

FINDINGS

Conditional Use Permit S17-0008/Island Girl Wines Planning Commission/August 24, 2017

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorical Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15303(c), Conversion of Small Structures, which allows a structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The proposed winery does not use significant amounts of hazardous substances and no new structures are proposed. The change in use of the existing 1,600 square-foot structure complies with this exemption.
- 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 Department of Planning and Building at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.

“The purpose of the Rural Residential (RR) land use designation is to establish areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between LDR and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.”

Rationale: The project is consistent with the Rural Residential (RR) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes a small winery in an existing building. The RR designation supports agricultural activities and production uses. This use is consistent with the intent of the Rural Residential land use designation.

2.2 The proposed use is consistent with General Plan Policy 2.2.5.2.

“All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency

with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.”

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

2.3 The proposed use is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that “development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.”

Rationale: The project site is surrounded by rural land uses to the east, west and north (Rural Land, RL-10). The undeveloped site to the south is zoned Community Commercial (CC). The subject property includes a residence that was built in 2012, and an existing 40x40 foot temperature-controlled steel beam building with a 40x20 foot concrete pad in the front of the structure. The western portion of the site consists largely of active agricultural vineyard operations with a residential dwelling located near the center of the vineyard operations. The building currently exists on site, and no additions or changes to the building are proposed. Conditions of approval limiting the use of the facility and wine sales are included to maintain compatibility with the surrounding area. Agricultural is considered compatible with the surrounding RR designated areas.

2.4 The proposed use is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a “determination of the adequacy of the public services and utilities to be impacted by that development.”

Rationale: The project would not increase the need for public services or utilities since the production of wine does not require the use of public services, as the project proposes the use of solar panels for electricity and water will be recycled and applied for irrigation. The approximate number of employees is anticipated to be a maximum of three part-time workers. The project would not generate a substantial increase in solid waste, as any organic matter that is generated as a result of the grape crush would be returned to the field.

2.5 The proposed use is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that “adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.”

Rationale: The site is currently served by Pioneer Fire Protection District for fire protection. The project was reviewed by the County Transportation Department and the El Dorado County Fire Department for adequate access and fire protection. No comments or concerns about the project were provided by this agency. A private well and a 12,000-gallon storage tank are currently on-site. Additionally, the site includes an existing fire hydrant, which has recently been tested by the El Dorado County Fire Department. No additional water or sewer would be needed for this project. The project does not include any proposed new construction.

2.6 The proposed use is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant “demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.”

Rationale: The Transportation Department and Long Range Planning reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required, since the proposed use would include no on-site sales, and would generate a “very low increase in trips.” Also, the roads serving the development have sufficient capacity to accommodate any added traffic without resulting in unacceptable levels of service. Because this is an existing facility and there are no proposed changes to the site, the on-site circulation was reviewed as part of previous approvals and on-site transportation review was not needed. No additional site access or improvements to the existing roads are required. The project is in compliance with the General Plan Policy.

2.7 The proposed use is consistent with General Plan Policy 8.1.4.1.

Policy 8.1.4.1 requires that the Agricultural Commission “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.”

Rationale: The subject parcel designation is of agricultural use. The Agricultural Commission reviewed the proposed project and made a recommendation to approve. Agenda item 17-0854 was approved with a 5-0 decision to approve with no exceptions or conditions on August 09, 2017. The project complies with the General Plan Policy.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.21.

The Limited Agricultural Zone is intended to provide the development of agricultural enterprises and uses. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses, and shall generally be applied where those more intensive commercial uses may be undesirable.

Rationale: The parcel is zoned Limited Agricultural (LA-20). The Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the LA zone district. The matrix includes Wineries, which are allowed by Conditional Use Permit with reference to Table 130.40.400.1 (Wineries Allowed Uses Matrix).

The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, dimensions, building height, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable standards.

3.2 The proposed use is consistent with Chapter 130.35, Parking and Loading.

This Chapter contains standards for off-street parking requirements for residential and non-residential uses.

Rationale: Section 130.35.030 - Off-Street Parking and Loading Requirements requires a winery to include one Off-Street Vehicle Parking per 2,000 square feet of active use area (AUA); plus one Off-Street Vehicle Parking per 5,000 square feet of storage. The proposed use would involve the shipment of wine or merchandise by vehicle, and would include up to three employees. The use of the building as a winery would not necessitate a high level of parking and loading as public access is not being proposed. The site includes two off street parking areas. One 20x40 foot and one

40x50 feet are existing on the site that would adequately meet parking and loading requirements. The site plan was reviewed for adequacy and it was determined that the proposed parking area would adequately serve the winery facility. The parking and loading available on-site meet the minimum number and dimensions required under the parking and loading standards, no other provisions of the standards apply, and the site is therefore consistent with the intent of the Parking and Loading standards.

3.3 **The proposed use is consistent with Chapter 130.37, Noise Standards.**

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: No new structures or remodeling of structures is included in this proposal, so it is not anticipated that there would be any short-term construction-related noise impacts. Long-term noise would also be created from the operation of the processing equipment and storage facility. According to the Zoning Ordinance, non-transportation noise in rural regions is limited to a time-averaged level of 50 dBA and maximum of 60 dB from 7 a.m. to 7 p.m., and an average of 45 dBA and maximum of 55 dBA from 7 p.m. to 10 pm. the closest residence is approximately 400 feet to the north with existing trees and hilly terrain between the home and the existing building. The noise levels in a rural region are measured at a point 100 feet away from the nearest residence. The noise levels for normal operation of the winery are expected to be below this threshold, as the project does not propose any amplified music, operation of a tasting room, or other activities not typically associated with the operation of a small winery. Noise could potentially result from the cultivation, harvesting, or processing of the grapes, however, these fall under the category of “agricultural operations” according to Section 130.40.290, Right to Farm. As this use is proposed for land zoned Limited Agriculture, the farming and processing of grapes is allowed by right on the site. Winery operations including bottling, cellaring, and sales of wine will not produce any significant noise.

3.4 **The proposed use is consistent with Section 130.40.160 – Home Occupations.**

Section 130.40.160 – Home Occupations “provides opportunities for home-based businesses compatible with surrounding residential and agricultural uses in order to encourage home workplace alternatives, promote economic self-sufficiency of county residents, reduce commuting on U.S. Highway 50, while minimizing conflicts with adjacent property owners, maintaining the residential character of neighborhoods, and protecting the public health, safety, and welfare.”

Rationale: The proposed winery is located at the applicant's primary residence and is considered a home occupation. However, Section 130.40.160 of the Zoning Ordinance limits employees to two employees for home occupations. Where a proposed home occupation exceeds the standards under Subsections C.1 through C.11 (Standards), or Subsection D (Student Instruction - Administrative Permit Required), a Conditional Use Permit shall be required. Because the use may require up to three employees for operation, a Conditional Use Permit is required. This application meets the requirement for a Conditional Use Permit request to allow up to three employees.

4.0 CONDITIONAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not conflict with surrounding uses. The proposed use will comply with the Development Standards of the LA zone district. The proposed use is consistent with the surrounding land uses which include large lot rural lands, agriculture, and undeveloped commercial uses. The project is not expected to result in any changes to the current condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding area.

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

Rationale: Wineries are specifically permitted by Conditional Use Permit pursuant to Section 130.40.400. The subject property is located in the LA-20 zone district. Section 130.21.02 Wineries Allowed Uses Matrix and permit requirements establishes those uses that require approval by a Conditional Use Permit. This application meets the requirement for a Conditional Use Permit.