

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



Agenda of: April 26, 2007  
Item No.: 9.b.  
Staff: Tom Dougherty

**SPECIAL USE PERMIT**

**FILE NUMBER:** S06-0025

**APPLICANT:** Kathleen and Robert Hall

**REQUEST:** Special use permit to allow a home occupation winery proposing to produce a maximum of 500 cases of wine with internet sales and wholesale distribution.

**LOCATION:** On the east side of Greenstone Road, approximately 0.1 mile south of the intersection with Green Valley Road, in the Greenstone area, Supervisor District IV. (Exhibit A)

**APN:** 319-070-09 and -11

**ACREAGE:** 9.723 acres total

**GENERAL PLAN:** Low-Density Residential (LDR) (Exhibit B)

**ZONING:** Estate Residential Ten-Acre (RE-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15301 (c) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The two parcels under the same ownership which are subjects of this request comprise 9.723 total acres. The applicants planted a vineyard of 1571 vines in 2001 on the southernmost parcel, identified by Assessor's Parcel Number 319-070-11, which encompasses approximately 1.5 acres of the 4.723 acre parcel. There are four varieties currently planted including Zinfandel, Petit Sirah, Cabernet Sauvignon, and Sangiovese. The vineyard is trellised and is watered with an existing drip irrigation system with water supplied by the El Dorado Irrigation District. The adjoining parcel to the north is identified by Assessor's Parcel Number 319-070-09, is five acres in

size, and contains an existing 2,024 square-foot single family dwelling built in the early 1960's, a small shed, and a larger barn-type accessory building. The 1,296 square foot accessory building and adjoining 432 square foot concrete pad were finalized with permit #171416 on January 12, 2006. The accessory building contains the winemaking equipment. It is currently a home winemaking operation without the sales. The applicants are proposing to expand their current home occupation winery to include sales of wine.

## STAFF ANALYSIS

**Project Description:** The applicants are proposing to operate a winery as an expanded home occupation as provided by section 17.28.200 A, "packing and processing of agricultural or wood products and the necessary building and structures required therefore where the nature of the product is changed." There will not be a tasting room or tasting area. The facility is proposed to be for wholesale and internet sales only and will not be open to the public.

The winemaking is proposed to be carried out in the existing 36 feet x 36 feet (1,296 square feet) accessory building and adjoining exterior concrete crush pad 12 feet x 36 feet (432 square feet). A total of 1,728 square feet would be utilized in the production of wine on the premises.

The operational activities include crushing grapes and producing and bottling wine in the existing accessory building. The applicants are requesting the proposed output of wine grape products to be 1200 gallons (500 cases) annually. This expected capacity will be housed within the existing accessory building. All operations will be carried out by the parcel owners and family members. There will be no employees. The existing 1.5-acre vineyard on the adjoining acreage will be used in the production. Based on typical yield at vineyards, about three-quarters of the grapes can be expected to be produced on-site, and the rest of the grapes necessary for the wine will be purchased from other growers.

The setbacks for the existing accessory building are at least 50 feet from property lines and intermittent streams as required for an agricultural building. One unlighted 3 foot x 6 foot sign is proposed at the driveway entrance to 3701 Greenstone Road. Staff recommends keeping the sign size to the six square feet that is allowed by right in County Code Section 17.28.190 (D) since it will not be open to the public, and it is a residential district.

Solid waste will be stored and disposed of in accordance with Chapter 8.42 of the County Code. The lees and stems will be recycled onsite in accordance with the Report of Waste Discharge by the Regional Water Quality Control Board. The size of the proposed wine grape production facility is small enough to qualify for a waiver of waste discharge requirements for small food processors, including wineries, in accordance with the criteria set by the California Regional Water Control Board - Central Valley.

**Site Description:** The northern five-acre parcel is covered with miscellaneous blue oaks (*Quercus douglasii*) and interior live oaks (*Quercus wislizenii*) around the single-family dwelling which is surrounded by numerous non-native ornamental plant gardens. The dwelling is set back from the center of Greenstone Road approximately 73 feet, and there currently is no road and utility easement

on the subject parcel side of the road. There is a 60-foot wide road and public utility easement on southern portion of the parcels, and this project will be conditioned to offer 30 feet from the centerline to the County. There is a small barbecue/picnic area on top of a knoll just to the southeast of the dwelling. From there the parcel tends to roll downward in slope to the intermittent stream to the east which enters the parcel in the southeast and exits in the north central portion of the parcel.

The 4.723-acre parcel is vacant except for the 1.5-acres of trellised grapes along Greenstone Road. The rear portion slopes gently eastward outside of the vineyard and is covered predominately by miscellaneous blue oaks (*Quercus douglasii*) and interior live oaks (*Quercus wislizenii*) and then abuts Sylvan Road at the eastern boundary. The parcels are located at approximately the 1,280 foot elevation above sea level.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single family dwelling
North	RE-5	LDR	Single family dwelling
South	RE-5	LDR	Single family dwelling
East	RE-5	LDR	Single family dwelling
West	RE-5	LDR	Single family dwelling

Discussion: The surrounding parcels are predominately five acres or larger and generally have single family dwellings with accessory buildings clustered around them.

**General Plan:** The General Plan designates the subject site as Low Density Residential and Important Biological Corridor (LDR/IBC). LDR permits single-family residential development in a rural setting. Policy 2.2.5.2 requires that applications for discretionary projects, such as a special use permit, shall be reviewed to determine consistency with General Plan policies.

**Policy 7.4.2.9** determined that the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values, and special considerations should be given to retaining oak tree canopy, other tree and shrub corridors, and setbacks from wetlands. The parcels are surrounded by existing deer fencing around both parcels, and no new development other than that which exists today is proposed with this application. The impacts to the trees and wetlands by the existing barn-type accessory building to be used for the winemaking were examined during the General Plan Consistency review for building permit #171416 which was finalized on January 12, 2006.

**Policy 8.1.4.1** states that 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. The subject parcels are not located within lands designated as agricultural, but

the Commission reviewed the proposal as they have concerns about the number of home occupation wineries and their relationship to the Winery Ordinance as well as to the larger commercial wineries located in lands designated as agricultural. The Agricultural Commission reviewed the subject request at their February 14, 2007, meeting and recommended that a limit of 250 cases be placed on the project proposal as an expanded home occupation located outside of an agricultural district and located within a residentially designated portion of the County.

**Policy 8.2.2.2** states that the approving authority shall find that the use will not substantially detract from agricultural production in the surrounding area and that it will be compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law. Staff finds that the proposal, as conditioned, would be compatible as the processing and distillation will be conducted predominately within the existing structure, except for crushing which will be done outside on the concrete pad.

**Objective 10.1.7** seeks to promote the establishment and expansion of small businesses and work place alternatives including home occupations. **Policy 10.1.7.2** directs that the County assist small business in the County, and **Policy 10.1.7.4** states that home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties. Staff has determined that the approval of the proposal, as conditioned, can be found to support these policies, as it would promote a home-based business and would be compatible with surrounding RE-5 zoned properties.

**Conclusion:** The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** The property is zoned Estate Residential Five-acre (RE-5), which permits single-family dwellings, accessory structures, and certain home occupations. Section 17.28.170 describes that the purpose of the RE-5 District is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and provide for the protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated.

The proposed use is not specifically listed as a home occupation permitted by right under Section 17.28.190.C, and therefore requires a special use permit pursuant to Section 17.28.200. The following code sections would permit the proposed use with a special use permit:

**Section 17.28.200 (A)** states that a special use permit is necessary, because the applicants propose the packing and processing of agricultural or wood products and the necessary buildings and structures required thereof where the nature of the product is changed. **Section 17.28.200.G** requires that home occupations not listed in subsection C of Section 17.28.190 which require special consideration such as the use of power tools, accessory building, noise, and will not change the residential character of the premises or adversely affect the other uses permitted in a residential area also would require a special use permit.

The property owners propose to make wine in an existing on-site permitted accessory structure that has been converted for winemaking operations. Use of the accessory structure to produce wine would not require any physical site improvements or construction. Water and septic are available on-site. Grapes from the on-site vineyard would be used for making wine. On occasion, the owner may purchase grapes from local growers to supplement vineyard production. Staff recommends that maximum production would be limited to 250 cases per year, because this has been a limit approved in the past for home occupation wineries, and that is the maximum limit recommended by the Agricultural Commission (Exhibit J). There would be no on-site sales or tasting room, and no employees.

The processing of grapes into wine would involve the operation of mechanical equipment (destemmer/crusher) in the permitted accessory structure. Equipment would operate for short periods of time two or three days per year. The equipment that would be used by the applicant would not generate excessive noise. All information received by staff indicates that there would be no conflict with Section 17.28.200.G.

Liquid and solid waste from wine production would be land applied to the on-site vineyard in accordance with Regional Water Quality Control Board (RWQCB) requirements pertaining to small wineries (Resolution R5-2003-0106), which specifies conditions under which the RWQCB can issue a waiver of waste discharge requirements for small food processors, including wineries that crush less than 80 tons of grapes per year, within the Central Valley Region. The discharger (applicant) is required to submit a Report of Waste Discharge with the application for the waiver and is responsible for complying with monitoring and reporting requirements. Compliance with the waiver requirements will ensure that natural resources that comprise the residential character of the RE-5 zoning are not adversely affected.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which exempts the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

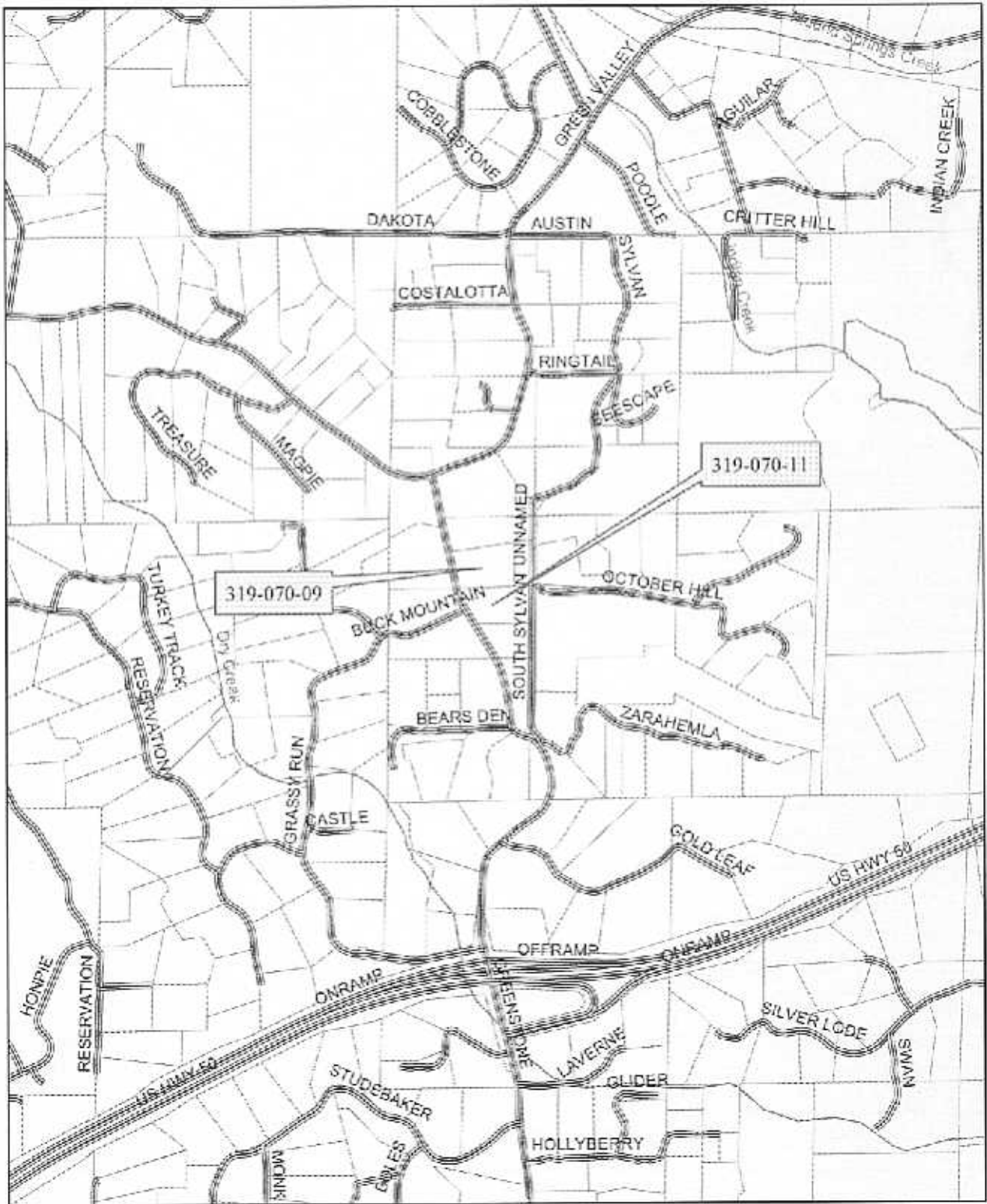
**RECOMMENDATION:** Conditional approval

## SUPPORT INFORMATION

### Attachments to Staff Report:

Exhibit A.....	Vicinity Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	Record of Survey 027-0009
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibits F1 and F2.....	Site plan S1, Plot Plan S2
Exhibits G1 and G2.....	Applicant submitted accessory building photograph and black and white elevations
Exhibits H1 to H4.....	Site visit photographs from February 5, 2007
Exhibit I1 and I2.....	Aerial photographs
Exhibit J.....	Memo from Agricultural Commission dated February 20, 2007 (two pages)

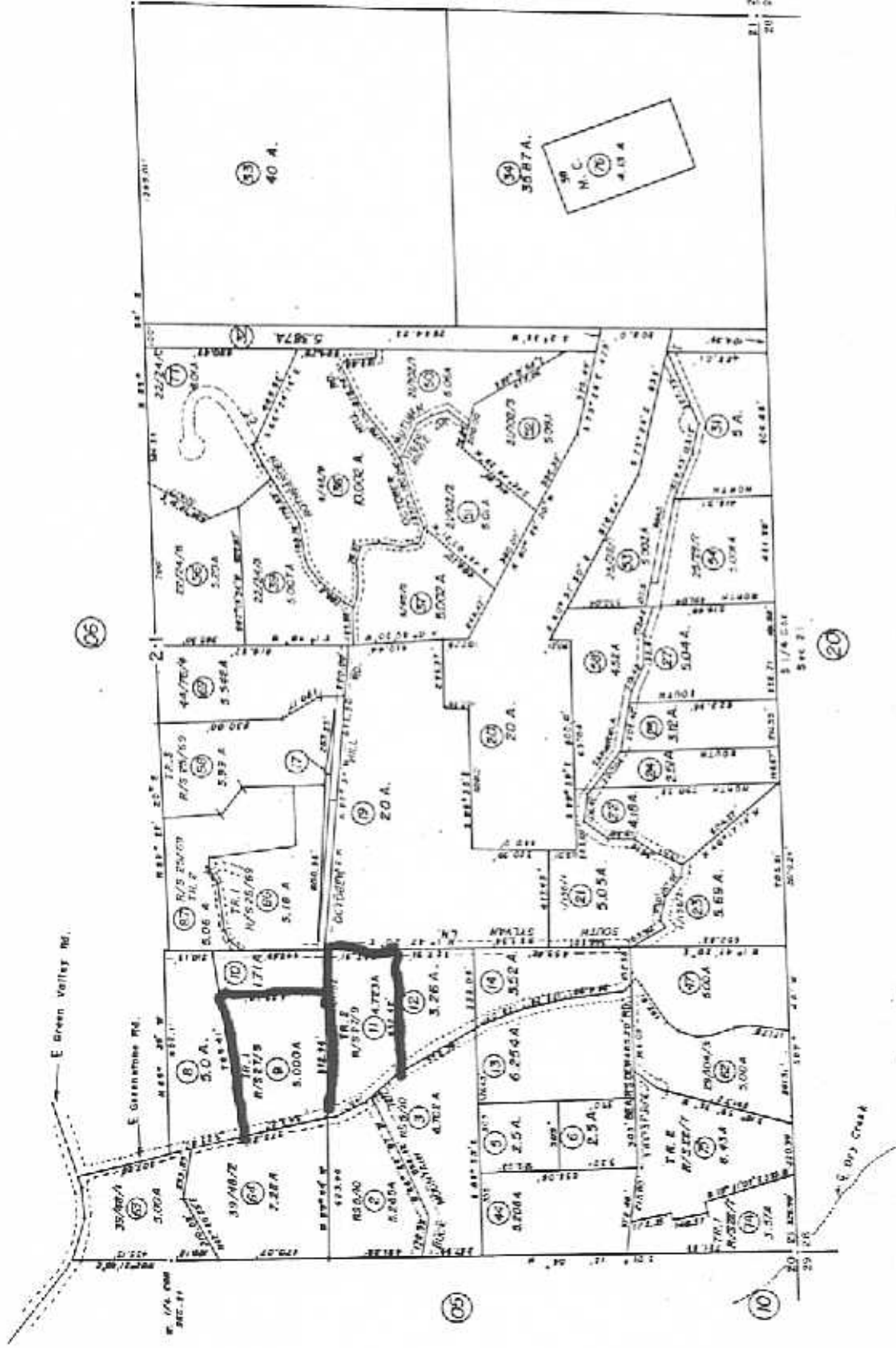
# Vicinity





E 1/4  
400' Sec. 21

RK  
327



Assessor's Map Bl. 519 - Pg. 07  
County of El Dorado, California

APP. & E. 2300

NOTE: - Assume All North Station in Assessor's  
Approximate North Station is Center

Exhibit B



# RECORD OF SURVEY

## A PORTION OF THE SW<sup>1</sup>/<sub>4</sub> OF SEC. 21, T.10 N., R.10 E., M.D.M.

COUNTY OF EL DORADO - STATE OF CALIFORNIA  
NOVEMBER, 2003 - SCALE: 1" = 100'  
SWEENEY LAND SURVEYING

### Surveyor's Statement

This map correctly represents a survey made by me or under my direction, in compliance with the requirements of the Professional Land Surveyors Act and the requirements of Section 21 of the Public Law 92-504, at the request of Robert C. & Kathleen S. Huber, 2003.

Robert C. Sweeney, L.S. 2664  
Leticia Roberts, J.S. 2664

### County Surveyor's Statement

This map has been examined in accordance with Section 11364 of the Professional Land Surveyors Act and is correct as to the date of April 20, 2004.

Donald S. Rowland, L.S. 2017  
County Surveyor  
County of El Dorado  
By R. Cook  
Deputy Surveyor  
Licenses Expires June 30, 2007  
County of El Dorado

### Recorder's Statement

Filed this 5 day of Feb 2004, at 9:45 AM, in Book 203 of Record of Surveys at Page 4 at the request of Robert C. & Kathleen S. Huber.

Document No. 004-4213

William E. Schulte

County Recorder  
County of El Dorado

By Richard L. Smith  
Deputy



**Reference Maps:**  
P.L. 1-03  
P.L. 5-03  
P.L. 25-03  
P.M. 30-03  
C of L on from L.O. 4004-472

**NOTES TO EMPLOYER:**  
The notation of this survey indicates the location of the monument as shown in the field notes.

**NOTES:**  
1. This portion of the survey is to comply with Section 11364 of the Professional Land Surveyors Act.  
2. This portion of the survey is to comply with the provisions of Section 11364 of the Professional Land Surveyors Act.  
3. This portion of the survey is to comply with the provisions of Section 11364 of the Professional Land Surveyors Act.

### LEGEND:

- 1. Contour line
- 2. Boundary line
- 3. Section corner
- 4. Survey corner
- 5. Section center
- 6. Section corner
- 7. Section center
- 8. Section corner
- 9. Section center
- 10. Section corner
- 11. Section center
- 12. Section corner
- 13. Section center



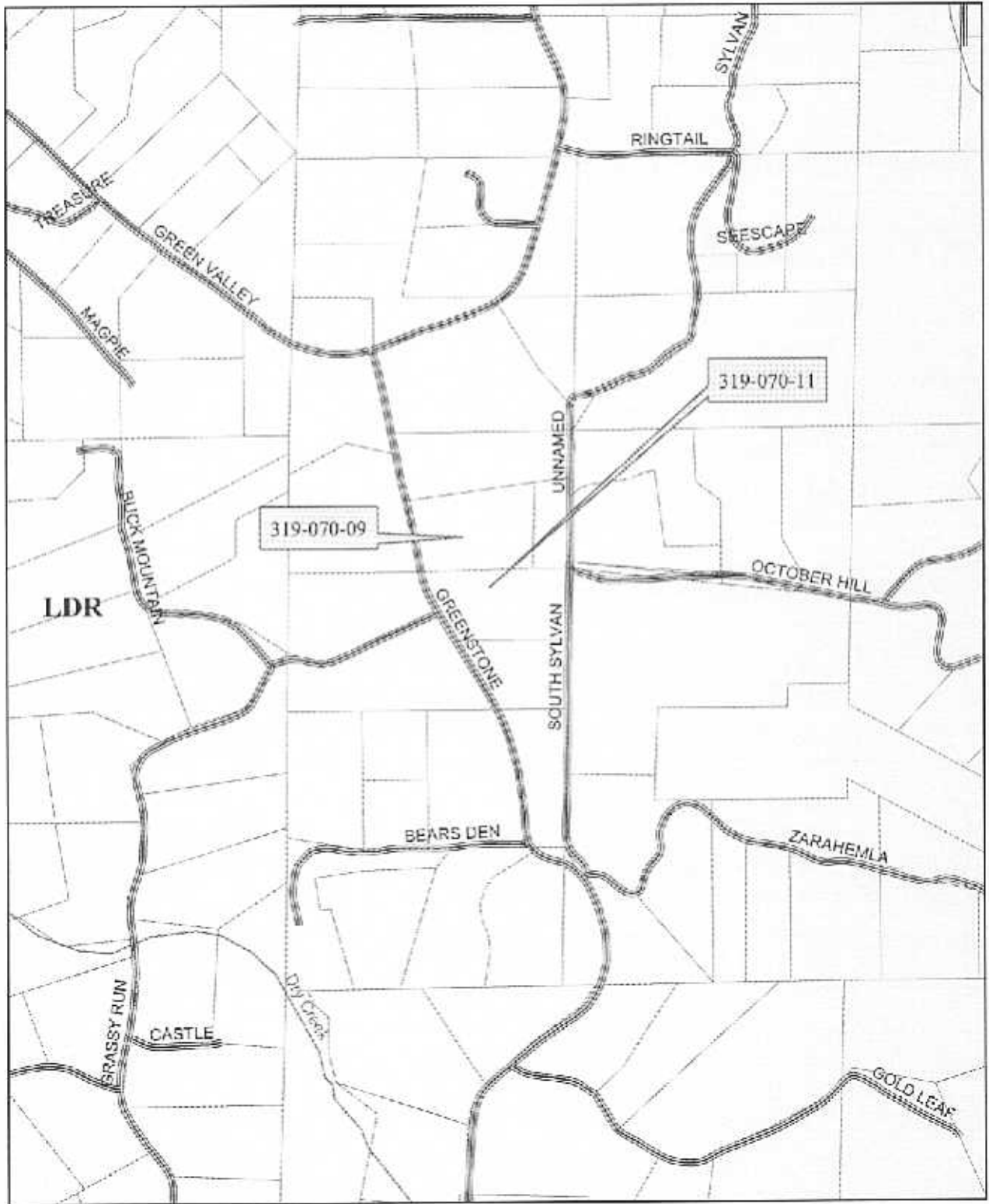
EXISTING ADDRESS: PARCEL NO. 21-070-02 B. 11

27-9

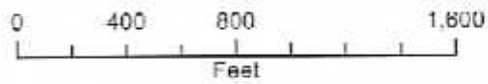
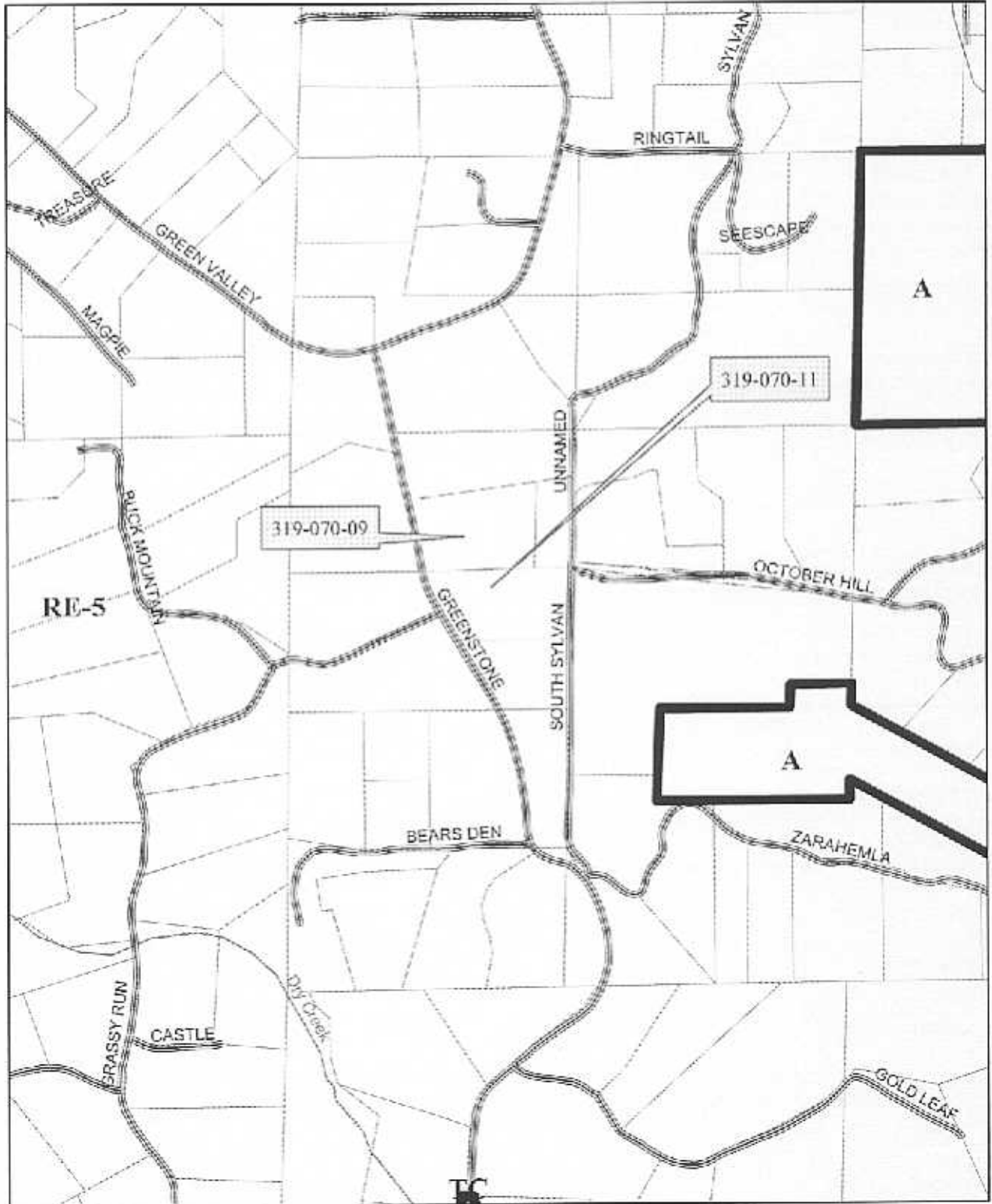
27-9

Exhibit C

# General Plan Land Use Designation



# Zoning



07 JAN -9 PM 1:13

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4278

Site Plan

S1

Project Name: Sata Ridge Vineyard & Winery  
Robert and Kathleen Hill, owner  
3781 Greenstone Road, Pleasantville  
Prepared by Kathleen Hill  
Parcel No. 319-070-09-100  
January 6, 2007

Not to Scale  
8.5 X 11 reduction



BRIDGE, A. BRIDGE  
Green Road Administration

110.00'

\*Adjacent parcel with adjacent, same owner  
APN: 319-09-11-100 4.222 acres\* See S2

Concrete  
Driveway 12'  
No DOT easement on East Side of Greenstone Road



Scale: 1" = 20'

- Utility/Phone Line
- Existing Walk
- Proposed/Existing Walk
- 100' High Water Mark
- Road/Overpass
- Fig. 3-11'

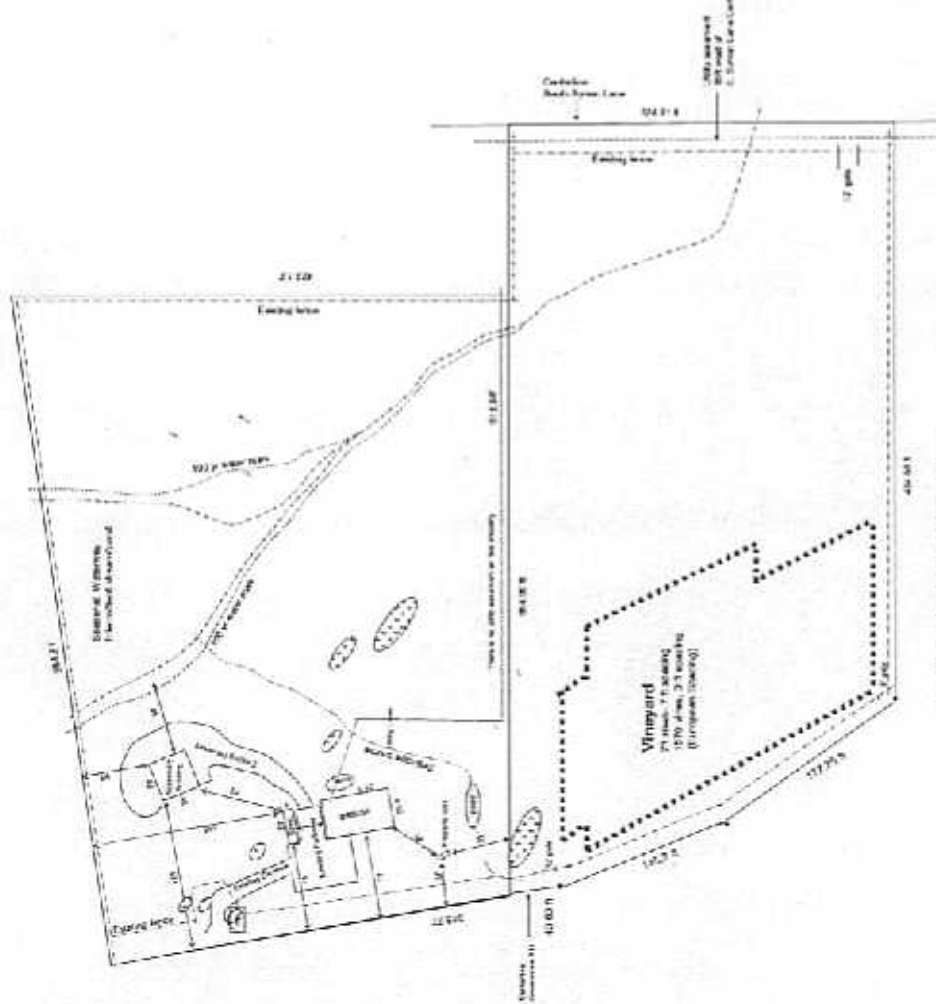
Exhibit F1



Scale: 1" = 60' 0"

- Utility/Power lines
- Existing fence
- Intertitled fence line
- 100' fire water tank
- Plant/Cult/ponds

980' 2 3/4'



# Not to Scale 8.5 X 11 reduction

## Plot Plan S2

Plan of aggregate parcels: APN 319-070-06-100  
APN 319-70-11-100

Project Name: State Ridge Vineyard & Winery  
Robert and Kathleen Hall, owner  
3701 Greenstone Road, Placerville  
Prepared by: Kathleen Hall  
Parcel Nos. 319-070-06-100 and 319-70-11-100  
January 6, 2007

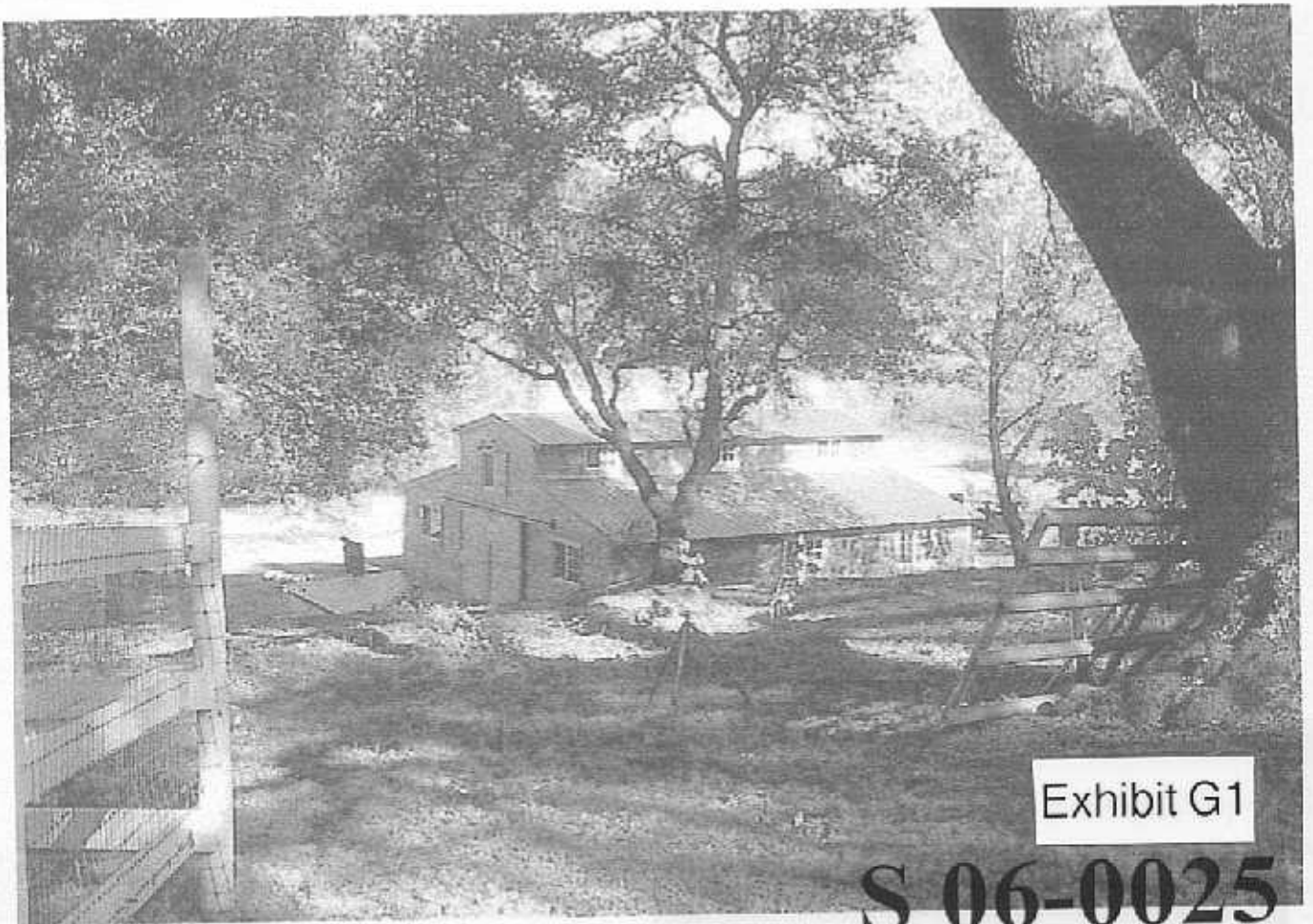
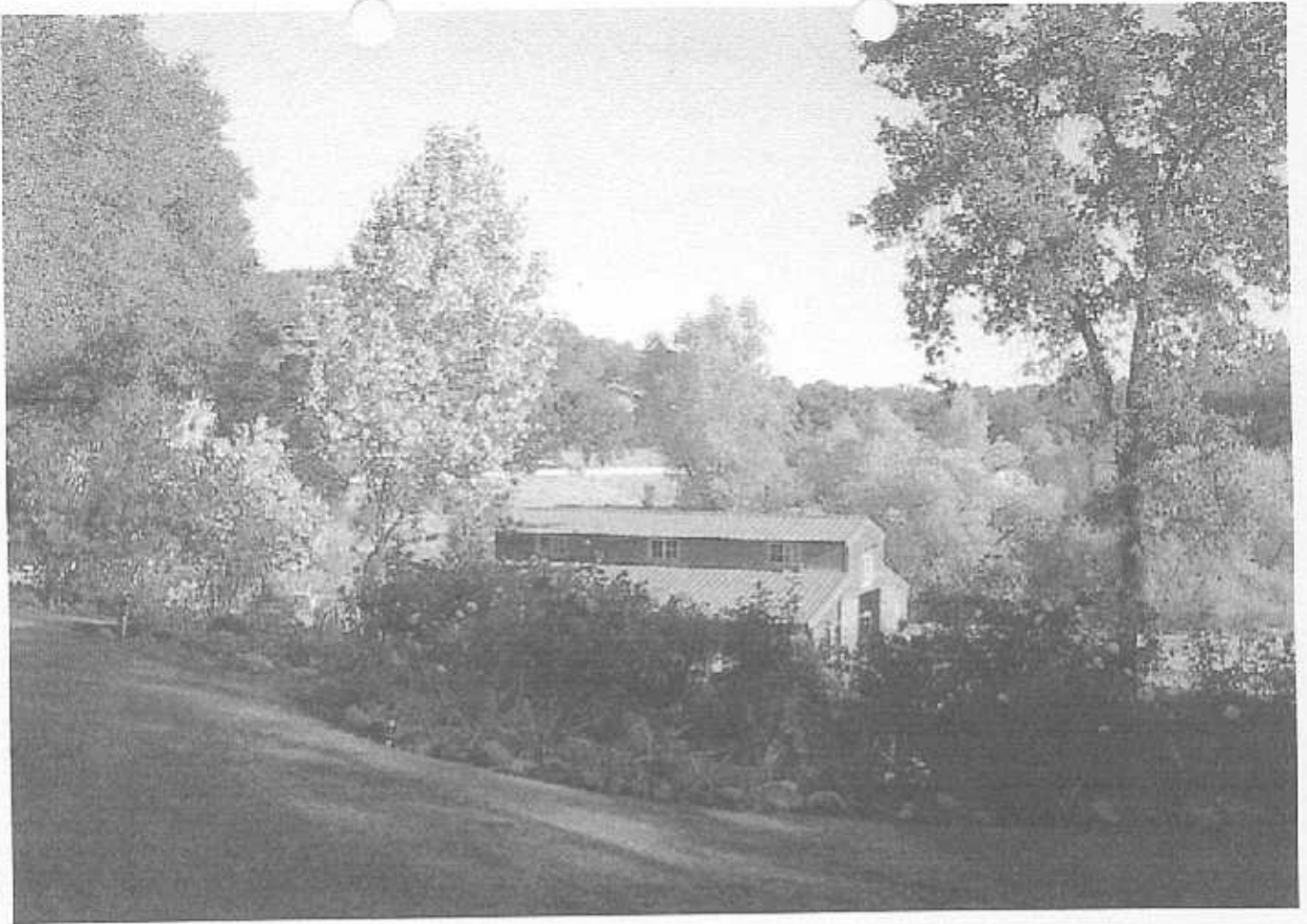
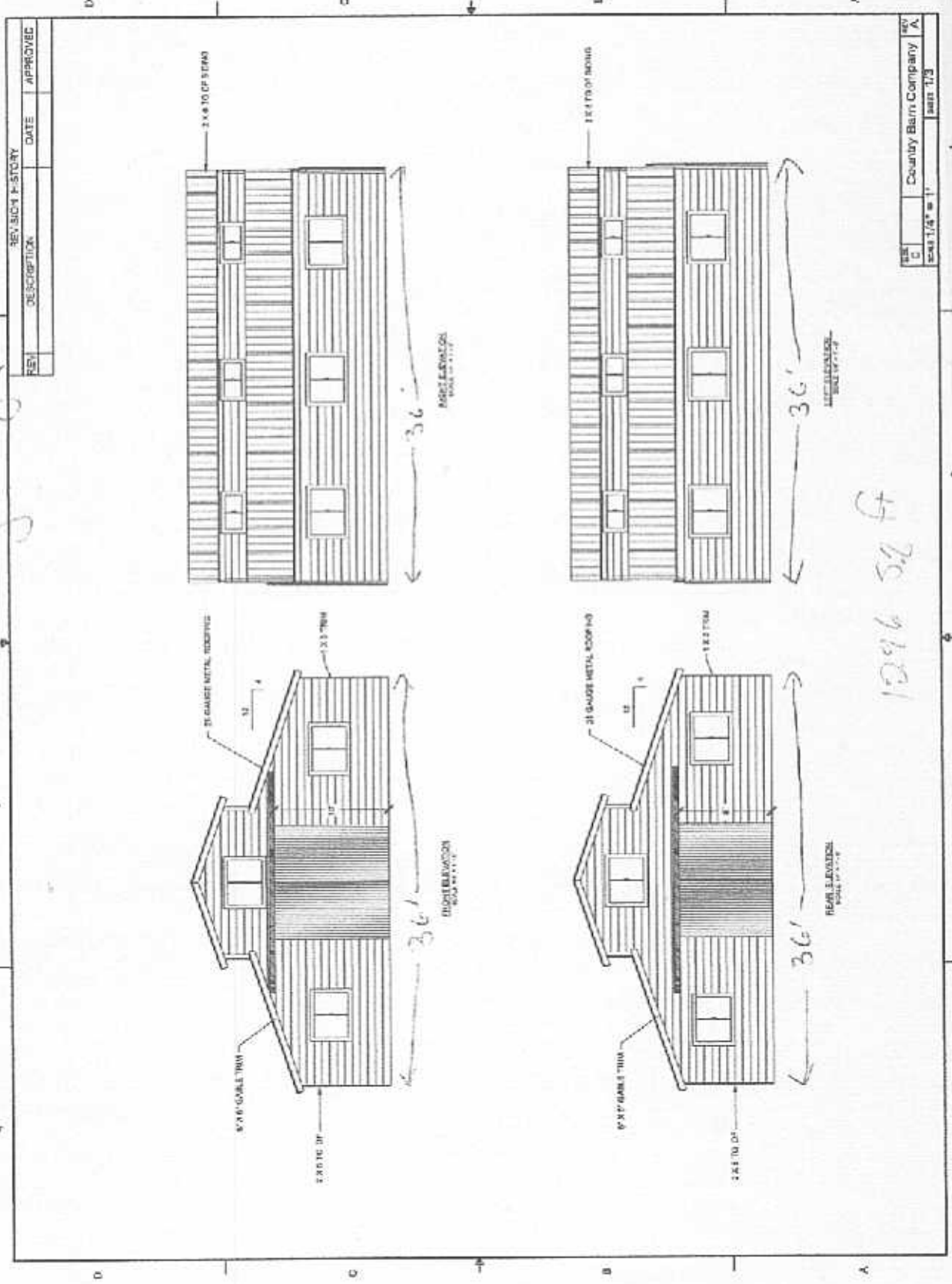


Exhibit G1

**S 06-0025**

Elevation of Accessory Bldg



REV	DATE	APPROVED
C		
Country Barn Company		sheet T/3
SCALE 1/4" = 1'		

1296 52 ft

S 06-0025

Exhibit G2



Exhibit H1





Exhibit H2

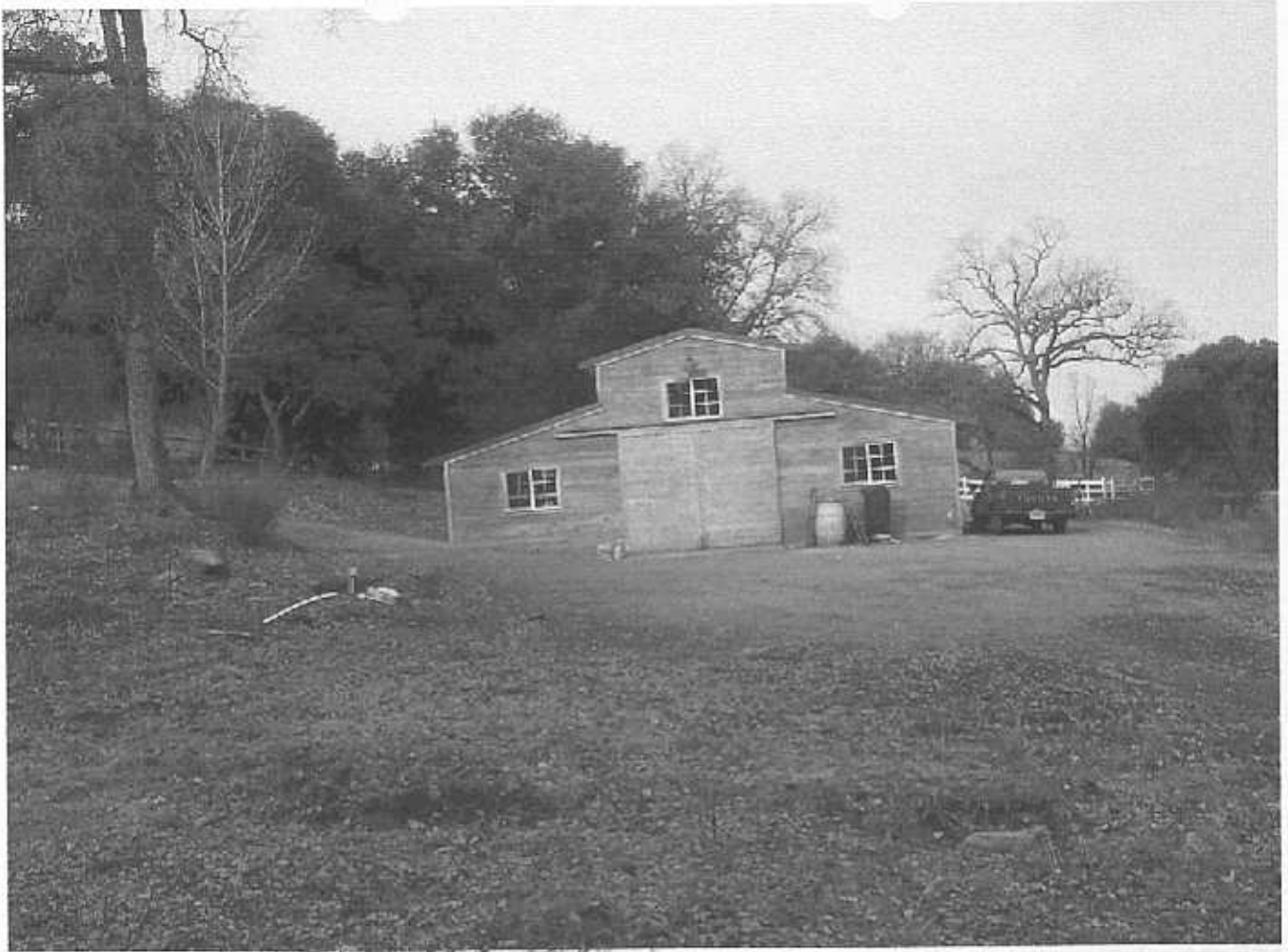


Exhibit H3

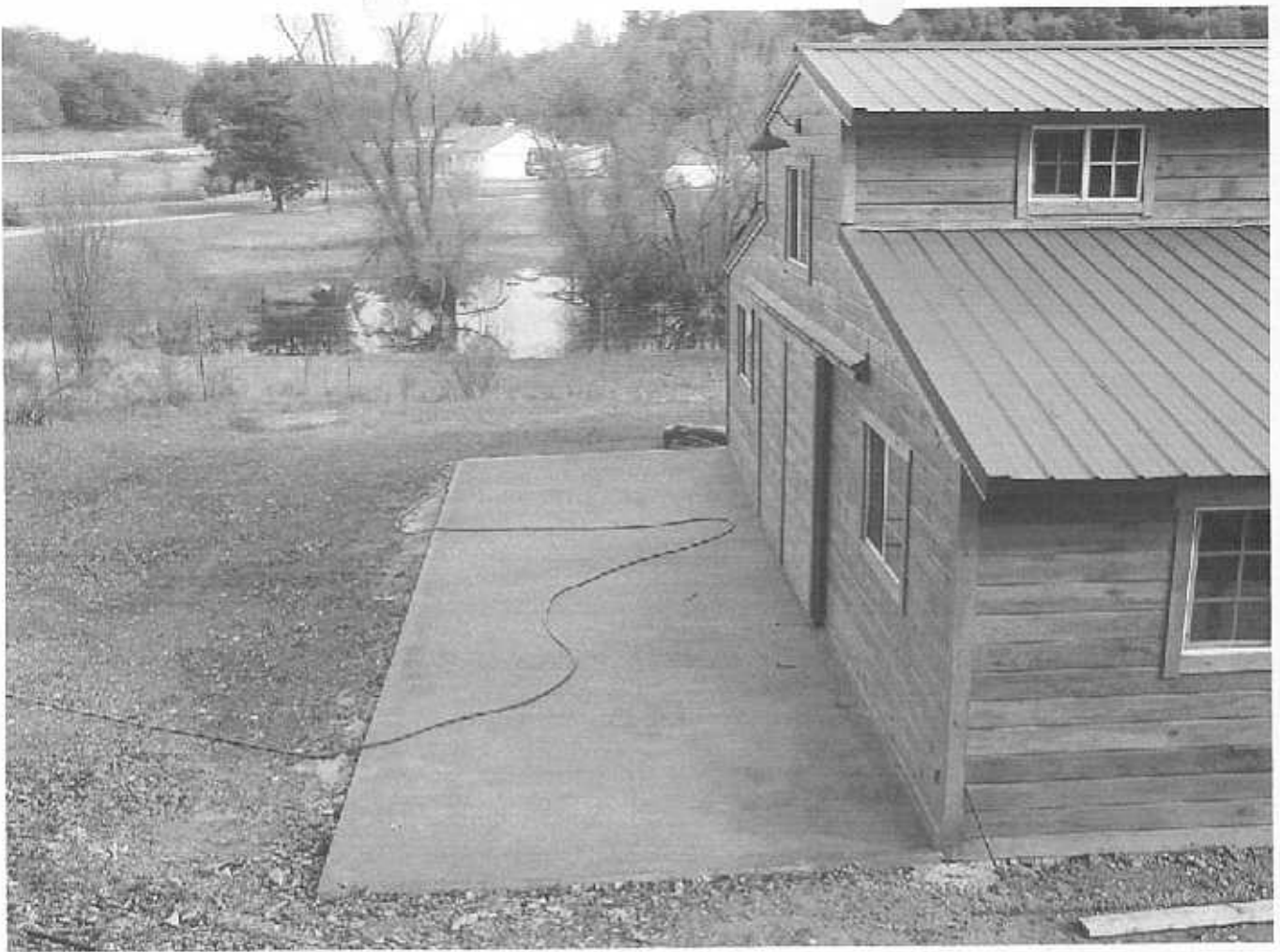


Exhibit H4



**Disclaimer:**

This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.

**Exhibit I1**



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**Disclaimer:**

This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.



# AGRICULTURAL COMMISSION

311 Fair Lane  
 Placerville, CA 95667  
 (530) 621-5520  
 (530) 626-4756 FAX  
[eldcag@co.el-dorado.ca.us](mailto:eldcag@co.el-dorado.ca.us)

*Greg Boeger, Chair – Agricultural Processing Industry*  
*John Winner, Vice-chair – Forestry/Related Industries*  
*Chuck Bacchi – Livestock Industry*  
*Tom Heflin – Fruit and Nut Farming Industry*  
*David Pratt – Fruit and Nut Farming Industry*  
*Lloyd Walker – Other Agricultural Interests*  
*Gary Ward – Livestock Industry*

RECEIVED  
 PLANNING DEPARTMENT

## MEMORANDUM

**DATE:** February 20, 2007

**TO:** Tom Dougherty  
 Development Services-Planning

**FROM:** Greg Boeger  
 Chair

**SUBJECT:** S 06-25/ROBERT AND KATHLEEN HALL

During the Agricultural Commission's regularly scheduled meeting held on February 14, 2007, the following discussion and motion occurred regarding Robert and Kathleen Hall's (Slate Ridge Vineyard & Winery) request for a Special Use Permit to expand a home-based business to allow wine production for internet sales and wholesale distribution on a 5 acre parcel zoned Estate Residential Five-Acre (RE-5).

Steve Burton informed the Agricultural Commission that a site visit was conducted on January 22, 2007. Currently there is over one and a half (1 ½) acres of grapes and the vineyard is trellised, drip irrigated, and has bird netting. The outbuilding to be converted to a winery is located on the adjacent parcel. It is a 36 x 36 pole barn with a cement floor. Both parcels are surrounded by deer fencing. Staff recommendation is for conditional approval based on the allowed uses with a Special Use Permit as stated in Zoning Code Section 17.28.200.a, and place a condition that limits case production to no more than 250 cases per year.

An e-mail (Holm) was distributed to the Commission which identified various concerns over the project.

The applicants, Robert and Kathleen Hall, provided a brief overview of their project.

There was significant discussion amongst the Commission regarding production over 250 cases per year. It was questioned as to what point does a home occupation winery no longer stay residential but becomes a full-fledged agricultural operation. Peter Maurer stated that the Planning Commission has also been wrestling with this issue.

Commission Member Pratt voiced concern over the fact that the winery and the vineyard are each on separate parcels. Ms. Hall stated that they were not interested in merging the two (2) parcels but were not opposed to having the Special Use Permit tie the two (2) parcels together.

Exhibit J

It was noted by the Commission that according to the Planner's memo, this item was being sent to them for informational purposes only, but would welcome any advice or opinion on the proposed project.

*It was moved by Mr. Winner and seconded by Mr. Ward to provide a courtesy recommendation of **CONDITIONAL APPROVAL** of Robert and Kathleen Hall's request to expand a home-based business to allow wine production (S 06-25) on APN# 319-070-09 based on the allowed uses with a Special Use Permit as stated in Zoning Code Section 17.28.200.a, which includes "The packing and processing of agricultural or wood products and the necessary buildings and structures required therefor where the nature of the product is changed"; and place a **CONDITION** that limits case production to no more than 250 cases per year. Motion passed.*

**AYES:** Bacchi, Heflin, Pratt, Walker, Ward, Winner, Boeger  
**NOES:** None

**OFFERED AMENDMENT TO MOTION**

*It was moved by Mr. Bacchi and seconded by Mr. Heflin to amend the motion to include that access be via Greenstone Road, the parcels become tied together, and the case maximum be tied to planted acreage (250 cases/acre). Motion **FAILED**.*

**AYES:** Bacchi  
**NOES:** Pratt, Walker, Ward, Winner, Heflin, Boeger

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:cmr

cc: Robert and Kathleen Hall