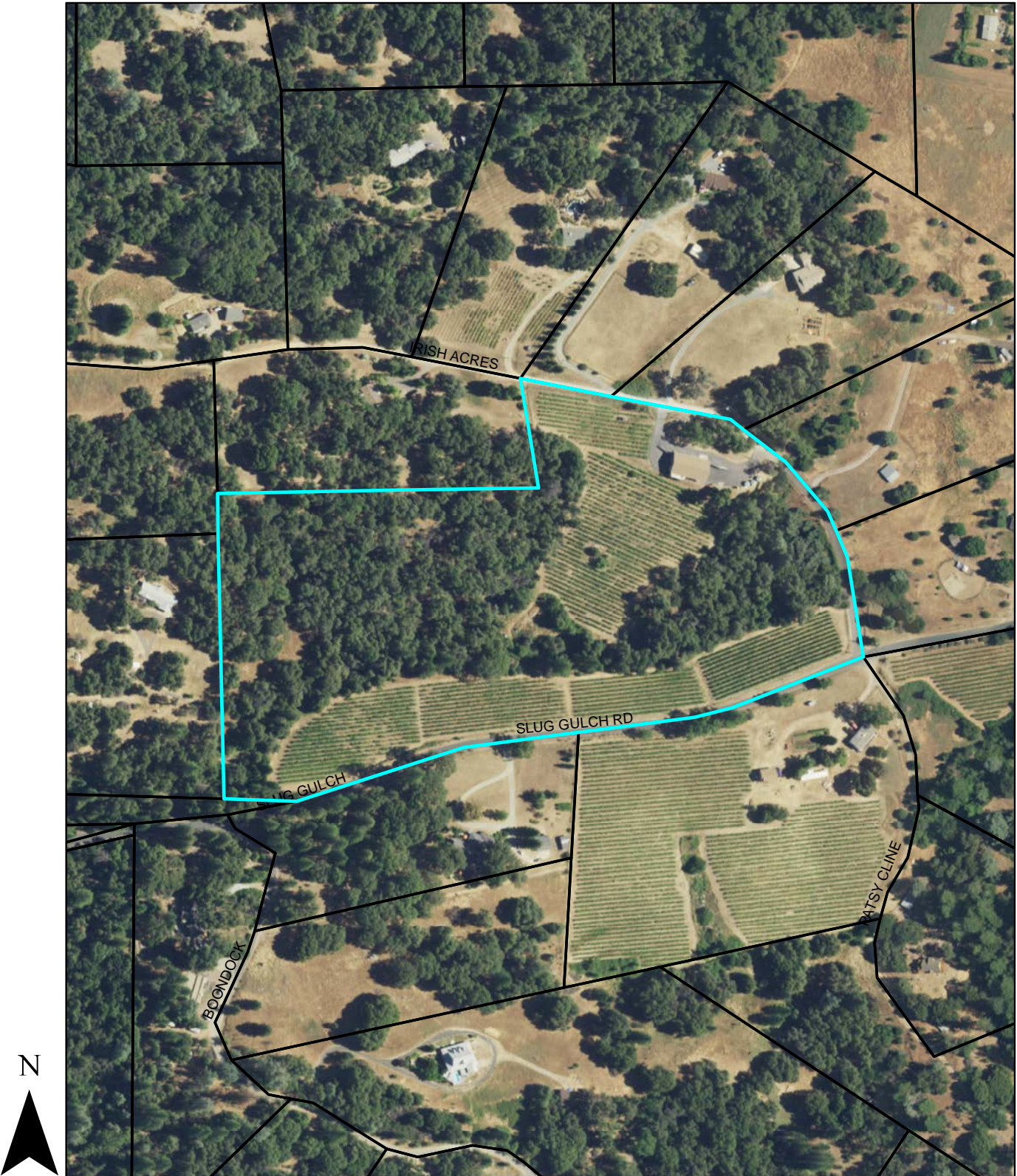


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Isaac Wolf
Planning Services Department
July 10, 2018

Project No. S04-0001-R-2
Oakstone Vineyards
APN: 095-080-56

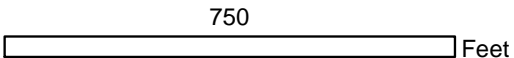
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Exhibit F: Aerial Map



Prepared by:
Isaac Wolf
Planning Services Department
July 10, 2018

Project No. S04-0001-R-2
Oakstone Vineyards
APN: 095-080-56



Scale: 1: 3500



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@edcgov.us

Greg Boeger, Chair – Agricultural Processing Industry
Dave Bolster, Vice-chair – Fruit and Nut Farming Industry
Chuck Bacchi – Livestock Industry
Bill Draper – Forestry/Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen – Livestock Industry
Lloyd Walker – Other Agricultural Interests

MEMORANDUM

DATE: April 11, 2018
TO: Development Services/Planning
FROM: Greg Boeger, Chair
Subject: **Oakstone Winery Revision to an Existing Conditional Use Permit
Project File No. S04-0001-R-2**

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018 a request from Planning Services to review a revision to an existing Conditional Use Permit. This request is to modify conditions of approval to S04-0001R to remove limitations on annual case production, increase days of tasting room operation from 4 to 6, modify production hours from 9 AM to 5 PM to 8 AM to 5 PM and to reconfigure existing parking space design for more efficiency and spaces. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Limited Agriculture, 20 Acres (LA-20). No new units or parcels are proposed. The applicant's parcel, identified by APN 095-080-56 consists of 20.818 acres and is located at 6470 Irish Acres Rd, Fair Play. (Supervisor District: 2).

The following General Plan Policy directs Commission guidance:

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Parcel Description:

- Parcel Number and Acreage: 095-080-56, 20.8 Acres
- Agricultural District: Yes
- Land Use Designation: RR – Rural Residential.
- Zoning: LA-20 – Limited Agricultural Lands – 20 Acres

Meeting Date: April 11, 2018

Re: Oakstone Winery Revision to Existing Special Use Permit S04-0001-R-2

Page 2

- Soil Type: Choice soils
 - HgC – Holland Coarse Sandy Loam, 9 to 15 percent slopes

Discussion:

A site visit was conducted on March 29, 2018. This request is only to amend the Conditional Use Permit to remove limitations on annual case production, increase days of tasting room operation from 4 to 6, modify production hours to 8am to 5pm. and to reconfigure existing parking space design. The applicant is going to utilize an existing building for winery operations and no additional structures or development is proposed at this time. The vineyard at approximately 6.0 acres in size is well cared for and commercially viable.

Staff Recommendation:

Staff recommends support of the request by the applicant for the modifications to conditional use permit S04-0001R.

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission.

It was moved by Commissioner Walker and seconded by Commissioner Neilsen to recommend APPROVAL of Staff's recommendation of the Oakstone Winery request for modifications to conditional use permit S04-0001R.

Motion passed:

AYES: Walker, Neilsen, Bacchi, Draper, Boeger

NOES: None

ABSENT: Mansfield

ABSTAIN: Bolster

Exhibit H

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: January 24, 2013
Item No.: 8.a
Staff: Aaron Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S04-0001-R/Oakstone Winery

APPLICANT: John L. Smith

OWNER: John L. Smith

REQUEST: Special Use Permit Revision for the Oakstone Winery to add the following uses:
A. Wine Tasting
B. On-site Wine Sales
C. Limited Marketing Activities
D. Picnic area
E. Retail Sales

LOCATION: Located on the south side of Irish Acres Road, at the intersection with Slug Gulch Road, in the Fair Play area, Supervisorial District 2. (Exhibit A)

APN: 095-080-56 (Exhibit B)

ACREAGE: 21 acres

GENERAL PLAN: Rural Residential-Agricultural District (RR-A) (Exhibit C)

ZONING: Agricultural Preserve (AP) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Previously adopted Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find that the previous Mitigated Negative Declaration for the project sufficiently analyzed the project and the modifications made to the use do not raise new environmental impacts; and
2. Approve Special Use Permit Revision S04-0001-R, subject to the Conditions of Approval in Attachment 1, based on the Findings listed in Attachment 2.

STAFF ANALYSIS

Background:

The Zoning Administrator approved Special Use Permit S04-0001 on May 19, 2004, allowing for the conversion of an existing 3,200 square foot agricultural building into a wine production facility.

The applicant owns a winery on an adjacent parcel that was destroyed by fire on July 07, 2012 (APN 095-260-65). In an effort to keep the business active the applicant requested and the County approved a Temporary Use Permit (TUP12-0018) for the project parcel to allow expanded uses for a set amount of time while the subject Special Use Permit application was processed.

Project Description: This is a request to revise Special Use Permit S04-0001 to allow the existing 3,200 square foot wine production facility and project parcel to include the following uses:

- a) Conduct public tastings at the facility, as defined in the El Dorado County Ordinance Code Section 17.14.200.C.2
- b) Sell wine on-site to the public, as defined in 17.14.200.C.2.b.
- c) Conduct Marketing activities, as defined in 17.14.200.C.2.c.
- d) Picnic areas, as defined in 17.14.200.C.8.
- e) Retail sales, as defined in 17.14.200.C.9.

Wine tasting would be conducted in three locations: 1) The tasting room on the second floor, 2) On the deck extending from the second floor as shown on Exhibit J, and 3) In the barrel and tank cellar as shown on Exhibit I.

The facility is operating as a wine production facility from 9:00 am to 5:00 pm from Monday through Sunday. The facility would be open for public tasting and wine sales from 11:00 am to 5:00 pm on Friday, Saturday, and Sunday.

The applicant has not requested authorization for any Special Events as that term is defined in the El Dorado County Ordinance Code Section 17.14.200.C.3, nor any change to the maximum number of 4 employees on-site at any one time.

The detailed project description is attached (Exhibit F) along with a proposed schematic floor plans (Exhibits I & J) and site plans (Exhibits G & H).

Site Description: The subject property is located on a northwest-southeast trending ridge at an average elevation of 2,450 feet above mean sea level. Vegetation on the property consists of open grassland and oak woodland. Topography on the property is gentle to moderate with slopes ranging from 5 to 25% sloping down towards Slug Gulch Road and Perry Creek. Approximately 6 acres of the property have been planted with wine grape vines. Agricultural improvements on the site include deer fencing, an agricultural well and irrigation system, and terraces and trellises for the grape vines.

The project parcel contains one structure which contains the previously approved wine production operation. The facility is 60' x 40', with a first floor gross square footage of 2400 feet and a covered crush pad 20' x 40'. The facility has a partial second floor with a 240 square foot tasting room, a 63 square foot handicap-access bathroom and a 10' x 14' foot deck as shown on Exhibit J. The facility is fully ADA compliant, with a handicapped parking spot properly marked and ramp to the elevated front door, as indicated on Exhibit K. The winery is accessed by Irish Acres Road which is a private non-County maintained road. The road was recently paved by the applicant from Slug Gulch Road to the first driveway on to the project parcel.

Project Issues:

The primary issues addressed for this project include traffic and noise.

Traffic: With the increased uses being requested for the project site by the applicant brings the potential for increased traffic. However, the site is constrained by the amount of parking spaces which would limit the amount of people visiting the proposed tasting room or marketing activities. The submitted site plan shows only four parking spaces for customers with no overflow parking available. This would equate to an addition of 4-16 people at the site in addition to the employees currently there. The Department of Transportation determined this would be an insignificant increase in traffic and proposed a condition to improve the encroachment on to Slug Gulch Road which was completed during the paving of Irish Acres Road.

Noise: When the project was originally approved, the intention was for the site to be a wine production facility only. The request to expand the uses would include outdoor uses available to the public including picnic areas and marketing activities. The applicant has agreed to limit outside noise by restricting amplified music and voices to within the winery structure. This would limit outside noise to voices and automobiles. As discussed above, the on-site parking would limit the amount of people on the project site as there are only four on-site parking spaces. and the site's capacity is further limited by the 240 square foot tasting room. With the limitations of the capacity of the project parcel and the agreed restriction of amplified voice and music, it can be anticipated that any noise emanating from the project parcel related to the wineries public use would be within the General Plan guidelines for non-transportation noise sources. Any noise emanating from the project parcel related to agricultural uses would be protected by the Right to Farm Ordinance.

General Plan, Zoning and other regulations: The existing winery, along with the additional ancillary uses would not conflict with the Rural Residential land use designation for the site, the Agricultural District overlay, or the AP zone district, as a winery is permitted within the AP zone district with the approval of a Special Use Permit. The existing development on the project site has been built consistent with the development standards of the AP zone district, including the parking regulations, as shown in Exhibit J.

Section 17.36.330.J of the Zoning Ordinance allows wineries and wine tasting facilities in the AP zone district by Special Use Permit. Section 17.14.200 of the Zoning Ordinance, the winery ordinance, describes the uses allowed in certain zone districts that contain the necessary acreage and minimum producing wine grape vines. As detailed in the project description, the uses being requested are consistent with the winery Ordinance, 17.14.200, as allowed within the AP Zone District.

Proposed Zoning Ordinance:

The County is currently processing a Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU). As proposed in the Zoning Ordinance Update the project parcel would be within the Planned Agricultural (PA) zone district and all uses being requested within this Special Use Permit would be allowed by right.

ENVIRONMENTAL REVIEW

Staff has determined that, pursuant to CEQA Guidelines Section 15162, no subsequent Mitigated Negative Declaration is necessary as there has been no substantial change in the project that would cause a significant effect on the environment. The previous Mitigated Negative Declaration has been attached (Exhibit M). This is a revision to a Special Use Permit to allow ancillary uses to the existing wine production facility. The proposed uses would not involve significant environmental effects or a substantial increase in the severity of previously identified significant effects.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Designation Map
Exhibit D	Zoning Designation Map
Exhibit E	Project Site Airphoto
Exhibit F	Project Description
Exhibit G	Site Plan
Exhibit H	Site Plan Detail
Exhibit I	Floor Plan Lower Level
Exhibit J	Floor Plan Upper Level
Exhibit K	Parking Plan
Exhibit L	K./C. Lindborg Letter; October 30, 2012
Exhibit M	CEQA Initial Study (S04-0001)

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S04-0001-R/Oakstone Winery Planning Commission/January 24, 2013

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit G.....Site Plan
Exhibit H.....Site Plan Detail
Exhibit I.....Floor Plan Lower Level
Exhibit J.....Floor Plan Upper Level
Exhibit K.....Parking Plan

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Revision to a Special Use Permit to allow the following uses within an existing 20.8-acre parcel identified by Assessor's Parcel Number 095-080-56:

- a. Winery.
- b. Public tasting facilities.
- c. Retail sale of wine.
- d. Retail sales of merchandise, art, and prepackage food items.
- e. Marketing activities.
- f. Picnic areas.

The facility will be operated as a wine production facility from 9:00 am to 5:00 pm from Monday through Sunday. The facility will be open for public tasting and wine sales from 11:00 am to 5:00 pm on Friday, Saturday, and Sunday. No more than 4 employees shall be allowed on the site at any one time.

Minor modifications to the Special Use Permit may be approved by the Planning Director. Major Modifications will require an amendment to the Special Use Permit

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and

the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

1. ~~The Special Use Permit, as approved, shall allow the following:~~
 - a) ~~Conversion of an existing 3,200 square foot agricultural storage building into a winery (wine production facility).~~
 - b) ~~No public wine tasting shall be allowed.~~
 - c) ~~Sales shall be limited to mail, internet, and phone. No on-site sales to the public shall be allowed.~~
 - d) ~~No more than 4 employees shall be allowed on the site at any one time.~~

~~Minor modifications to the Special Use Permit may be approved by the Planning Director. Major Modifications will require an amendment to the Special Use Permit~~

Planning Services

2. Outdoor amplified music or amplified speech shall not be allowed on the project parcel.
3. All parking shall be on-site and parking shall not be allowed on Irish Acres Road
4. Any outdoor lighting utilized by the project shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should any installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
5. The property owners are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the property owners.
6. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services immediately following the hearing project approval.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

82. All structural, electrical and plumbing improvements associated with the conversion shall be subject to a building permit from the El Dorado County Building Department.
93. The proposed on-site septic disposal system shall be reviewed and permitted by the El Dorado County Environmental Management department.
104. The project shall be subject to the County's Traffic Impact Mitigation (TIM) fee programs. Said fees shall be due upon issuance of a building permit. If prior to the application for a building permit for said project revised fees are established, such revised amounts shall be paid.
- ~~5. The applicant shall comply with all County requirements related to the Department of Transportation including, but not limited to the County of El Dorado "Design and Improvements Standards Manual" the "Grading, Erosion, and Sediment Control Ordinance," the "Drainage Manual," the "Of Street Parking and Loading Ordinance" and the State of California Handicapped Accessibility Standards.~~
- ~~6. The project encroachment onto Slug Gulch Road shall be improved to a Standard Plan 103C, and shall be approved by the Department of Transportation.~~
- ~~7. The applicant shall submit and receive approval for a Waste Discharge Requirement Waiver from the State of California Central Valley Regional Water Quality Control Board pursuant to Resolution R5-2003-0106 prior to discharge of any liquid wastes associated with the winery production.~~

Mitigation Measures

- ~~8. The property owner shall file a Notice of Restriction on the property requiring the following:
In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the property owner shall ensure that all such activities cease within 50 feet of the discovery until an archeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archeologist shall determine the proper methods) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. All future grading plans for the property shall include this condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.~~
- ~~9. The property owner shall file a Notice of Restriction on the property requiring the following:
In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are~~

~~determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. All future grading plans for the property shall include this condition on the plans. The Planning Department shall review the grading plans prior to the issuance of a grading permit.~~

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S04-0001-R/Oakstone Winery Planning Commission/January 24, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the Planning Commission makes the following findings:

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Guidelines Section 15162, no subsequent Mitigated Negative Declaration shall be prepared for the project as there has been no substantial change in the project, based on the whole record, that would cause a significant effect on the environment. There have been no significant environmental effects identified or substantial increase in the severity of previously identified significant effects with the proposed expanded use. The expanded use will not involve new significant effects not discussed in the previous mitigated negative declaration. The previously adopted mitigation measures for the project continue to be feasible for the expanded use.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities.
 - b. 6.2.3.2 (adequate access) because DOT and the Pioneer Fire Protection District have found that the project has adequate access capability. The access road and encroachment have been recently paved and meet width requirements for County standards and fire safe regulations.
 - c. 6.5.1.7 (noise exposure) because no amplified voices or music are allowed outside the building and the project site has limited public capacity, no significant noise impacts are anticipated that will conflict with County standards listed in Table 6-2 in the General Plan that limits noise emission levels.

- d. 8.1.4.1 (agricultural compatibility) because the Agricultural Commission reviewed the project and determined that the tasting room and additional uses would be secondary and subordinate to the agricultural uses and will have no significant adverse effects on agricultural production on the subject or surrounding parcels.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17.

The project meets all applicable development standards contained within Section 17.36.340 of the County Code, including setbacks, landscaping, parking and architectural design.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed project has been analyzed for consistency with General Plan Policies 2.2.1.5 (Building Intensities), 2.2.5.21 (Land Use Compatibility), 6.2.3.2 (Adequate Access) and 8.1.4.1 (agricultural compatibility) and has been found to be consistent with these policies as discussed in the General Plan findings section above and within the staff report.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

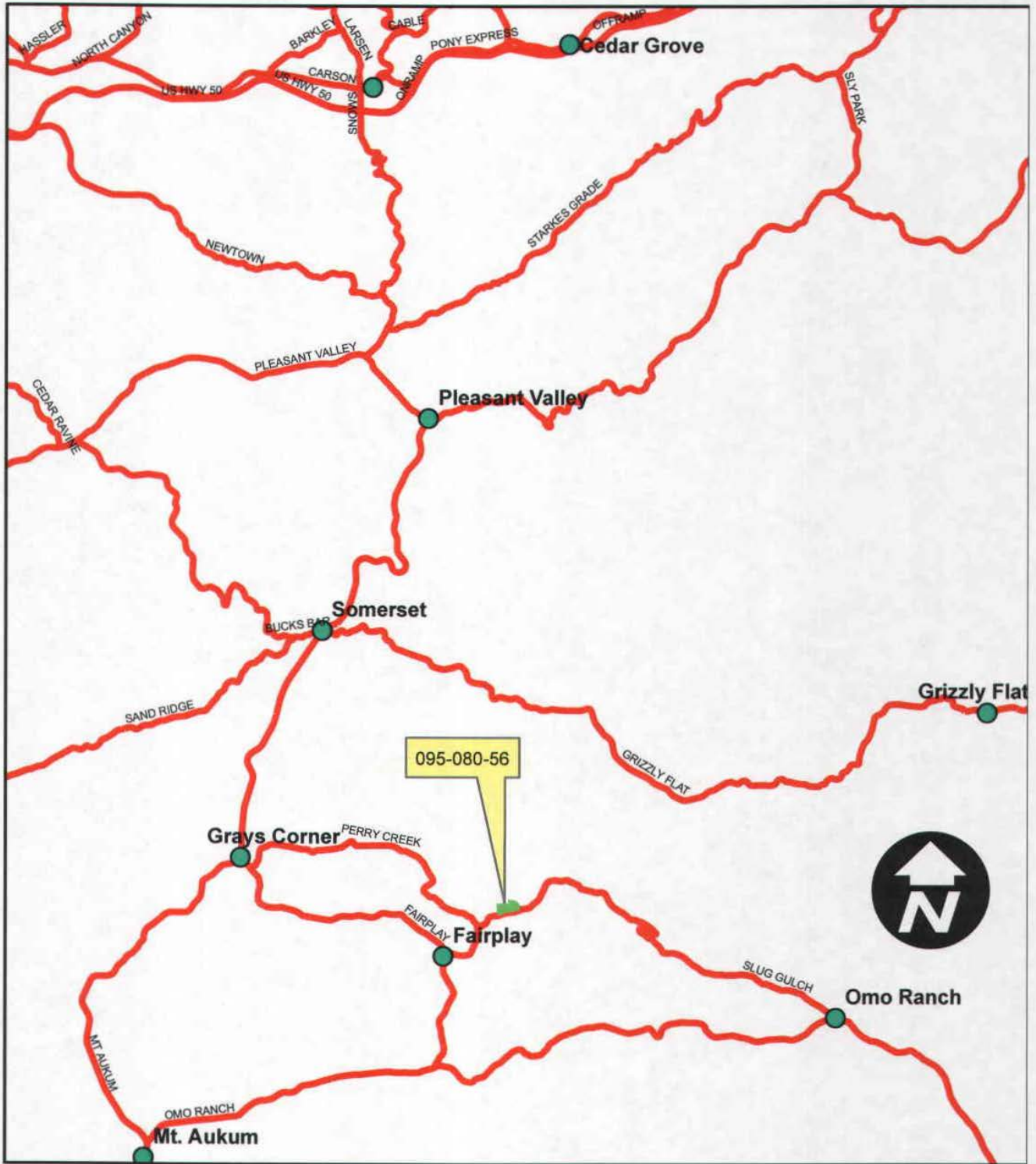
The use will not conflict with the adjacent uses as the use will not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The traffic, emergency response and ingress/egress capabilities have been fully considered by DOT and the Pioneer Fire Protection District and were found to be adequate. The intermittent noise impacts have been considered and will not be significant as they will not be amplified.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use is permitted by Special Use Permit in the AP zone district pursuant to Section 17.36.330.J of the County Code. The AP zone district limits those uses otherwise allowed by right in the winery ordinance, Section 17.14.200, that are allowed in other agricultural zone districts. The winery ordinance allows a range of accessory uses to growing grapes, and the proposed uses are consistent with that allowed in Sections 17.14.200.C.2, 17.14.200.C.2.b, 17.14.200.C.2.c, 17.14.200.C.8, and 17.14.200.C.9.

Exhibit I

Exhibit A: Location Map



Legend:

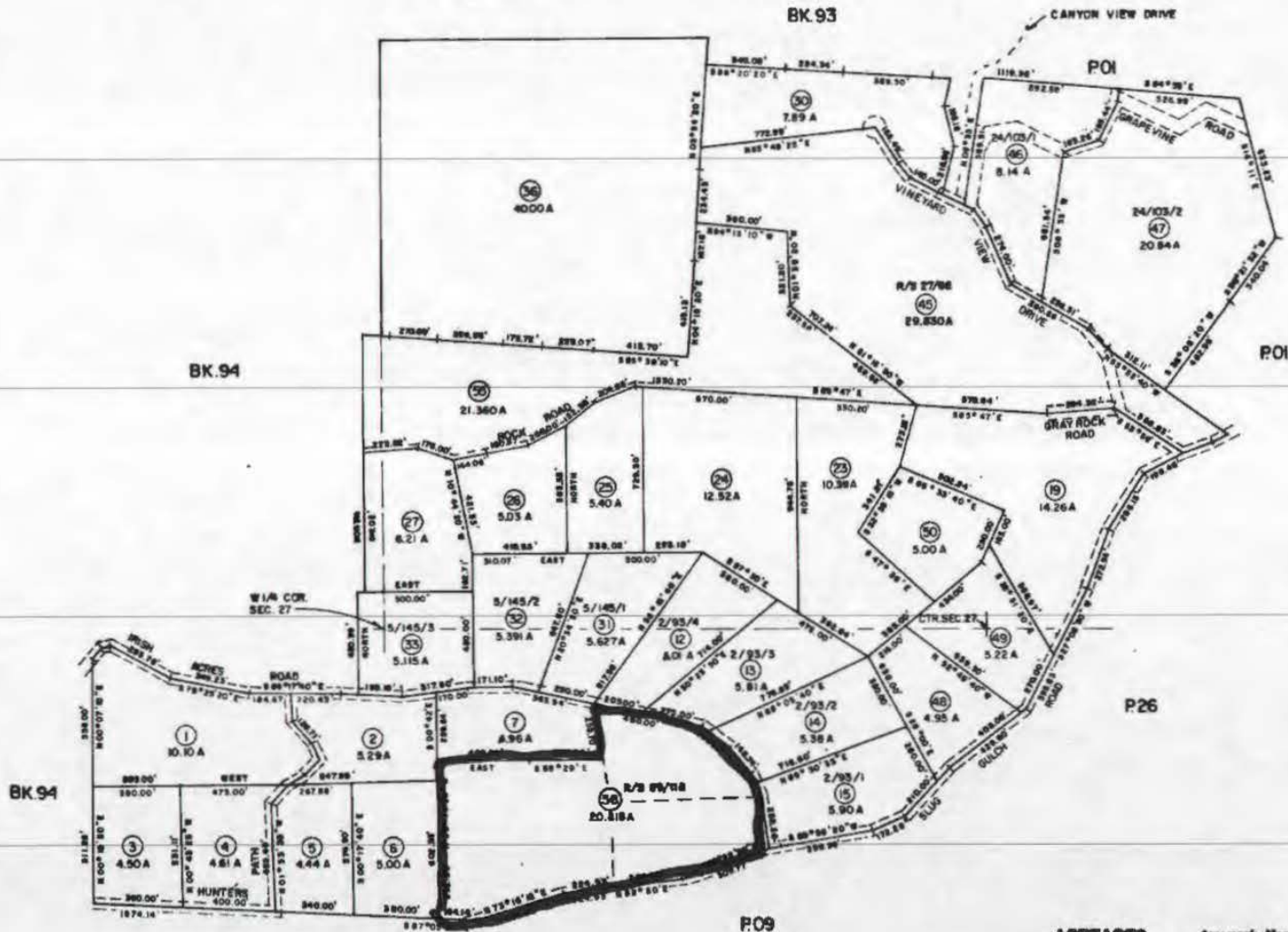
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- PLACENAMES
- major_roads

S04-0001-R
Prepared By Aaron Mount

POR. SECS. 27 & 28, T.9N., R.12E., M.D.M.

Tax Area Code

95:08



BK 94

BK 93

BK 94

BK 94

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only.

P09

NOTE - Assessor's Block Number Shown in Squares Assessor's Parcel Number Shown in Circles



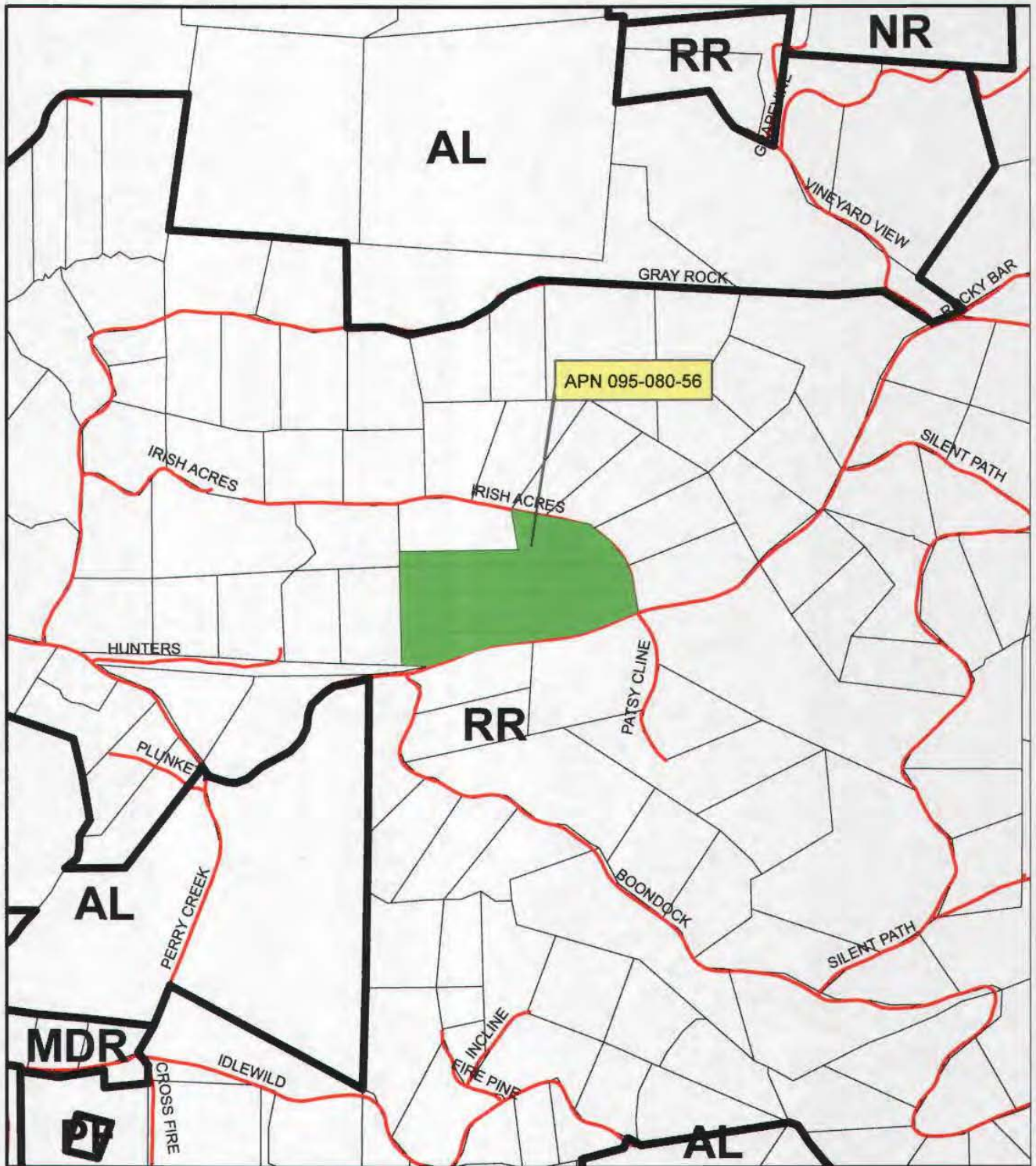
Assessor's Map Bk. 95 - Pg. 08
County of El Dorado, California

OCT 8 2004

EXHIBIT B



Exhibit C: General Plan Map



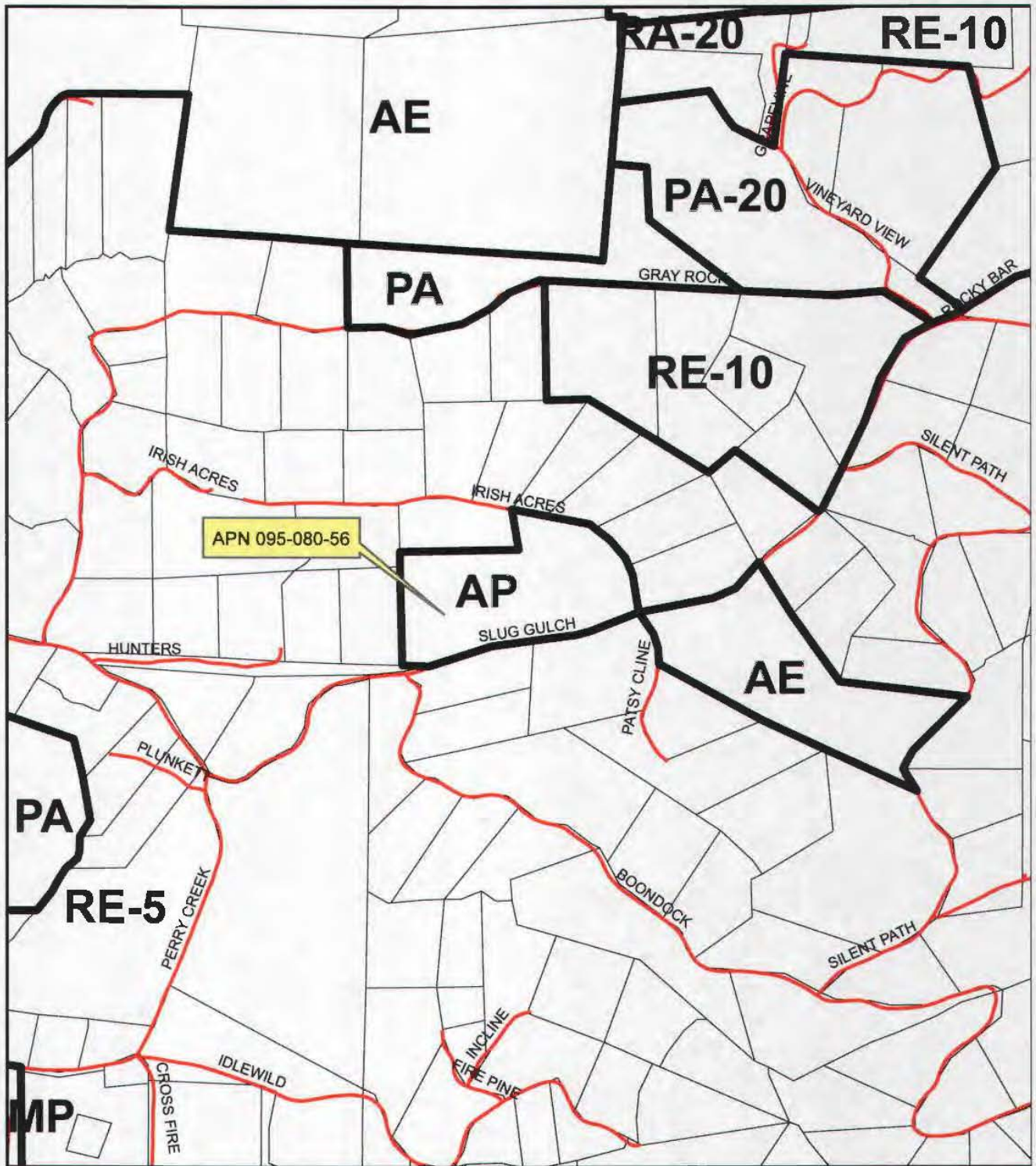
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




S04-0001-R/Oakstone Winery
Prepared By Aaron Mount

0 0.05 0.1 0.2 Miles

Exhibit D: Zone District Map



 zoning
 Roads
 parcels



S04-0001-R/Oakstone Winery
Prepared By Aaron Mount

0 0.05 0.1 0.2 Miles

Get directions My places

Distance Measurement Tool

Click on the map to trace a path you want to measure.

Units:
English

Total distance:
470.091 ft

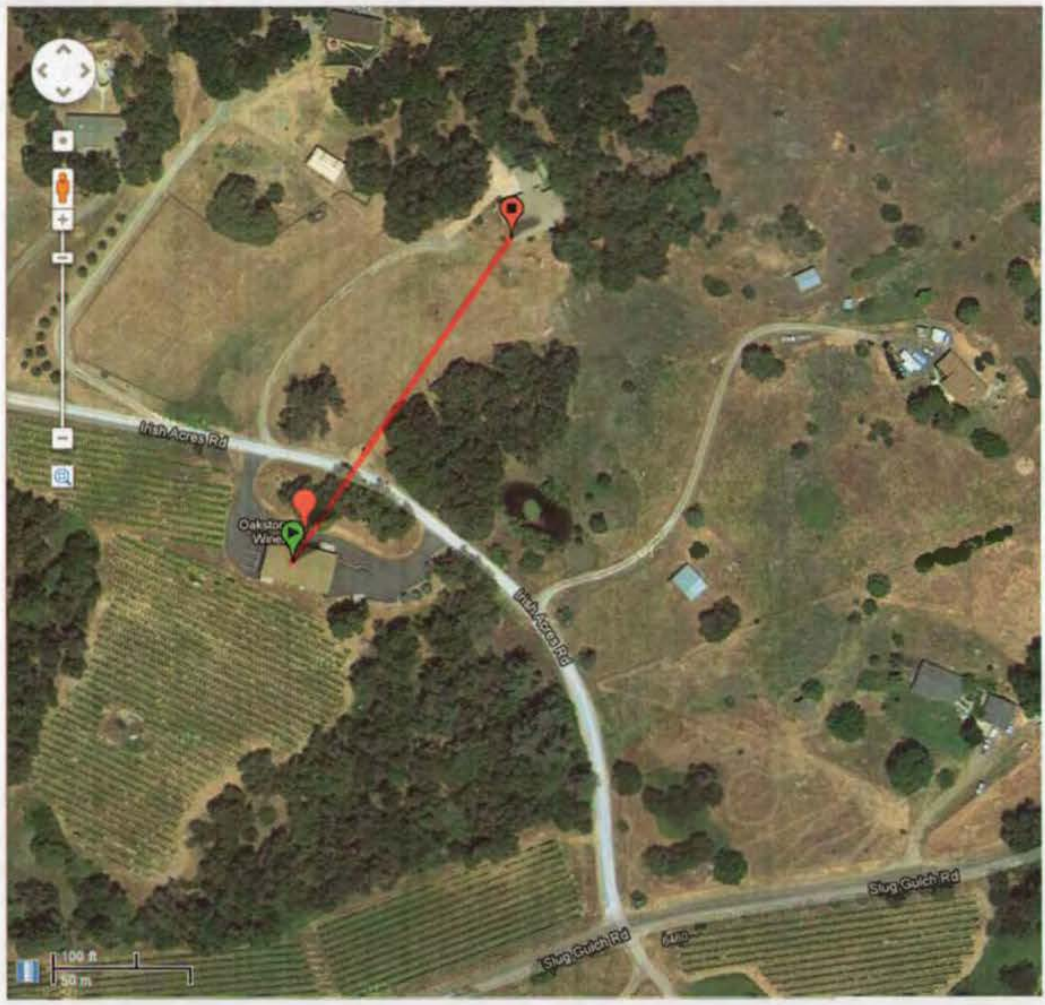


EXHIBIT E

Project Description: Amendment to SUP S-04-01, Oakstone Winery Relocation

The project consists of an amendment to Special Use Permit S-04-01 to allow the relocation of Oakstone Winery from the previous premises at 6440 Slug Gulch Road, Fair Play, CA 95684 to 6470 Irish Acres, Fair Play, CA 95684 (the winery facility at the previous location was completely destroyed by fire on July 7, 2102). The property has a first entrance approximately 700 feet from the intersection with Slug Gulch Road and by a second entrance about 900 feet from the intersection with Slug Gulch Road. The winery building at the new location is permitted by the Federal Alcohol and Tobacco Tax and Trade Bureau as "non-contiguous premises" for Oakstone Winery under Basic Permit BW-CA-5941, and is licensed by the California Alcoholic Beverage Control as License 02-523941. It is on Parcel number 095-080-56-100, a 20.8-acre parcel zoned AP and covered by Williamson Act Contract WAC-03-02.

The property on which the new facility is located is shown on Exhibit 1, indicating the location of the winery building on the parcel. The building and other apparatus on the parcel are shown in the expanded view of a northeast portion of the parcel on Exhibit 2.

The facility is 60' x 40', with a first floor gross square footage of 2400 feet and a covered crush pad 20' x 40', as shown on Exhibit 3. The facility has a partial second floor with a 240 square foot tasting room, a 63 square foot handicap-access bathroom and a 10' x 14' foot deck as shown on Exhibit 4. The facility is fully ADA compliant, with a handicapped parking spot properly marked and ramp to the elevated front door, as indicated on Exhibit 5.

These additional permissions to S-04-01 are requested:

- a) Conduct public tastings at the facility, as defined in the El Dorado County Ordinance Code Section 17.14.200.C.2
- b) Sell wine on-site to the public as defined in 17.14.200.C.2.b.
- c) Conduct Marketing activities as defined in 17.14.200, section C.2.c.
- d) Picnic areas, as defined in 17.14.200.C.8.
- e) Retail sales, as defined in 17.14.200.C.9.

If approved, wine tasting will be conducted in the tasting room on the second floor, on the deck extending from the second floor as shown on Exhibit 4, and in the barrel and tank cellar as shown on Exhibit 3.

The facility will be operated as a wine production facility from 9:00 am to 5:00 pm from Monday through Sunday. The facility will be open for public tasting and wine sales from 11:00 am to 5:00 pm on Friday, Saturday, and Sunday.

We do not request authorization for any Special Events as that term is defined in the El Dorado County Ordinance Code Section 17.14.200.C.3, nor any change to the maximum number of 4 employees on-site at any one time.

There is no Homeowners' Association, CSA, Zone of Benefit, or other road maintenance entity in existence in the project area.

Exhibit 2

Amendment to S-04-01

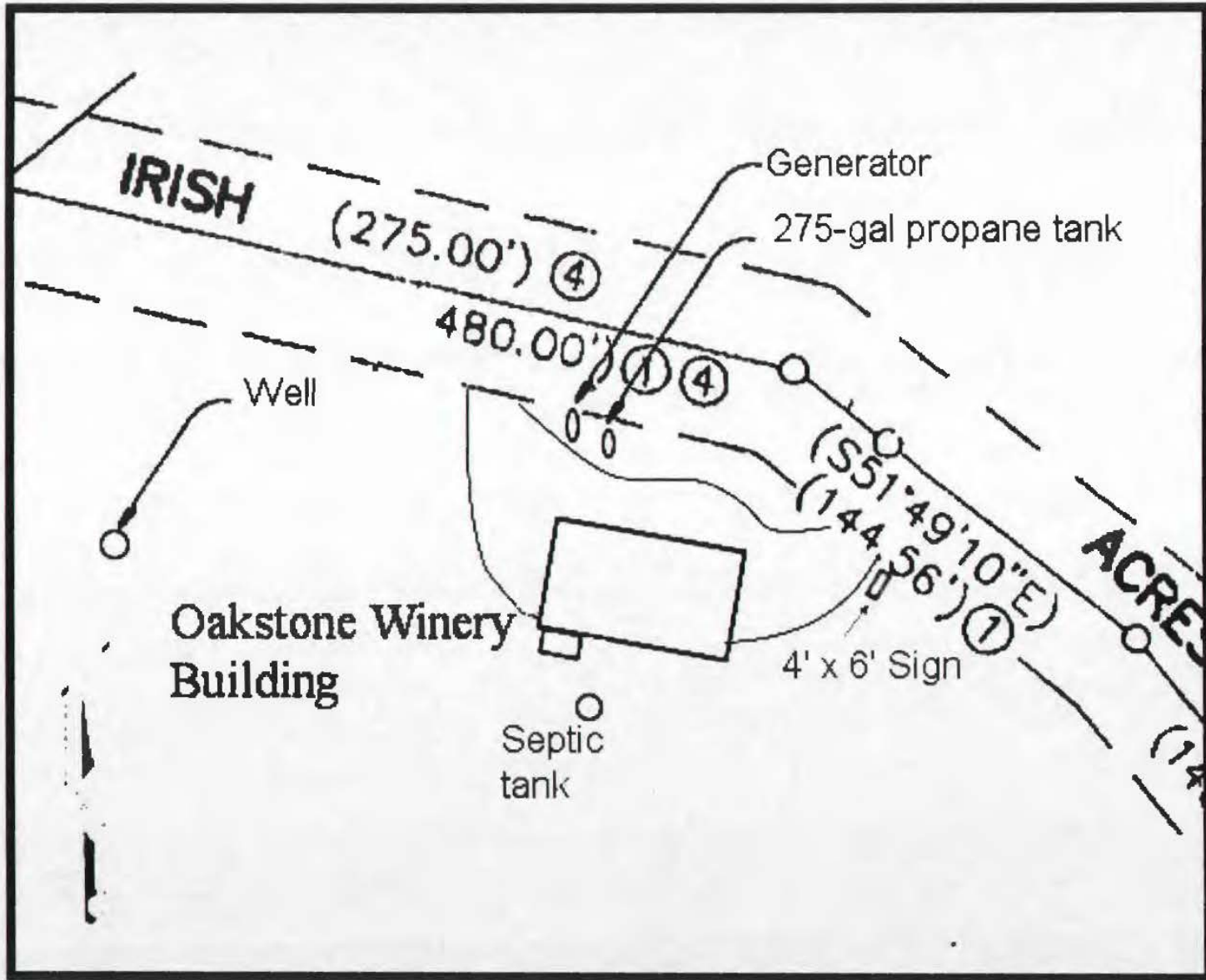


EXHIBIT H

Exhibit 3

Amendment to
S-04-01

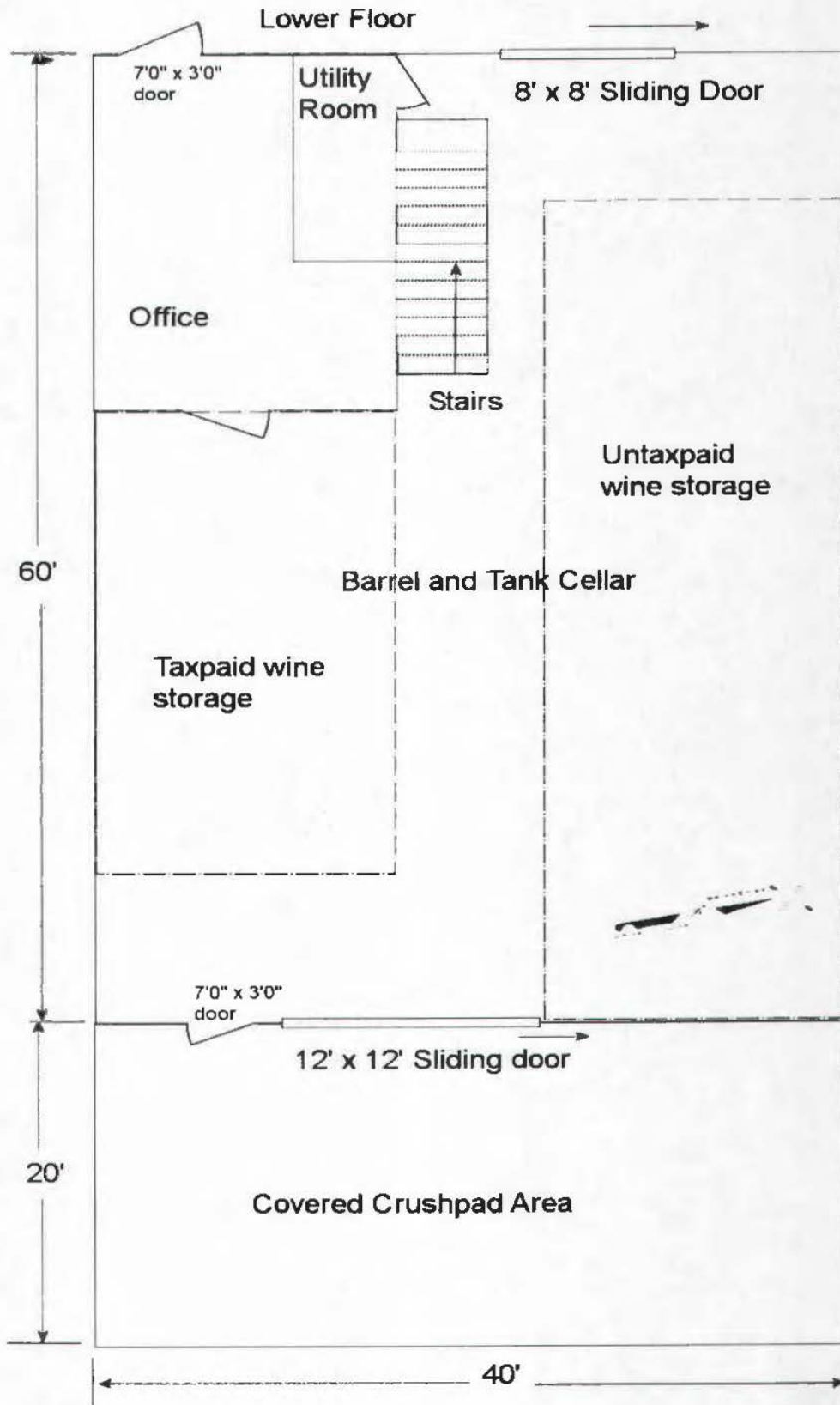


EXHIBIT I

Exhibit 4

Amendment to S-04-01

Second floor

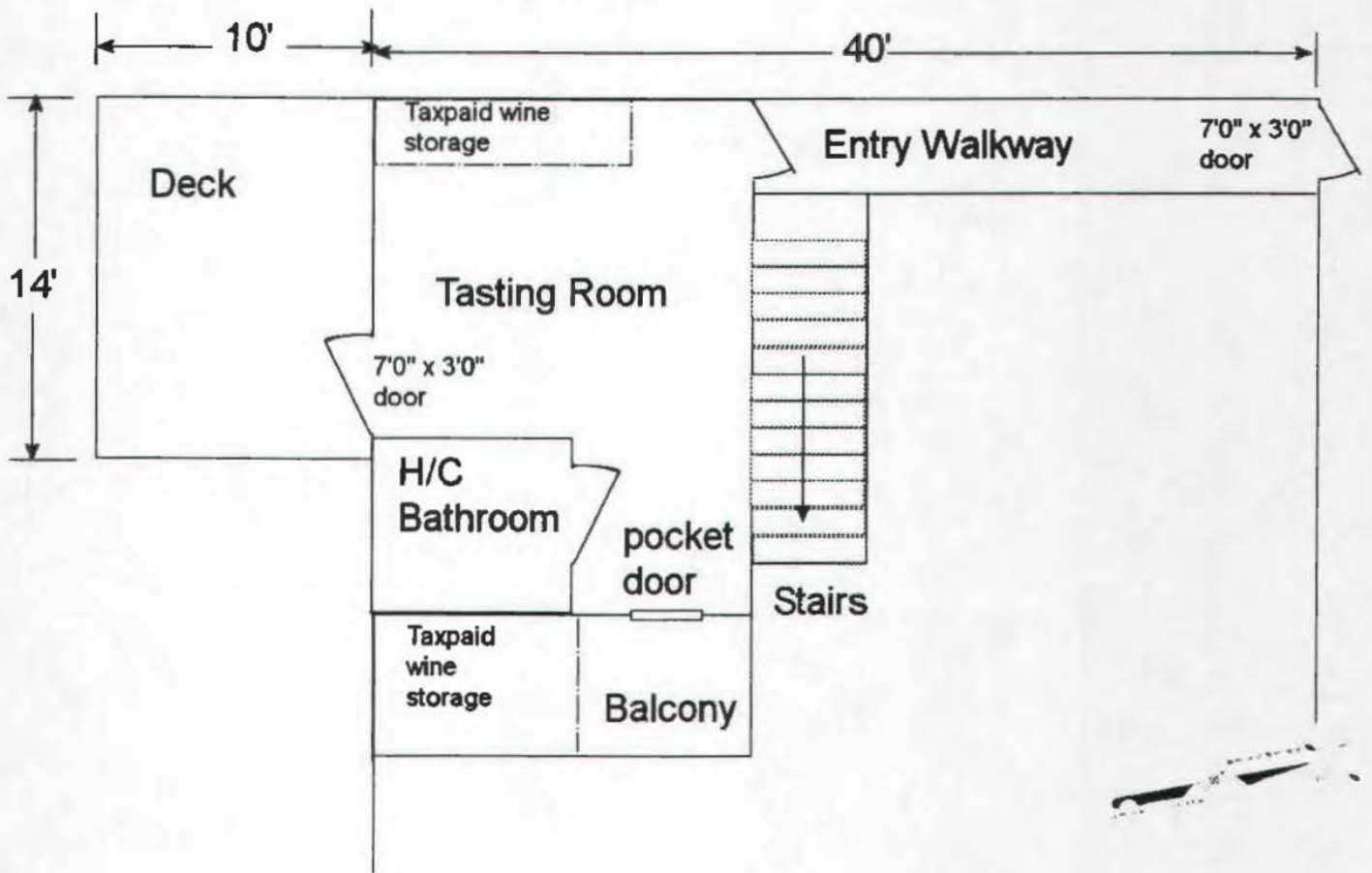


EXHIBIT J

Exhibit 5

Amendment to S-04-01

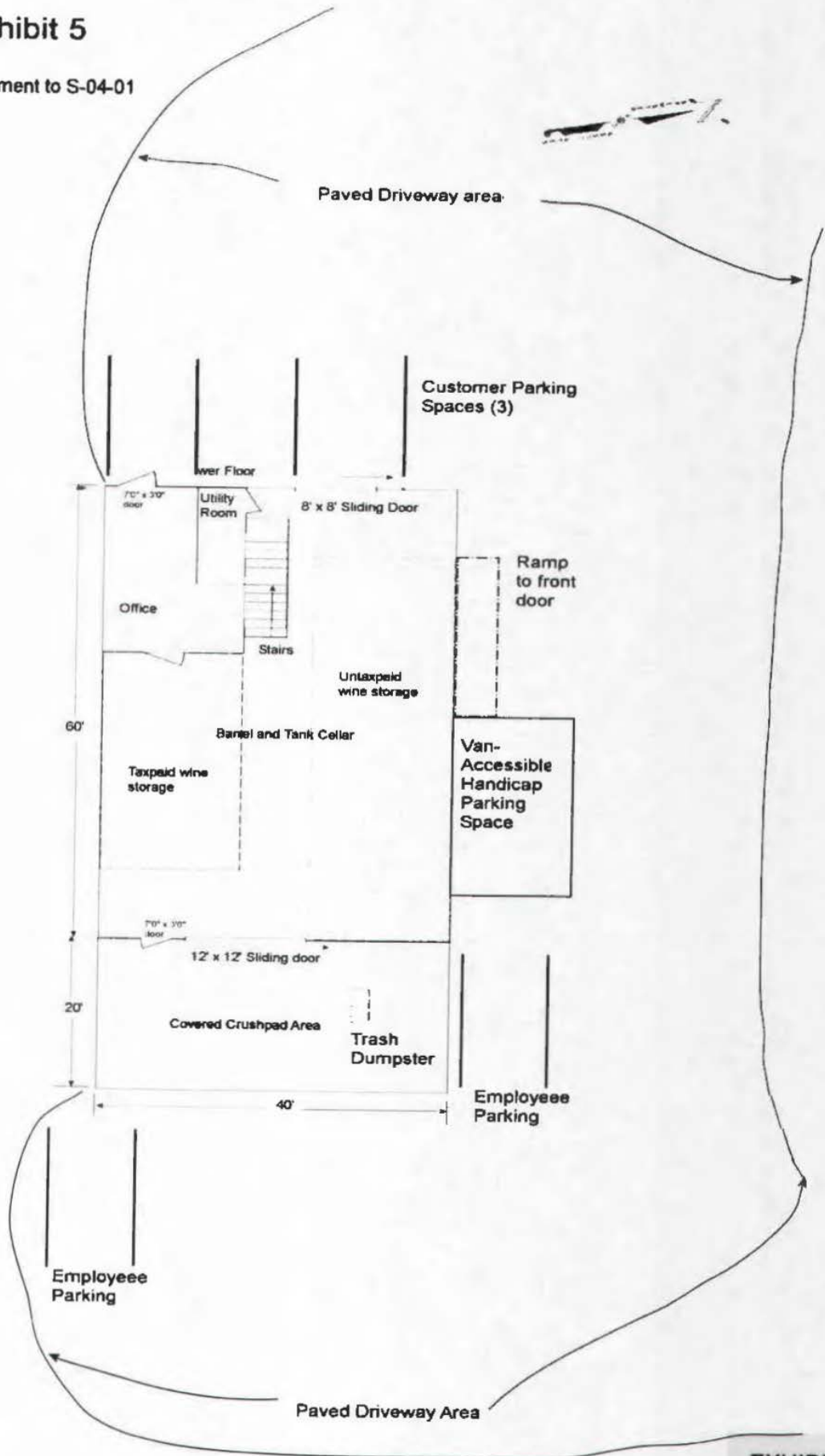


EXHIBIT K

October 30, 2012

12 OCT 30 PM 1:54
RECEIVED
PLANNING DEPARTMENT

County of El Dorado Planning Commission
311 Fair Lane
Placerville, CA 95667

To: Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Tom Heflin, Second Vice-Chair, District 3
Lou Rain, District 1
Brian Shinault, District 5

CC: Ray Nutting, Chair, District 2, El Dorado County Board of Supervisors

RE: Special Use Permit Revision APN 095-080-56

Dear Chairman Pratt and Fellow Commissioners,

We are Karl and Charlotte Lindborg, owners of APN 095-080-15, a 5.9 acre, RE-5 zoned parcel at 6463 Slug Gulch Road in Fair Play since May, 1995. For 17 years we've lived on this property and raised our family. Our property is one of four corner parcels divided by the crossroads of Slug Gulch Road and Irish Acres/Patsy Cline Roads. (See map next page) Our parcel is bordered by Slug Gulch Road and Irish Acres Road. The other three corner parcels are currently owned by John and Susan Smith. APN 095-080-56 is adjacent to our property on the west side bordered by Irish Acres Road and Slug Gulch Road. APN 095-090-61 is catty-corner to our property to the southwest bordered by Slug Gulch Road and Patsy Cline Road. APN 095-260-65 is adjacent to our property on the south and is bordered by Patsy Cline Road and Slug Gulch Road. All parcels involved were RE-5 zoned when we purchased our property in 1995. Both of the parcels adjacent to our property were formed by regrouping through the Williamson Act, with the southern property re-zoned AE, and the western property re-zoned AP and both developed into vineyards and wineries since then by John and Susan Smith. The catty-corner parcel, zoned RE-5, is planted with vineyards, has a modular home housing vineyard workers and storage buildings for winery/ vineyard equipment.

EXHIBIT L

Satellite Map property boundaries are drawn as approximations utilizing El Dorado County Assessor's maps.

Slug Gulch Road is shown going from left to right in the middle of the photo.

Irish Acres Road is shown going from the top left ¼ of the photo to the middle of the photo.

Patsy Cline Road is shown going from the middle of the photo to the bottom middle of the photo.

Light green is planted vineyards.



The purpose of our letter is to notify the El Dorado County Planning Commission of our concerns as neighbors and property owners regarding the recent Special Use Permit Revision request (S04-0001R) submitted to the El Dorado County Planning Commission on July 30, 2012 by John Smith for APN 095-080-56, west of our property, bordered by Irish Acres and Slug Gulch Roads. Currently there is a six month temporary use permit (TUP 12-0018) in place that was approved on August 10, 2012 for public wine tasting and sales at this location. The Special Use Permit Revision requests permanent public access for wine tasting, on-site wine sales, retail sales, picnicking, and marketing activities via Irish Acres Road, the non-county maintained road with an easement across our property used to access approximately eight private residences and the parcel of our focus owned by the Smiths. Thank you for the opportunity to address the commission.

To provide perspective, a historical account of agricultural/commercial development since 1995 of the three corner parcels owned by John and Susan Smith is briefly outlined as follows:

- March 1996, A Williamson Act Contract/Zoning Boundary Amendment was approved to combine APN 095-260-30 and a portion of APN 095-260-5. This created a 23.9 acre parcel that was re-zoned AE and renamed APN095-260-65. At the time, only 4 acres were planted in grapes. This parcel is adjacent to our property to the south and is bordered by Patsy Cline Road and Slug Gulch Road. It was the first corner of the three corners purchased and developed by the Smiths.
- March 1997, Oakstone Winery with a 6000 square foot building opened on the aforementioned parcel, APN095-260-65 growing to eventually produce between 6 -10,000 cases of wine per year.

- January 2000, the Smiths purchased a second corner parcel, 10.02 acres zoned RE-5, catty-corner and southwest to our property, bordered by Patsy Cline Road and Slug Gulch Road. This parcel was developed into vineyards to supply Oakstone Winery with estate grown grapes. This same parcel also includes a modular home providing housing for the vineyard workers and storage for winery/vineyard equipment.
- November 2002, three separate RE-5 zoned parcels, APN 095-080-8, APN 095-080-9 and APN 095-080-10 were purchased by the Smiths, merged under the Williamson Act and became APN 095-080-56. This created a 20.8 acre parcel to the west of our property along Slug Gulch and Irish Acres Roads becoming the third corner owned by the Smiths. (A long row of 100 year old black walnut trees planted in 1900's to shade children walking up the hill from school was sacrificed for this vineyard – certainly within the rights of the Smiths to remove the trees, but a hit for the RE-zoned properties in the neighborhood.)
- Fall/Spring 2003/2004, a smaller version of the Oakstone Winery building design was approved as a 3200 square foot agricultural storage building and constructed on the 20.8 acre AP zoned parcel APN 095-080-56 bordering our property along Slug Gulch and Irish Acres Roads.
- May 2004, a Zoning Administrator hearing for a Special Use Permit seeking to convert the existing agricultural storage building on Irish Acres Road into a winery was approved. John and Susan Smith invited a few neighbors to a small picnic to discuss their plans to convert this storage facility into a wine production facility and make specialty wine. The winery would be called Obscurity Cellars and tastings would be by appointment only, in groups no larger than 6 and sales would be limited to internet, mail or phone. No on-site sales or public tasting would be allowed as mandated by the county. John Smith assured us that because of county zoning laws, the winery would never be open to the public and would not have wine sales on-site and therefore, should not have much impact on us or the residents using Irish Acres Road. He stated that this would be his personal hobby winery.
- July 7, 2012, the original Oakstone Winery, on APN 095-260-65, burned in a tragic fire and was a total loss.
- July 2012, The Smiths decided not to rebuild Oakstone Winery, and instead, opted to move the business from its original location on APN 095-260-65, to Obscurity Cellars on APN 095-080-56, and re-name it Oakstone 2.0. John informed us that he would sell the original Oakstone pad to someone else who wants to rebuild there in the future.
- July 24, 2012, John Smith submitted a Temporary Use Permit application for public access to Oakstone 2.0 allowing public wine tasting, on-site wine sales, retail wine sales, picnicking, and marketing activities.
- July 30, 2012, Special Use Permit Revision Request (S04-0001R) requesting permanent public access for wine tasting, on-site wine sales, retail sales, picnicking, and marketing activities, was submitted by John Smith to the El Dorado County Planning Commission for APN 095-080-56, the new site for Oakstone 2.0, the parcel adjacent to our property and accessed via Irish Acres Road.

- August 10, 2012, TUP 12-0018 is approved for six months allowing all requested provisions including public access to Oakstone 2.0. The Smiths paved the non-county maintained dirt road, (Irish Acres Road), an easement across our property, up to the winery's first driveway. (Neighbors rejected paving to the second driveway as the traffic would interfere with their access to their home.)
- September 13, 2012 El Dorado County Agricultural Commission Meeting was held to publically discuss the agricultural impact of the Special Use Permit Revision application. (We were out of town and unable to attend.)
- October 12, 2012 we met with Steve and Liz Ryan, prospective new owners of Oakstone 2.0 to address our concerns about the public accessing the winery via the easement across our property, noise, traffic, fire risk, parking, etc. They were duly concerned.
- October 13, 2012 we met with John Smith to ask him to consider putting a driveway further down the county maintained Slug Gulch Road for public access to Oakstone 2.0 that cuts through the vineyard rather than over our property and pasture land along Irish Acres Road. John said a driveway would cost \$500,000 and was not feasible. We discussed other options including no parking signs, grass maintenance and a privacy fence. No agreement was reached.
- October 30, 2012 we submitted this letter to El Dorado County Planning Commission asking the commission to please address our concerns regarding the Special Use Permit Revision request as detailed below:

We truly are sorrowed by the events that occurred on July 7, 2012 when fire consumed and destroyed Oakstone Winery. That said, the current evolving situation with Oakstone Winery's transference of business and winemaking operations to the Obscurity Cellars facility on Irish Acres Road has created a problem for us. To enjoy the lifestyle we prefer, we pay hundreds of dollars each month for gasoline and spend hours driving to get away from the hubbub of commercial enterprise out to our home in South County. Our quality of life and our investment in our home is being adversely affected by Oakstone's new location. If the Special Use Permit Revision to be applied to Oakstone 2.0, formerly Obscurity Cellars, is approved, it would result in the situation of two commercially zoned open-to-the-public wineries along two sides of our property. This significantly diminishes both our quality of life and our property value.

We have given and continue to give much consideration to the additional present/future impact of Oakstone 2.0 on us and our property. Our foremost objection to the Special Use Permit Revision proposal is the use of the non-county maintained easement across our property for public access to the tasting room and retail sales. Our secondary objection is to the winery being open to the public versus its previous status of open by appointment only, mostly because of the increase in noise. We would much prefer it operated with the restrictions of its original permit. We would back down on our secondary objection if a solution were found for our foremost objection and if we could find some way to muffle the noise from the winery itself.

We are of the mind that a driveway significantly further downhill on Slug Gulch Road from Irish Acres Road allowing public access from the county maintained road rather than the non-county maintained easement across our property, is a workable solution. That driveway would diminish the fire risk by routing the public through the vineyard rather than through the dry grass. It would take the noise of the traffic further downhill and keep the comings and goings of the winery customers from being continually in our view.

There are three other properties that are directly exposed to the traffic and noise of the Oakstone 2.0 venture. One property is owned by a senior couple who are snowbirds. They are not in residence much of the year and do not travel out of the house often when they are in residence. They are happy to have Irish Acres paved to the bottom of their driveway. The risk of fire is the same for them as for us. We do not know about the impact of noise on them as they are usually inside their home. The next house on the road is owned by new residents from out of the area who occupy the home occasionally on weekends. Their driveway is beyond the first driveway of Oakstone 2.0. We are not sure what the noise impact on these neighbors is or if they have even had an opportunity to experience it yet. We do not know how much they know about the winery changes taking place. The third property owners are the ones who asked John not to pave up to the second driveway as they did not want to deal with the traffic when entering and exiting their driveway.

While we have rolled with many changes imposed by the Smiths via their business ventures (Vineyards, Oakstone Winery, and Obscurity Winery) to the quality of our chosen lifestyle over the years, and have made the very best of the situation (including good friendships with them, employment, and participation in winery events), the prospect of having two operating commercial wineries open to the public year round, each bordering a different side of our property, has tipped the scale for us. We cannot roll with this one. We cannot preserve what we value, (our reasons for living in Fair Play), our property's worth, and our sense of well-being with the added nuisance, fire risk, and noise that comes with the public accessing Oakstone 2.0 via Irish Acres Road, year round, particularly on weekends. We would prefer that the winery *not* be open to the public for tasting and retail sales at all, as prescribed in the original permit obtained for Obscurity Cellars. However, we are willing to learn to live with it being open to the public if the above mentioned driveway is installed by the Smiths as a compromise before the Special Use Permit Revision is approved or as a condition of the revision approval that it be installed before the TUP expires.

We are willing to tolerate the traffic for winery production, service vehicles, harvest tractors, couriers, bottling trucks, etc. on the easement. We are willing to work on solutions to dampen the additional noise of the public from the tasting room, picnic areas and parking lot of the winery itself. (We explained to the Smiths and the Ryans that the noise travels straight up the draw between Oakstone 2.0 and our house – the noise is significantly magnified. The building itself is not directly adjacent to our parcel, but it is a stone's throw away, within view, and amplified earshot.) We are not willing to learn to tolerate, on top of everything else, customers' cars driving in and out of Oakstone 2.0 via Irish Acres Road, the noise and visual nuisance, and the fire risk that comes with the alcohol consuming, often urban-oriented public who may be careless with catalytic converters, cigarette butts, and dry grass.

John Smith and the Ryans' argument that the winery will always be small, 2100 cases of production per year, that the Ryans want it that way, does not ensure that it will not grow. Business owners often seize opportunities to grow that they hadn't dreamed would ever arise. (Case in point, the current proposal for Oakstone 2.0 - the promise John Smith made that this facility would never be open to the public is already voided.) Currently, there is no legal restriction to prevent the winery from producing more wine and storing it off site. There is no legal restriction preventing anyone from adding 8,000 square feet on to the current building and creating more space for more production. Entrepreneurs from outside the area could easily buy and expand the winery, particularly with the purchase availability of Oakstone 1 pad as an attractant. An Amador County boutique winery, Karly Wines, was recently purchased by Napa based Turley Wine Cellars, (currently producing 6,000 cases per year in Napa), in an effort to expand its presence in our area. There are many ways Oakstone 2.0 and the previous Oakstone 1 site could be expanded in the near future. We believe the time is now to secure reasonable access for the public to the winery so we do not have an even bigger nuisance and problem down the road. We care not only about ourselves in this situation, but about future residents on our property and on Irish Acres Road.

It also is clear to us that the Ryans (and therefore the county) could benefit financially from a winery entrance from Slug Gulch Road which is county maintained. This would allow them to be open more than three days per week and participate in special events which greatly increases their chances of being successful winery owners in today's economy.

It saddens us deeply to be in this position of controversy. We consider the Smiths and the Ryans to be friends of many years and have no interest in interfering with anyone's dreams as has been demonstrated by our consistent support for the past 17 years. We have well established Napa Valley wineries in our family and are not opposed to wineries in general. We moved to Fair Play excited about the residential zoning and rural lifestyle. We are just trying to protect what remains of our own dreams. We have adjusted repeatedly until now and are prepared to adjust again within reason. We are not prepared to lean so far that we have nothing left of our vision. Our decision to ask for the alternative driveway is a way to meet somewhere in the middle - to support Oakstone 2.0 vision and preserve what is left of ours. We realize we are risking friendships. We hate that, but see no alternative. We usually keep our friends for life, so this is new territory for us.

We proposed the idea of a driveway from Slug Gulch Road to John Smith and his view was that it was cost prohibitive. We find the \$500,000 estimate he gave hard to imagine in today's economy when contractors are hungry. He also expressed concerns about the slope of the driveway. We can think of several wineries with driveways on significant slopes.

The other options we discussed with John Smith, of Oakstone 2.0 adding no parking signs, weed eating the easement, and perhaps adding a fence, are not going to sufficiently satisfy our concerns. We do believe the no parking signs will control the parking problem on the road. However, we realize after some thought, the signs will not control the traffic and idling cars while everyone tries to figure out how to turn around and exit if the parking lot is full. We are not convinced the cameras they use to monitor the grounds will provide the necessary picture to control the traffic on the road. We do not believe one person will be continuously attentive to the road to monitor cars if both employees are working

the tasting room. Additionally, because the neighbors on Irish Acres Road opposed the paving of the road to the second Oakstone 2.0 driveway, there is no circular flow of traffic in and out of the tasting room parking lot. That adds to traffic jam potential with idling cars using grassy shoulders and private driveways to turn around.

A fence is problematic for us. It may help with noise on the road and the visual aspect of the traffic, but only for a short stretch, as we still hear and see the traffic as it continues on past our neighbor's property to the winery driveway. It does nothing to help with fire risk. It is not likely to help with noise from the winery itself as the winery and our home are higher elevation than the road and where the fence would be. A fence requires maintenance. A fence also inhibits our ability to see what is happening on the road on the occasion when we need to see. Sometimes teenagers pull in late at night and set up camp. Sometimes there is loose livestock. Sometimes an emergency vehicle alerts us that we need to assist a neighbor. Sometimes our neighbors on Irish Acres visit our horse and dogs. Sometimes we visit with neighbors over the current field fence. Several neighbors use Irish Acres Road to walk their pets and exercise. This is all a part of the rural lifestyle we enjoy. We do not want a privacy fence, especially if there is likely to be public traffic adding potential problems on that road.

While having Oakstone 2.0 take on the responsibility for keeping the roadside grass short certainly helps with the additional burden we would have of doing so, this does not solve the problem of fire risk. A few feet from the short grass is six acres of pasture grass on our property and another 5 acres of pasture grass on the adjoining parcel along the easement road. We all have some idea how devastating fire can be. While John Smith and the Ryans have cut their lower end wines from production and thus believe their customers are a cut above the rowdy party crowd often drawn to wineries (and therefore do not pose a threat), we are not convinced that the risk presented by the alcohol consuming public is sufficiently lowered even if it is true that their customers are special. The amount of money one is willing to pay for a bottle of wine is no indicator of their character, their ability to control their drinking, or how country/fire savvy they are. The risk remains.

The fact that we already endure the fire risk, traffic, nuisance on one side of our property from the winery customers as well as from the locals traveling up and down Slug Gulch Road, makes it very disagreeable to add those risks to an additional side of our property. Public access to wine sales and tasting along Irish Acres Road is an increased risk to our safety, investment and lifestyle choice that we oppose taking. Again, we believe the time is now to secure reasonable, low risk, non-nuisance access for the public to the winery so we do not risk an even bigger problem down the road when the business expands or transfers ownership again.

Please help us maintain our RE-5 integrity and experience, not by denying Oakstone 2.0 its permit revision (we recognize Oakstone 2.0 is good for the county), but by postponing the approval of the Special Use Permit Revision until a driveway has been put in place further down Slug Gulch Road, or at the very least, by requiring the driveway be installed before the TUP expires as a condition of the permit revision approval.

While we would very much appreciate also a sound barrier on the winery property, our primary concern and request is the driveway.

Thank you for your time and consideration.

Respectfully,

Karl and Charlotte Lindborg

Exhibit J

FROM THE PLANNING COMMISSION MINUTES OF JANUARY 24, 2013

8. SPECIAL USE PERMIT (Public Hearing)

a. **S04-0001-R/Oakstone Winery** submitted by JOHN L. SMITH to revise Special Use Permit for the Oakstone Winery to add the following uses: (A) Wine Tasting; (B) On-site Wine Sales; (C) Limited Marketing Activities; (D) Picnic area; and (E) Retail Sales. The property, identified by Assessor's Parcel Number 095-080-56, consisting of 21 acres, is located on the south side of Irish Acres Road, at the intersection with Slug Gulch Road, in the Fair Play area, Supervisorial District 2. [*Project Planner: Aaron Mount*] (Previously Adopted Mitigated Negative Declaration)

Chair Pratt provided the following information for disclosure prior to hearing this item:

- Has property located approximately 0.5 mile from Oakstone Winery;
- Has no direct purchases;
- Has known applicants for over 15 years; and
- Can preside over item without prejudice.

Commissioner Heflin disclosed that he "marginally" participates in the winery business, but not in Fairplay in the marketing and sales areas. He can proceed with this item unbiased.

Aaron Mount presented the item with a recommendation for approval. He distributed a Staff Memo from DOT dated January 24, 2013 with a recommendation of a new condition for a Maintenance Entity.

John Smith/applicant made the following comments:

- Provided summary of Oakstone Winery and how the result of the fire caused the need to request a revision to the existing Special Use Permit;
- Since September 1, 2012, have been operating under a Temporary Use Permit and have had no issues except for one neighbor;
- No plans to remodel the existing building as not financially feasible;
- Hours of operation have been Friday thru Sunday and was now requesting additional days in order to be open on holiday Mondays;
- There are 6-7 residences on road with the winery's driveway being the 2nd driveway;
- Have had approximately 10 cars per day on the weekend;
- No increase in parking area as the capacity of the winery can't produce any more and the current number of customers is consuming all of their current inventory;
- It is too expensive to rebuild Oakstone Winery at the old site due to the existing building codes and as they are getting older, they are more interested in downsizing instead of expanding operations;
- Specifically requesting to not be able to participate in special events; and
- Will not be producing low cost wines like Slug Gulch Red, which had been a very popular wine.

Karl Lindborg made the following comments:

- 17 year resident;
- Originally was opposed to the Special Use Permit revision, but the real issue is the access;
- Intention is to protect and preserve the private road for now and the future;
- Potential for through traffic which will decrease privacy and increase noise and fire danger;
- Concern is public access on private road;
- Spoke on Planned Agriculture zoning if the Zoning Ordinance is passed;
- There has been an increase in public traffic since the Temporary Use Permit was issued in September, but it has not been a nuisance; and
- Requests delay in Commission's decision if they have any questions regarding the project.

Marie Evers stated she lived across from Oakstone Winery on Irish Acres Road and made the following comments:

- Even at peak periods, noise was not an issue due to the trees acting as a buffer;
- Over the last several years, the applicant has always maintained the private road;
- Community works together;
- Can't believe there is any opposition; and
- Irish Acres Road is not a through road due to huge boulders in the middle of the road.

Neil Hillier, resident since 1987, made the following comments:

- Applicant has been involved in community and is a great supporter;
- Has respect for the applicants;
- Irish Acres Road has not been a through road for 15 years;
- Winery is located a short distance on Irish Acres Road;
- Applicant has paved the portion of the road going to the winery;
- Much less traffic on Slug Gulch Road which is closer to Mr. Lindborg's house than Irish Acres Road;
- No increase in fire danger; and
- Supports project.

Wayne Durrington made the following comments:

- Lived in current residence on Slug Gulch Road for past 20 years;
- Was in area before wineries;
- Very little traffic caused by winery;
- Irish Acres Road has been blocked for years; and
- Has no problem with traffic.

Valerie Zentner, El Dorado County Farm Bureau, supports the project. She stated that the environmental issues and private roads have been addressed and the applicant has gone above and beyond in the requirements for the road improvements.

Ken Calhoun, a 15 year resident, is also a real estate writer and broker. He made the following comments:

- Living in close proximity to wineries is a positive effect on real estate and is evidenced in the State's various wine country regions;
- Supports project;
- Increases value; and
- Protects agriculture by having vineyards.

Jenny Richman made the following comments:

- Lives adjacent to the former Oakstone Winery location;
- 3 year resident;
- Was never negatively impacted by noise;
- Has respect for the applicants;
- Applicants conducted the winery in a responsible and respectful manner;
- Concerned if parcel is sold and buyer chooses to expand the operation;
- Road and noise issues don't impact them; and
- Voiced concern on the winery being allowed to be open 7 days/week if it is sold.

Seymour Richman made the following comments:

- Has had no negative impacts in the last 3 years;
- Has good relationship with applicants;
- Likes his way of life and doesn't want it to change; and
- Wants everything in writing as to what is agreed upon.

Donna Parker, Camino resident and Oakstone Winery customer, commented on traffic issues by stating that she deals with the Apple Hill traffic in her area as it brings in revenue to the community. She stated that during her last visit to Oakstone Winery, they were the only visitors there.

Camille Boone has lived at the corner of Gray Rock and Perry Creek Road for the past 2 years and has found the winery patrons to be very polite. Her only concern is the local traffic. She voiced support for the project.

Sue Plank, Pollock Pines resident, has been a patron of Oakstone Winery for years and has visited the new site several times and usually they are the only ones there. She stated that limos are not allowed there and that the Commission needs to consider today's rules when making their decision. She supported the project.

Cindy Skelton-Hodges, Mt. Aukum resident, stated the community is very generous. She wants to help the applicants get back in business.

Charlotte Lindborg made the following comments:

- Applicants are great people and great to the community and many of her family members have worked at Oakstone Winery over the years;
- Issue is with Irish Acres Road traffic;

- Lost friends due to opposing this project;
- Potential of having 2 full-blown wineries on either side of their property;
- Not against wineries;
- Wants different driveway access for winery;
- Spring/summer is the peak period for wineries and they are not seasonal;
- Noise at their parcel is different than others in the area;
- Napa has bought up many small wineries in Amador County and it will start happening in El Dorado County;
- Inquired why applicant was requesting to be open 7 days/week instead of asking for an occasional Monday;
- Questioned location of easement as she believes a portion of road is on their property;
- Spoke on signage; and
- Concerned about community awareness of this project.

Mr. Smith provided the following rebuttal comments:

- Spoke on the location of the road and referenced a recorded survey;
- No buses or limos are allowed at the winery;
- Agreeable with the new proposed condition by DOT regarding the Maintenance Entity;
- Proposed to condition project by limiting production to 2,000 cases/year; and
- Proposed to condition project by limiting hours of operation to a maximum of 4 days in one week.

Mr. Mount distributed a revised Staff Memo from DOT dated January 24, 2013 (version 2.0) with revised language for the proposed new condition for a Maintenance Entity. County Counsel recommended some revisions and read it into the record.

Eileen Crawford/DOT spoke on the Maintenance Entity condition. In response to Commissioner Stewart's comment that it appeared the condition was referring to the entire road, Mr. Smith agreed to maintain the portion of the road fronting his property (approximately 1,100 feet). County Counsel Frantz stated that it could be put in as a condition instead of requiring an entity.

Chair Pratt closed public comment.

County Counsel Paula Frantz made the following comments:

- Special Use Permit runs with the land and revisions would require additional public noticing;
- Recommended an additional condition regarding signage (i.e., No Parking, Private Road-No Public Through Access, etc.) to formalize these actions already taken by the applicant in order to address concerns if the parcel is sold; and
- Commission needs to consider the project with the rules in place today and not what may be in place when the Zoning Ordinance is approved.

Commissioner Stewart made the following comments:

- Inquired if the applicant was planning on selling the old site of Oakstone Winery;

- Understood neighbor's concerns as this was changing the area; and
- Can't support the project.

Commissioner Heflin made the following comments:

- Traffic issues are in the eye of the beholder and he doesn't see a traffic issue;
- Very good discussion with the audience;
- Conducted site visit;
- Complimented applicant on the exemplary job he's done on the road and the signage; and
- Supports the project as revised.

Commissioner Mathews made the following comments:

- This project is located in wine country and that area has been that way for over 20 years;
- This is an agricultural area;
- Revising hours of operation to 4 days per week to reduce impact is good, although he doesn't see the impact;
- Parking is a severe limitation; and
- This is a very small winery.

Commissioner Shinault made the following comments:

- Although applicant is stating that it is not their intent to be open 7 days per week, since that is what the request is for, that is what the Commission needs to review;
- If winery is open 7 days per week and has 11 parking spots, that could overburden the local traffic;
- Initially was not in support of the project, but after hearing public testimony and adding the revisions to the Conditions of Approval, can now support the project; and
- Commended the applicant on willing to be flexible on the Conditions of Approval during today's discussion.

Peter Maurer read into the record proposed language for 2 conditions to address signage, new condition on road maintenance, and amendments to Condition 1 reflecting limits on production and hours of operation.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (3-1-1), to take the following actions: 1. Find that the previous Mitigated Negative Declaration for the project sufficiently analyzed the project and the modifications made to the use do not raise new environmental impacts; and 2. Approve Special Use Permit Revision S04-0001-R based on the Findings and subject to the Conditions of Approval as modified: (a) Add new condition addressing road maintenance as read by staff; (b) Add two new conditions addressing signage as read by staff; and (c) Modify Condition 1 adding the limitation of production to 2,000 cases per year and amending the hours of operation to 4 days per week.

AYES: Heflin, Shinault, Mathews

NOES: Stewart
ABSTAIN: Pratt

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the Planning Commission makes the following findings:

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Guidelines Section 15162, no subsequent Mitigated Negative Declaration shall be prepared for the project as there has been no substantial change in the project, based on the whole record, that would cause a significant effect on the environment. There have been no significant environmental effects identified or substantial increase in the severity of previously identified significant effects with the proposed expanded use. The expanded use will not involve new significant effects not discussed in the previous mitigated negative declaration. The previously adopted mitigation measures for the project continue to be feasible for the expanded use.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities.
 - b. 6.2.3.2 (adequate access) because DOT and the Pioneer Fire Protection District have found that the project has adequate access capability. The access road and encroachment have been recently paved and meet width requirements for County standards and fire safe regulations.
 - c. 6.5.1.7 (noise exposure) because no amplified voices or music are allowed outside the building and the project site has limited public capacity, no significant noise

impacts are anticipated that will conflict with County standards listed in Table 6-2 in the General Plan that limits noise emission levels.

- d. 8.1.4.1 (agricultural compatibility) because the Agricultural Commission reviewed the project and determined that the tasting room and additional uses would be secondary and subordinate to the agricultural uses and will have no significant adverse effects on agricultural production on the subject or surrounding parcels.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17.

The project meets all applicable development standards contained within Section 17.36.340 of the County Code, including setbacks, landscaping, parking and architectural design.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed project has been analyzed for consistency with General Plan Policies 2.2.1.5 (Building Intensities), 2.2.5.21 (Land Use Compatibility), 6.2.3.2 (Adequate Access) and 8.1.4.1 (agricultural compatibility) and has been found to be consistent with these policies as discussed in the General Plan findings section above and within the staff report.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not conflict with the adjacent uses as the use will not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The traffic, emergency response and ingress/egress capabilities have been fully considered by DOT and the Pioneer Fire Protection District and were found to be adequate. The intermittent noise impacts have been considered and will not be significant as they will not be amplified.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use is permitted by Special Use Permit in the AP zone district pursuant to Section 17.36.330.J of the County Code. The AP zone district limits those uses otherwise allowed by right in the winery ordinance, Section 17.14.200, that are allowed in other agricultural zone districts. The winery ordinance allows a range of accessory uses to

growing grapes, and the proposed uses are consistent with that allowed in Sections 17.14.200.C.2, 17.14.200.C.2.b, 17.14.200.C.2.c, 17.14.200.C.8, and 17.14.200.C.9.

Conditions of Approval

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

- Exhibit G Site Plan
- Exhibit H Site Plan Detail
- Exhibit I Floor Plan Lower Level
- Exhibit J Floor Plan Upper Level
- Exhibit K Parking Plan

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Revision to a Special Use Permit to allow the following uses within an existing 20.8-acre parcel identified by Assessor’s Parcel Number 095-080-56:

- a. Winery, limited to producing 2,000 cases annually.
- b. Public tasting facilities.
- c. Retail sale of wine.
- d. Retail sales of merchandise, art, and prepackage food items.
- e. Marketing activities.
- f. Picnic areas.

The facility will be operated as a wine production facility from 9:00 am to 5:00 pm from Monday through Sunday. The facility will be open for public tasting and wine sales from 11:00 am to 5:00 pm ~~on Friday, Saturday, and Sunday~~ 4 days per week. No more than 4 employees shall be allowed on the site at any one time.

Minor modifications to the Special Use Permit may be approved by the Planning Director. Major Modifications will require an amendment to the Special Use Permit

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and

the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

1. ~~The Special Use Permit, as approved, shall allow the following:~~
 - a) ~~Conversion of an existing 3,200 square foot agricultural storage building into a winery (wine production facility).~~
 - b) ~~No public wine tasting shall be allowed.~~
 - c) ~~Sales shall be limited to mail, internet, and phone. No on-site sales to the public shall be allowed.~~
 - d) ~~No more than 4 employees shall be allowed on the site at any one time.~~

~~Minor modifications to the Special Use Permit may be approved by the Planning Director. Major Modifications will require an amendment to the Special Use Permit~~

Planning Services

2. Outdoor amplified music or amplified speech shall not be allowed on the project parcel.
3. All parking shall be on-site and parking shall not be allowed on Irish Acres Road
4. Any outdoor lighting utilized by the project shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should any installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
5. The property owners are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the property owners.
6. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services immediately following the hearing project approval.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

82. All structural, electrical and plumbing improvements associated with the conversion shall be subject to a building permit from the El Dorado County Building Department.
93. The proposed on-site septic disposal system shall be reviewed and permitted by the El Dorado County Environmental Management department.
104. The project shall be subject to the County's Traffic Impact Mitigation (TIM) fee programs. Said fees shall be due upon issuance of a building permit. If prior to the application for a building permit for said project revised fees are established, such revised amounts shall be paid.
- ~~5. The applicant shall comply with all County requirements related to the Department of Transportation including, but not limited to the County of El Dorado "Design and Improvements Standards Manual" the "Grading, Erosion, and Sediment Control Ordinance," the "Drainage Manual," the "Of Street Parking and Loading Ordinance" and the State of California Handicapped Accessibility Standards.~~
- ~~6. The project encroachment onto Slug Gulch Road shall be improved to a Standard Plan 103C, and shall be approved by the Department of Transportation.~~
- ~~7. The applicant shall submit and receive approval for a Waste Discharge Requirement Waiver from the State of California Central Valley Regional Water Quality Control Board pursuant to Resolution R5-2003-0106 prior to discharge of any liquid wastes associated with the winery production.~~

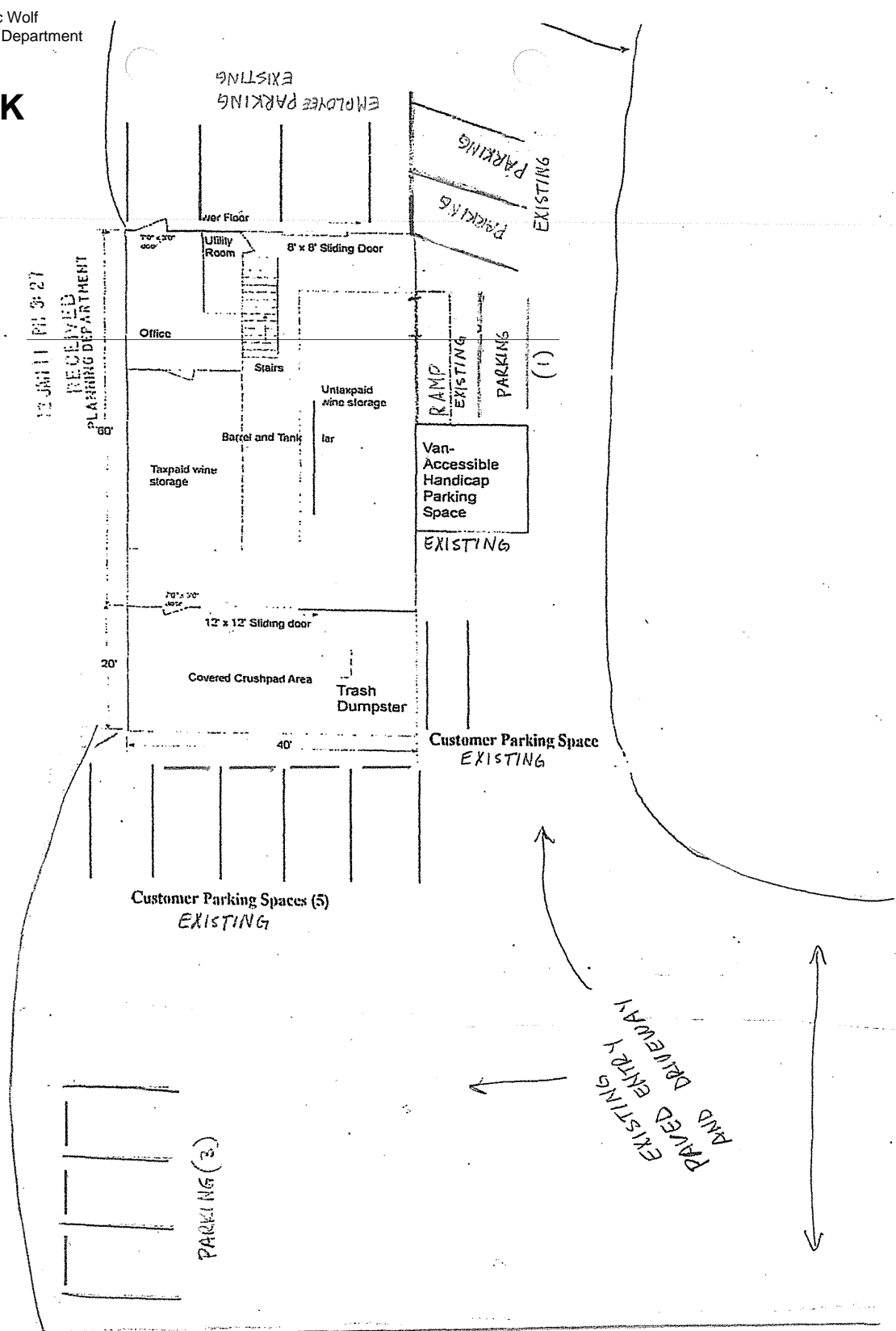
Mitigation Measures

- ~~8. The property owner shall file a Notice of Restriction on the property requiring the following:
In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the property owner shall ensure that all such activities cease within 50 feet of the discovery until an archeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archeologist shall determine the proper methods) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. All future grading plans for the property shall include this condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.~~
- ~~9. The property owner shall file a Notice of Restriction on the property requiring the following:
In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains~~

~~shall be completed consistent with guidelines of the Native American Heritage Commission. All future grading plans for the property shall include this condition on the plans. The Planning Department shall review the grading plans prior to the issuance of a grading permit.~~

11. "No Parking" signs shall be placed and maintained along Irish Acres Road between Slug Gulch Road and the second entrance to the winery.
12. A sign stating that Irish Acres Road is not a through road, a private road, and winery traffic is prohibited shall be installed west of the first entrance to the winery.
13. The operator of the winery shall maintain Irish Acres Road along the entire frontage of the subject property.

Exhibit K



S 04-0001-R-2