

**S10-0011/David Girard Vineyards** – As approved by the Planning Commission on May 14, 2015

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 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 As proposed, the project is consistent with the General Plan which designates the subject site as Agricultural Lands with an Agricultural District overlay (AL-A) because the requested types of special events on the winery parcel (APN 089-030-23) and the amphitheater parcel (APN 089-030-24) are compatible with wineries and because the events are accessory to agricultural uses of the land.
- 2.2 As conditioned, and with adherence to County Code, the proposal for additional special events on the winery parcel (APN 089-030-23) and the amphitheater parcel (APN 089-030-24) are consistent with the following General Plan policies:
  - 2.2.5.21 (land use compatibility) because as conditioned, the project provides agricultural/winery uses compatible with the surrounding agricultural lands;
  - 6.2.3.2 (adequate emergency access) because of the review and conditioning of the project by El Dorado County Fire Protection District for emergency ingress/egress capabilities;

6.5.1.2, 6.5.1.7 (noise impacts) because conditions of approval have been included to ensure that the noise levels for the amplified sound and music proposed for special events will not exceed General Plan noise thresholds; and

8.2.2.2 (impacts to agriculturally-zoned lands) because the proposal for both parcels, as conditioned, would be compatible as many of the surrounding parcels are involved in commercial agricultural use, such as grazing and vineyards.

### **3.0 ZONING FINDINGS**

3.1 The parcel identified by APN 089-030-23 is zoned Exclusive Agricultural (AE) and upon fulfillment of the conditions, would comply with the development standards required under Section 130.36.090 of the Zoning Ordinance for all County permitted structures, as well as Chapter 130.14.200 of the Winery Ordinance.

3.2 In compliance with Table 130.14.200.B.3 of the Zoning Ordinance, AE zoning allows the increase in special events and in people per event with an approved special use permit provided the parcel is in an agricultural district. The RE-10 zoning district does not, but staff finds that the parcels and uses are linked due to same ownership and shared vineyards, access, and parking. The parcel identified by APN 089-030-24 is zoned Estate Residential Ten-Acre (RE-10) and upon fulfillment of the conditions and approval of this special use permit, would comply with the development standards required under Section 130.70.110 of the Zoning Ordinance for all County permitted structures, as well as Chapter 130.14.200 of the Winery Ordinance. Further, the Agricultural Commission has recommended that the amphitheater structure can be used for special events in conjunction with those special events on parcel 089-030-23, similar to those uses requiring a special use permit in Section 130.70.100.C of the Zoning Ordinance.

### **4.0 SPECIAL USE PERMIT FINDINGS**

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

The applicant's proposal, as conditioned, is in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

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

As conditioned, the uses will not conflict with the adjacent uses as it will be contained, for the most part, within an accessory building (Viticulture Galleria building) or outdoors at the amphitheater structure and is conditioned to comply with General Plan noise policies. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the up to 100 special events

and up to 320 guests, with strict compliance with General Plan established noise standards and noise mitigations, will not have a detrimental affect nor be injurious to the neighborhood.

**4.3 The proposed use is specifically permitted by special use permit.**

Zoning Ordinance Section 130.36.070 allows APN 089-030-23 (winery parcel) to have wineries and wine tasting facilities, in compliance with the provisions of Section 130.14.200. The Winery Ordinance, Section 130.14.200.B2, allows the winery parcel to have special events that exceed the provisions of 130.14.200.C.3.a and b with a special use permit. Zoning Ordinance Section 130.70.100.C allows APN 089-030-23 (amphitheater parcel) to have limited special events in compliance with Section 130.14.200.C.a and b with a special use permit. Because the two parcels are under the same ownership and operated as a single entity with shared vineyards, parking and access, the Agricultural Commission recommended at a public hearing on March 11, 2015, that the amphitheater parcel could have special events in conjunction with the winery parcel and that both parcels could share the special events.