

FROM THE PLANNING COMMISSION MINUTES OF MAY 14, 2015

AGENDA ITEMS

5. 15-0563 Hearing to consider a request to allow up to 100 special events per year, including, but not limited to, weddings, charitable events, and live music, for up to 320 guests per event on two adjacent parcels at the David Girard Winery [Special Use Permit S10-0011/David Girard Vineyards]* on property identified by Assessor's Parcel Numbers 089-030-23 and 089-030-24, consisting of 41.52 and 20 acres, respectively, in the Gold Hill area, submitted by David Girard; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
- 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as presented; and
- 3) Approve Special Use Permit S10-0011 based on the Findings and subject to the Conditions of Approval as presented.

(Supervisorial District 4)

Joe Prutch presented the item to the Commission with a recommendation of approval.

Discussion ensued between the Commission and staff on the number of events being requested vs what is allowed by right.

David Girard, applicant, made the following comments:

- Amphitheatre is located on a hillside and projects noise to the south as residences are located on the north side;
- Previously had used a tent which couldn't contain the noise;
- Past events included bands using speakers which faced them so they could hear the music, but now the current practice is for band members to use ear buds;
- They require all bands to comply with the County's Noise Ordinance;
- Explained that in the past when they have had big events they were able to control the noise when unamplified; and
- Gave examples of week day events;

County Counsel David Livingston read into the record Ranch Marketing and special events.

Commissioner Pratt made the following comments:

- The challenge is always the weddings and limiting the number and they are hard to monitor but are audited by the neighbors; and
- If there is an overlay of a Special Use Permit and the Winery Ordinance, the Winery Ordinance is no longer applicable and it may be necessary to add language from the Winery Ordinance to the Special Use Permit conditions.

Maureen Carter, representing Women's Fund El Dorado, spoke on the group and their pleasant experience with the David Girard Vineyards when they found themselves displaced from their fundraising event venue due to the King Fire.

Barbara Winje, resident, distributed a letter from the Altmeyers and made her own following comments:

- Spoke on her experience with noise issues from outdoor events; and
- Amplified noise is the issue.

Chair Stewart closed public comment.

County Counsel Livingston read into the record proposed language to preface Conditions 4, 5, 6, and 7.

Mr. Prutch read into the record proposed language to modify Condition 1.

In response to Chair Stewart's inquiry on receiving written public comment during the hearing, County Counsel Livingston stated that items could be submitted up to action being taken by the Commission and the documents are considered part of the record.

In response to Chair Stewart's concern that traffic was considered a less than significant impact, Dave Spiegelberg/Transportation stated that significant impacts were measured in the General Plan policies. He also spoke on TIM Fees, which had been calculated as commercial use by the square footage and collected during the Building Permit process.

Chair Stewart made the following comments:

- Inquired on if one of the parcels was sold;
- Spoke on the number of events and the two separate parcels; and
- Voiced concern on the 100 special events, in addition to the smaller events that were allowed and the need to consider the neighbors and the impact this will have on the whole community.

Commissioner Heflin would like a review within one year, which the Commission has requested with other projects. He is not excited on the constant noise but believed the applicant's statements that he would take care of the noise. He also wanted to ensure that agriculture is the main business and not the venue.

Chair Stewart would like to see a record of events (i.e., number of people, etc.) if a one-year review was required.

Commissioner Shinault concurred with the one-year review and spoke on his experience with having multiple parcels combined. He stated that the amphitheater was the difficult part and was his only issue; however, he felt it has been taken care of.

Commissioner Pratt stated that this was all about noise management.

Chair Stewart made the following comments:

- Would like to decrease the number of events to 50 and then have the applicant request for more after the one-year review;
- Preferred to slowly ratchet up the number of events;
- Concerned on noise complaints that were still coming in from neighbors even after the structure had been built;
- There are two different issues: nuisance issue and the concern that in 20-30 years from now, there will be a different owner; and
- Wanted to start slow.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (5-0), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval; and 3) Approve Special Use Permit S10-0011 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 1 to include language read into the record; (b) Add language prior to Condition 4 to include language read into the record; and (c) Add new condition requiring a one-year review.

AYES: Heflin, Shinault, Miller, Pratt, Stewart

NOES: None

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