

File Number: CUP-A22-0001

Receipt No.: R43660

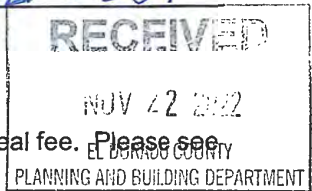
Date Received: Full fee rec'd

Amount: ATTN \$239-

11-23-22

**APPEAL FORM**

(For more information, see Section 130.52.090 of the Zoning Ordinance)



Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT David Cramer

ADDRESS 1860 Squirre Canyon Ct Cool Ca 95661

DAYTIME TELEPHONE 530-320-3641

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT \_\_\_\_\_

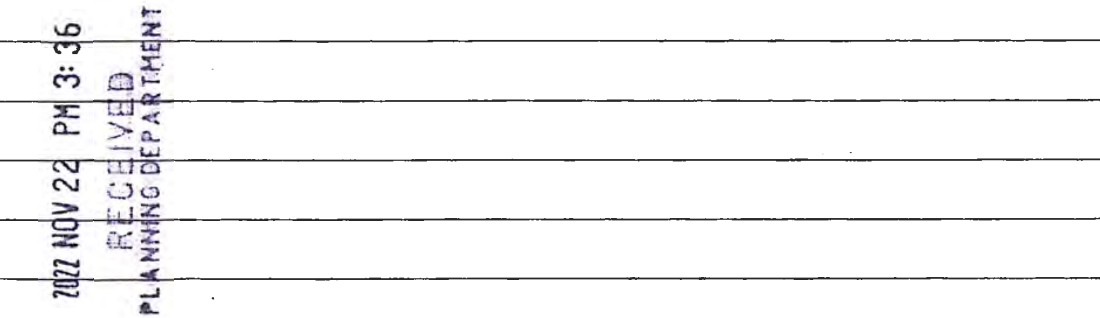
ADDRESS \_\_\_\_\_

DAYTIME TELEPHONE \_\_\_\_\_

APPEAL BEING MADE TO: Board of Supervisors  Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Approval of CUP20-0014 22-1977  
Please see attached



DATE OF ACTION BEING APPEALED 11-10-2022

[Signature]  
Signature

11-19-2022  
Date

CUP-A22-0001  
Exhibit A - Appeal Submittal

Appeal of CUP20-0014

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Issues

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1 Open Space Definition This project does not resemble any of the definitions of open space zoning in the Land Use Regulations over the years.

2 Notice - Lot 07-030-014 borders Auburn Lake Trails. ALT is a property owners regime. All property owners own a shared of the common element. The trail directly in front of the property is common element. All residents of ALT have a standing in this decision and any potential law suit. The panel concluded that a mail box for ALT was within a 1000' of the property. The closest ALT mailbox for ALT is the Maintenance Office. Supervisor Anthony Bender said his office did not receive notification.

3 Commercial Use Commercial use is not allowed in OS zoning. Uso has 800 grapevines to produce wine for him and his friends. Google maps shows Estancia Winery over the lot. Estancia wine is available for purchase on line. Google maps indicates Estancia Winery is temporarily closed.

4 Board members showed obvious favor for the property suggesting conflict of interest.

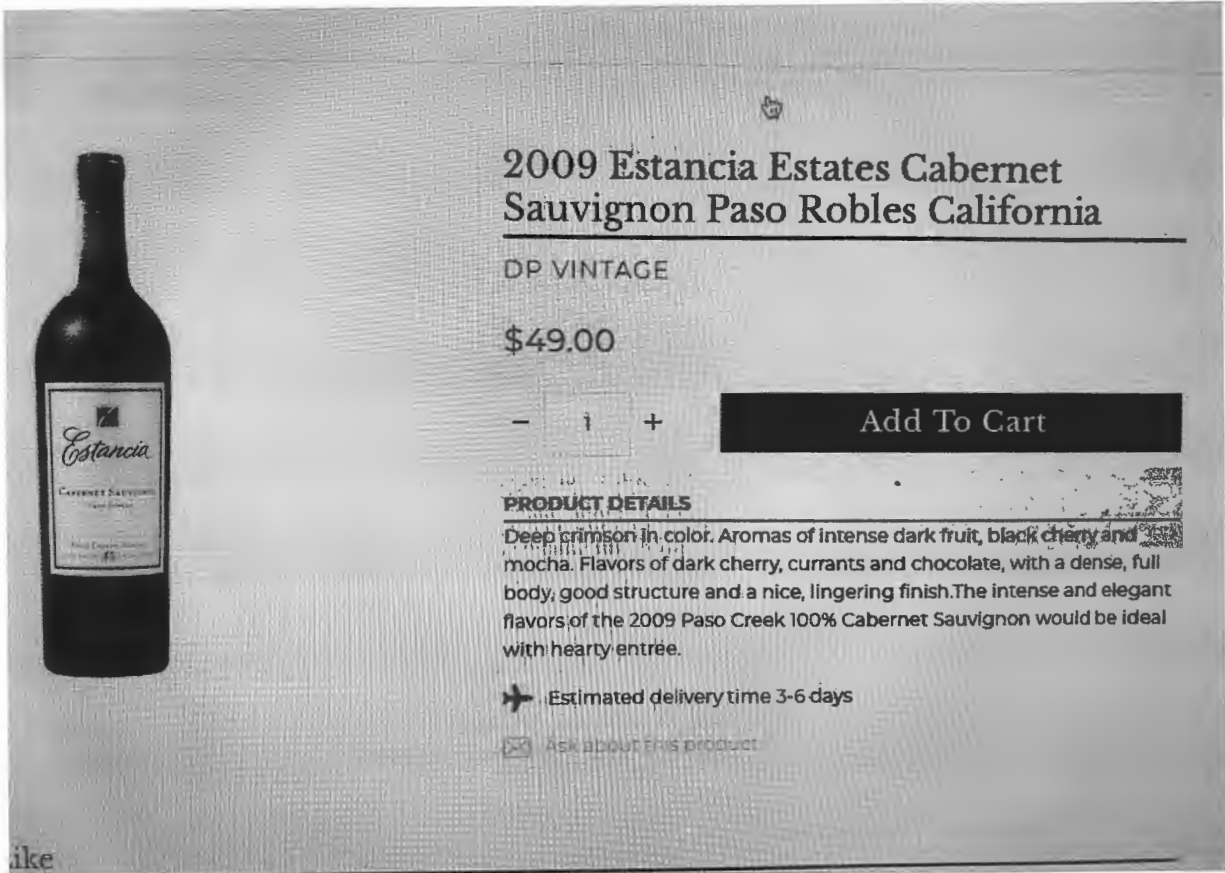
5 Uso recently held public office. He sat on the board at Georgetown Divide Public Utility. He has stated the treatment plant at ALT was his project. The project cost 16 million dollars. An out going board member said it should cost 5 million.

A senior planner said I will get the information I want the night before the appeal deadline. This is a complicated issue that needs further review.

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The screenshot shows a product page for a bottle of wine. On the left is a dark glass bottle with a white label that reads "Estancia Cabernet Sauvignon". To the right of the bottle, the product name "2009 Estancia Estates Cabernet Sauvignon Paso Robles California" is displayed in a large, bold font. Below the name, it says "DP VINTAGE" and "\$49.00". There is a quantity selector with a minus sign, the number "1", and a plus sign. To the right of the selector is a black button with white text that says "Add To Cart". Below this is a section titled "PRODUCT DETAILS" with a description of the wine's characteristics. At the bottom of the product section, there are two icons: an airplane icon for "Estimated delivery time 3-6 days" and an envelope icon for "Ask about this product".

2009 Estancia Estates Cabernet Sauvignon Paso Robles California

DP VINTAGE

\$49.00

- 1 +

Add To Cart

**PRODUCT DETAILS**

Deep crimson in color. Aromas of intense dark fruit, black cherry and mocha. Flavors of dark cherry, currants and chocolate, with a dense, full body, good structure and a nice, lingering finish. The intense and elegant flavors of the 2009 Paso Creek 100% Cabernet Sauvignon would be ideal with hearty entree.

✈ Estimated delivery time 3-6 days

✉ Ask about this product

ike

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Exhibit A - Appeal Submittal

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Exhibit A - Appeal Submittal

## **IV. LAND USE REGULATIONS**

### **Chapter 17.68**

#### **OPEN SPACE (OS) DISTRICT**

##### Sections:

- 17.68.010 Purpose
- 17.68.020 Open space land defined
- 17.68.030 Applicability
- 17.68.040 Uses permitted by right
- 17.68.050 Uses requiring special use permits
- 17.68.060 Development standards

17.68.010 Purpose. The purpose of this chapter is to provide a medium whereby the essential open space needs of the citizens of the county may be provided for. (Prior code §9701)

17.68.020 Open space land defined. "Open space land" means parcels or areas of land which are generally unimproved and devoted to and essential for:

- A. Natural resource preservation including watersheds;
- B. Preservation of agricultural production;
- C. Preservation of recreational enjoyment areas;
- D. Prime or critical wildlife and biotic habitat preservation;
- E. Protection of public health, safety and welfare, in relation to seismic, geologic and geographic hazards;
- F. Protection of unusual or unique scenic values as determined by a specific finding of the governing body in regard to the specific parcel or area under consideration. (Prior code §9702)

17.68.030 Applicability. The regulations set forth in Sections 17.68.040 through 17.68.060 shall apply in all OS open space districts and OS districts shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. No building or structure shall be erected, structurally altered or enlarged, nor shall any building, structure, land or products thereof be used except as set forth in Sections 17.68.040 through 17.68.060. (Prior code §9703(part))

17.68.040 Uses permitted by right. The following uses are allowed by rights, without special use permit or variance:

- A. One single-family dwelling on not less than the minimum sized parcel of land under separate ownership;
- B. Agricultural and accessory buildings;

- C. The raising and grazing of livestock and other farm type animals, not to include the commercial keeping of poultry;
- D. The growing and harvesting of timber and other forest products, not to include the commercial processing or milling;
- E. Growing and harvesting of trees, fruits, vegetables, flowers, vines, grains and other crops, not to include commercial processing of products thereon;
- F. Signs warning against trespass, hunting or shooting, not to be located closer than one-eighth mile from a similar sign, such signs not to exceed two square feet in area. (Ord. 3606 §60, 1986; Ord.3366 §48, 1983; prior code §9703(a))

17.68.050 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Other buildings and structures;
- B. All signs not allowed by right;
- C. Excavation of earth or drilling of wells, for either commercial or private use to exclude that normally incidental to the erection of a single-family dwelling or permitted accessory structure;
- D. All home occupations;
- E. Public utility uses and accessory structures;
- F. All processing of products produced upon or from the land, to include all accessory structures required or so used;
- G. All commercial and private organized recreational uses;
- H. Airports and aircraft landing fields approved by the California Aeronautics Commission, which conform to the general plan for the county, buildings and structures as are customary and ancillary to the operation of an airport. (Prior code §9704)

17.68.060 Development standards. The following area and building regulations shall apply in OS districts unless a variance is first obtained from the planning commission or zoning administrator:

- A. Buildings and structures shall not exceed forty-five feet (45') in height from the ground floor except that water tanks, silos, granaries, barns, electronic towers and antennas and similar structures or necessary mechanical appurtenances may extend to sixty-five feet (65') in height, provided they do not violate the height regulations imposed by any AA airport approach district; (Ord. 4236, 1992)
- B. No building or structure shall be erected or enlarged unless the parcel of land under separate ownership on which it will be located is ten acres or larger in size, except that this provisions shall apply to any parcel of land under separate ownership as shown by the records of the county recorder on the date the ordinance codified in this chapter became effective with respect to such parcel;
- C. The minimum parcel size of ten acres shall be waived by the planning director in the case or event that an open space use is proposed to be established as an open space easement, such uses as, but not limited to:
  - 1. Equestrian trails or paths,
  - 2. Hiking trails or paths,
  - 3. Bicycle trails or paths,
  - 4. Off-road vehicle trails or paths,
  - 5. Connector links between recreation or scenic areas and/or population centers,
  - 6. Areas adjacent to water bodies or streams for scenic or recreation uses,

- 7. Areas adjacent to scenic highways or roads as designated by the state and/or the county,
- 8. Designated green belt areas as determined by a finding of the governing body;
- D. Minimum parcel area, ten acres;
- E. Minimum yard setbacks: front and rear, thirty feet (30'); sides, thirty feet (30'), except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)
- F. Minimum agriculture structural setbacks of fifty feet on all yards. (Ord. 3606 §61, 1986; Ord. 3366 §§49, 50, 51, 1983; prior code §9705)



**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**

**Agenda of:** November 10, 2022

**Staff:** Melanie Shasha

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** CUP20-0014/Us0 Nonconforming Use

**PROPERTY**

**OWNER/APPLICANT:** Londres Uso

**REQUEST:**

A Conditional Use Permit (CUP) request to allow the existing, unfinished, unpermitted Accessory Dwelling Unit (ADU) and five (5) additional existing unpermitted residential accessory structures in the Open Space (OS) zone district.

**LOCATION:**

The north side of Big Chief Trail approximately 300 feet north of the intersection with Wild Cat Court in the Cool area, Supervisorial District 4. (Exhibits A, B)

**APN:**

072-030-014 (Exhibit B)

**ACREAGE:**

10.54 acres

**GENERAL PLAN:**

Open Space (OS) (Exhibit C)

**ZONING:**

Open Space (OS) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:**

Categorically Exempt Pursuant to Section 15303 (New Construction or Conversion of Small Structures), of the California Environmental Quality Act (CEQA) Guidelines.

**RECOMMENDATION:**

Staff recommends the Planning Commission take the following actions:

1. Find the project Exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures),

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Exhibit C - CUP20-0014 Staff Report



2. Find the change or expansion of the nonconforming structures and uses will not have a negative effect on the surrounding conforming uses and the area overall pursuant to Zoning Ordinance Section 130.61.050(D)(2); and
3. Approve Conditional Use Permit CUP20-0014 based on the Findings and subject to the Conditions of Approval as presented.

**EXECUTIVE SUMMARY**

Approval of Conditional Use Permit CUP20-0014 would permit the existing unpermitted expansion of a nonconforming residential use. The primary house is nonconforming to the current OS zoning. The permit request is for one (1) existing, unfinished, unpermitted ADU and five (5) existing residential accessory structures consisting of a barn, wine processing building, workshop, and two (2) carports (Exhibits F, G and J). As proposed and conditioned, the project will be consistent with all applicable Zoning regulations and General Plan policies.

**SETTING**

The project parcel is located on the north side of Big Chief Trail approximately 300 feet north of the intersection with Wild Cat Court, approximately 1,700 feet above sea level. An agricultural structure (a barn) was added to the then-vacant parcel in 2015 to house livestock. A single-family home was permitted and constructed on the project parcel in 2016. An unpermitted accessory building for equipment was built in 2017. Three (3) additional unpermitted accessory buildings were constructed on the parcel in 2019. Construction on an unpermitted ADU began in 2020. A complaint was received, and an associated code enforcement case opened in 2020 for the five (5) unpermitted accessory structures and ADU. The code enforcement case (CE20-0249) remains open. Approval of the requested CUP would allow for the existing unpermitted structures to remain as-is and allow for County Code Enforcement to close the above-referenced case once the building permits for these structures have been finalized. An application for a building permit for the ADU (331103) was submitted on 06/23/2020 and is pending the outcome of this application.

There are undeveloped OS zoned lands to the north and west, and Residential, 1 and 2 acre minimum (R1A, R2A) and Single-unit Residential (R1) zoned lands containing residential uses to the east and south. Parcels to the north and west are designated as OS and the property to the east is designated Medium Density Residential (MDR) and land to the south is a mix of both High Density Residential (HDR) and Medium Density Residential (MDR) on the General Plan Land Use Map (Exhibits C, D).

	Current Zoning Designation	General Plan Designation	Existing Uses
Project Parcel	Open Space	Open Space	Residential
North	Open Space	Open Space	Undeveloped
East	R2A, R1A	MDR	Residential

West	Open Space	Open Space	Undeveloped
South	R1A, R1	MDR, HDR	Residential

**PROJECT DESCRIPTION**

CUP20-0014 is a request for a new CUP to permit the existing, unfinished, unpermitted expansion of a nonconforming residential use to add an ADU and five (5) accessory structures consisting of barn, wine processing building, shop and two (2) carports.

**ESTABLISHMENT OF A LEGAL NONCONFORMING USE**

The original residential structure was permitted on October 25, 2015 under permit No. 240426 (finalized September 21, 2016) consistent with zoning regulations in effect prior to the County’s December 15, 2015 Zoning Ordinance Update. Prior to December 2015, previous zoning regulations for the OS zone district (previous Chapter 17.68 – land use regulations for the OS zone district) allowed one (1) single-family dwelling as well as agricultural and accessory buildings by right. For details, refer to Chapter 17.68.040 (Uses Permitted by Right) of the 2013 Zoning Ordinance (Exhibit H). As part of the December 15, 2015 Zoning Ordinance Update, development regulations and standards for the OS zone district were amended, no longer allowing single-family dwellings, residential accessory structures, and agricultural buildings in the OS zone district. For details, refer to current OS zone regulations, Table 130. 25.020 (Special Purpose Zones Use Matrix) (Exhibit I).

The Zoning and General Plan Land Use Designations have not changed on this parcel since at least 1996. OS designations are used for the purposes of preserving natural resources, manage production of resources, provide outdoor recreation, and for public health and safety.

In this situation, the above-referenced structures were added without the benefit of building permits. A code enforcement case (CE20-0249) was opened as a result of the unpermitted work. Processing of the requested CUP is the mechanism to review the expansions of the non-conforming use and determine if they are consistent with the General Plan and Zoning Ordinance.

**REQUIRED FINDINGS**

Zoning Ordinance Section 130.61.50 (Changes or Expansion of Legal Nonconforming Uses) requires the Planning Commission make one or more specific findings, as listed in Section 130.61.050(D) of the Zoning Ordinance, in order to approve the requested CUP for the expansion of the described legal nonconforming uses. The Findings listed under Section 130.61.050(D) are as follows:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare;
2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall;

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 Exhibit C - CUP20-0014 Staff Report

3. Other property where the use would be conforming is unavailable, either physically or economically, within the limits of the nearest similarly developed area(s);
4. No other appropriate remedies are available to bring the use into conformance, including amending the zone or zoning ordinance text.

## **STAFF ANALYSIS**

**Environmental Review:** Staff reviewed the project and found it exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines applying to existing facilities including garages, carports, or a second dwelling. and the area in which the project is located is not environmentally sensitive

**General Plan Consistency:** Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.2.2 (fire safe plan), and Policy 6.2.3.2 (adequate emergency access) Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** Staff has determined that the project is consistent with applicable regulations and requirements in Title 130 of the County Ordinance Code, including Section 130.25.020 (Allowed Uses and Permit Requirements for the Special Purpose Zones), Section 130.52.021 (Conditional Use Permits) and Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses).

**Public and Agency Comments:** The project was distributed to all applicable public agencies and organizations for review and comment including the following County agencies: Air Quality Management District, Building Services, California Department of Forestry and Fire Protection, Diamond Springs/El Dorado Fire District, Environmental Management, Surveyor's Office, and Department of Transportation (DOT).

**Conditions of Approval:** Of the agencies and organizations notified of the project, as listed above, comments were received from Air Quality Management District, Environmental Management, and the Surveyor's Office. Comments from these departments have been incorporated as Conditions of Approval No. 5 through 16.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings  
Conditions of Approval

Exhibit A .....Vicinity Map  
Exhibit B .....Assessor's Parcel Map  
Exhibit C .....General Plan Land Use Designation Map  
Exhibit D .....Zoning Designation Map  
Exhibit E .....Site Plan, most recent approvals  
Exhibit F.....Site Plan, current improvements  
Exhibit G .....Aerial Photo 6.2021  
Exhibit H.....Chapter 17.68 of 2013 Zoning Ordinance  
Exhibit I .....Chapter 130.25 of Current Zoning Ordinance  
Exhibit J .....Existing Conditions

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Exhibit C - CUP20-0014 Staff Report

## **FINDINGS**

### **Conditional Use Permit CUP20-0014/Use Nonconforming Use Planning Commission/November 10, 2022**

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 following findings can be made:

#### **1.0 CEQA FINDINGS**

- 1.1 CUP20-0014 has been found categorically exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA) Guidelines applying to new accessory structures including garages, carports, or an accessory dwelling unit.
- 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 Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Open Space (OS) Land Use Designation establishes areas suitable for public lands under governmental title, where no development other than that specifically needed for government-related open space uses is desired. It may also be used on private lands to maintain natural features within clustered development where a General Plan amendment is processed. This designation is considered appropriate within Community Regions, Rural Centers, and Rural Regions.

**Rationale:** The existing nonconforming use on this parcel is the residential use. the unpermitted and unfinished accessory dwelling unit use is inconsistent with uses allowed in the OS Land Use Designation. However, nonconforming uses are typically permitted to continue subject to certain restrictions including the ability to rebuild in case of calamity, the requirement for abandonment if the use is discontinued for 12 or more months, and the requirement for a conditional use permit (CUP) in the event the nonconforming use is expanded. Other restrictions listed in the Zoning Ordinance 130.61.030 for nonconforming structures include: a strict timeline to rebuild a destroyed nonconforming structure, these structures can be repaired or altered if it complies with this Title and the most recent building code, the structure can be converted to a use that conforms to the zone district and will lose their nonconforming status, or a structure not conforming to the setbacks of the zone may be increased in area or volume provided it does not increase the nonconforming setback.

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**2.2 The project 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. This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

**2.3 The project 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: As proposed and conditioned, the project would be compatible with adjoining land uses. The existing unpermitted structures and the unfinished Accessory Dwelling Unit (ADU) would be similar to uses allowed on neighboring residential lots including accessory dwelling units, keeping of large animals, and the growing of grapes for personal use. There are residential uses to the south and east. Open Space uses are to the north and west.

**2.4 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 requires the responsible fire protection district to review all applications to determine the ability of the district to provide protection services prior to approval of new development.

Rationale: El Dorado County Fire Protection District reviewed both this CUP and Building Permit 331131 for the ADU. Their conditions of approval are included below.

**2.5 The project is consistent with General Plan Policy 6.2.2.2.**

General Plan Policy 6.2.2.2 requires the County to preclude development in high wildland fire hazard areas as listed in the Federal Register Executive Order 13728 of May 18, 2016 unless such development can be adequately protected from wildland fire hazard as

demonstrated by a Wildland Urban Interface (WUI) Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction.

Rationale: Condition of Approval 6 is included below and states: **Fire Safe Plan:** Prior to issuance of any building permits, the applicant shall submit a complete, signed and approved WUI Fire Safe Plan to Planning Services.

**2.6 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2 requires the applicant to 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: This will be addressed in the WUI Fire Safe Plan included as Condition of Approval 6 below.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Table 130.25.020 (Allowed Uses and Permit Requirements for the Special Purpose Zones).**

Table 130.25.020 shows allowed uses and permit requirements for each of the Special Purpose zones, including specific use types either allowed by right (P) or by CUP.

Rationale: Nonconforming uses are allowed in any zoning district with the approval of a CUP. Finding 130.61.050 is made below.

**3.2 The project is consistent with Section 130.52.021 (Conditional Use Permit).**

Section 130.52.021.C provides three (3) findings to be met before the Planning Commission can approve a CUP permit. Those are:

1. The proposed use is consistent with General Plan; and

Rationale: Finding of consistency with the General Plan is in Finding 2.3 and states: As proposed and conditioned, the project would be compatible with adjoining land uses. The existing unpermitted structures and the unfinished ADU would be similar to uses allowed on neighboring residential lots including accessory dwelling units, keeping of large animals, and the growing of grapes for personal use. There are residential uses to the south and east. Open Space uses are to the north and west.

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

Rationale: The ADU and accessory buildings are not expected to be detrimental to the public health, safety and welfare or be injurious to the neighborhood.

3. The proposed use is specifically allowed by a CUP pursuant to Title 130.61.050 of the Zoning Ordinance.

Rationale: The expansion of the legal nonconforming residential use is specifically allowed in the Zoning Ordinance pursuant to Section 130.61.050. Those findings are below.

**3.3 The project is consistent with Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses)**

D. The Zoning Ordinances states that the Planning Commission shall make one or more of the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare;
2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall;
3. Other property where the use would be conforming is unavailable, either physically or economically, within the limits of the nearest similarly developed area(s);
4. No other appropriate remedies are available to bring the use into conformance, including amending the zone or zoning ordinance text.

Rationale: Based on documentation submitted by the property owner and evidence in the record, required Findings 130.61.050 (D)(2) can be made.

Required Finding 130.61.050(D)(2): The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and area overall as the existing, unfinished, unpermitted ADU and accessory buildings would not significantly intensify the number of the buildings and the expanded use is not anticipated to create any public safety hazards or impede traffic flow into and out of the existing driveway. Further, the proposed expansion would be consistent with existing residential uses in the vicinity including both to the immediate east and south.



## CONDITIONS OF APPROVAL

### Conditional Use Permit CUP20-0014/Use Nonconforming Use Planning Commission/November 10, 2022

#### Planning Services

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, the following hearing exhibits, and Conditions of Approval (COA) set forth below:

Conditional Use Permit CUP20-0014 to allow the existing, unfinished, unpermitted Accessory Dwelling Unit (ADU) and five additional existing unpermitted residential accessory structures in the Open Space (OS) zone district.

Exhibit F ..... Site Plan, Current Improvements.

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 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 COAs 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.

2. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.
3. **Legal Indemnity/Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the landowner agrees 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 landowner 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 CUP.

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

5. **Notice of Exemption Fee:** 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 upon project approval.
6. **Fire Safe Plan:** Prior to issuance of any grading or building permits, the applicant shall submit a complete, signed, and approved Wildland Urban Interface Fire Safe Plan to Planning Services.
7. **Winery:** No commercial or micro-winery use or operation is allowed with this approval. Any wine made on site is for personal use only. Any future commercial winery or micro-winery use (as described in 130.40.400) would require that the applicant/ landowner submit a request for a zone change for the project parcel. It is anticipated that a zone change that would allow for a future commercial winery or micro-winery use would also require a General Plan Amendment to modify the current land use designation of the project parcel. Discretionary review is also anticipated for any proposed future commercial winery or micro-winery. The description of currently required entitlements in this condition does not exclude the need for future additional entitlements or reviews related to any proposed future commercial winery or micro-winery uses.

#### **Air Quality Management District (AQMD)**

8. **Fugitive Dust:** The project construction will involve grading and excavation operations which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the County's AQMD prior to start of project construction if a Grading Permit is required from the Building Department. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
9. **Paving:** The project construction may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
10. **Painting/Coating:** The project construction may involve the application of architectural coatings which shall adhere to AQMD Rule 215, Architectural Coatings.
11. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetation originating from the property may be disposed of using an open outdoor fire and burning shall adhere to AQMD Rule 300, Open Burning.

12. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment>. Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.
13. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 HP, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
14. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

### **Environmental Management**

15. An evaluation of the existing septic system will be required if the ADU is to be connected to it. If a new, separate septic system will be installed for the ADU, a new septic system design for it is required to be submitted in conjunction with the associated building permit.
16. The well on the property has a well production report on file documenting that it produces 12.5 gallons per minute. Five (5) gallons per minute of well production capacity is required per dwelling. Additional water storage will not be required when the ADU is connected to the existing well for its water supply.
17. State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Please visit the following website to view El Dorado County's Construction & Demolition Debris Recycling Ordinance Program information and requirements. If after reviewing this information you still have questions, you're welcome to call Environmental Management at (530) 621-5300.

### **Office of County Surveyor**

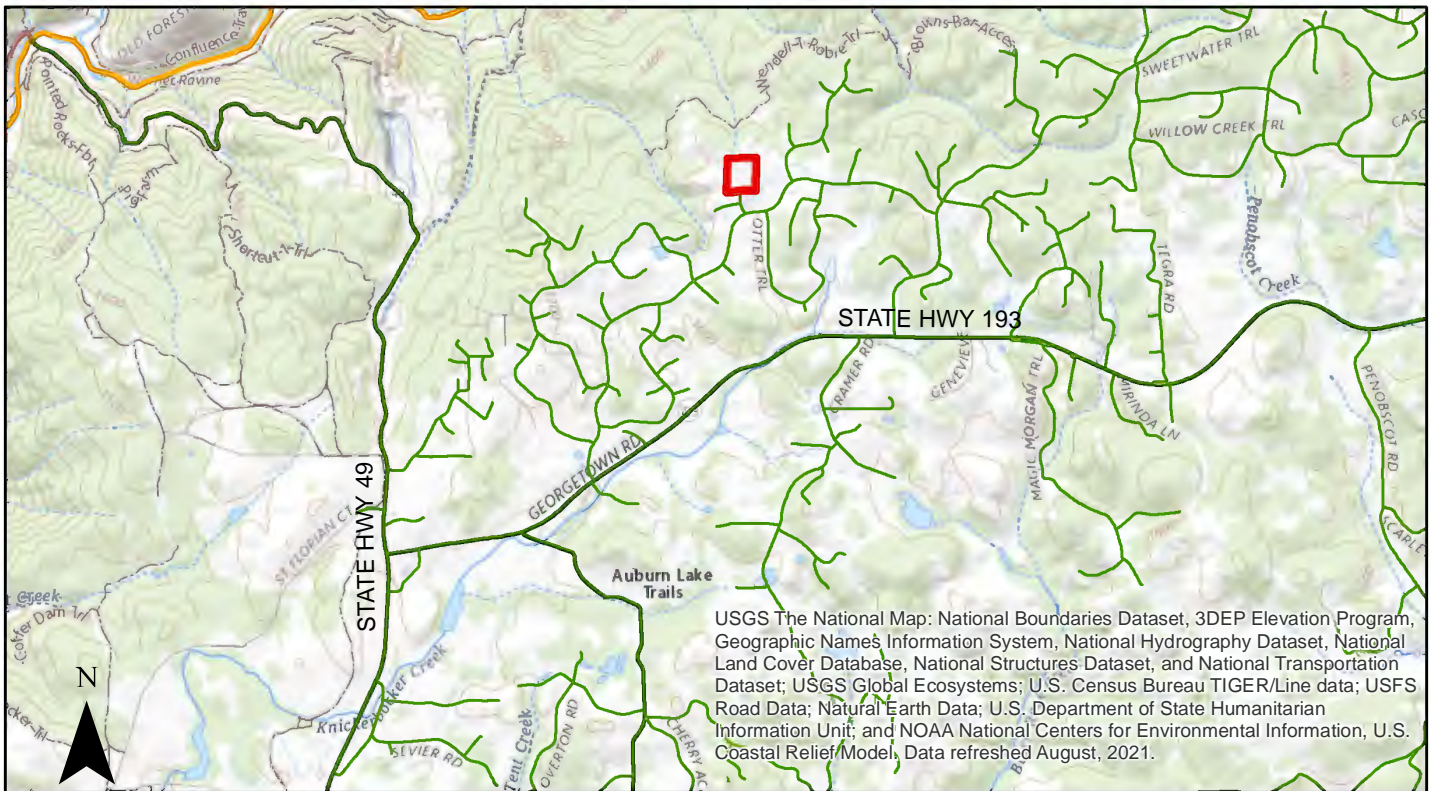
18. Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required with 30 days of approval.

19. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

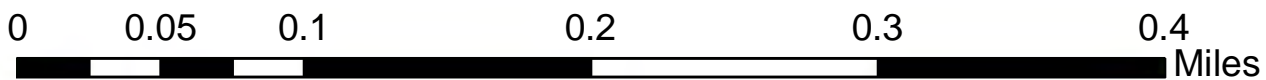
**El Dorado County Fire Protection District**

20. **Gate Access:** All gates shall meet the El Dorado County Fire Protection District standards, including an approve KNOX access or key switch depending on a manual or electric gate. The Fire Protection District shall review and approve the gates prior to issuance of the building permit.





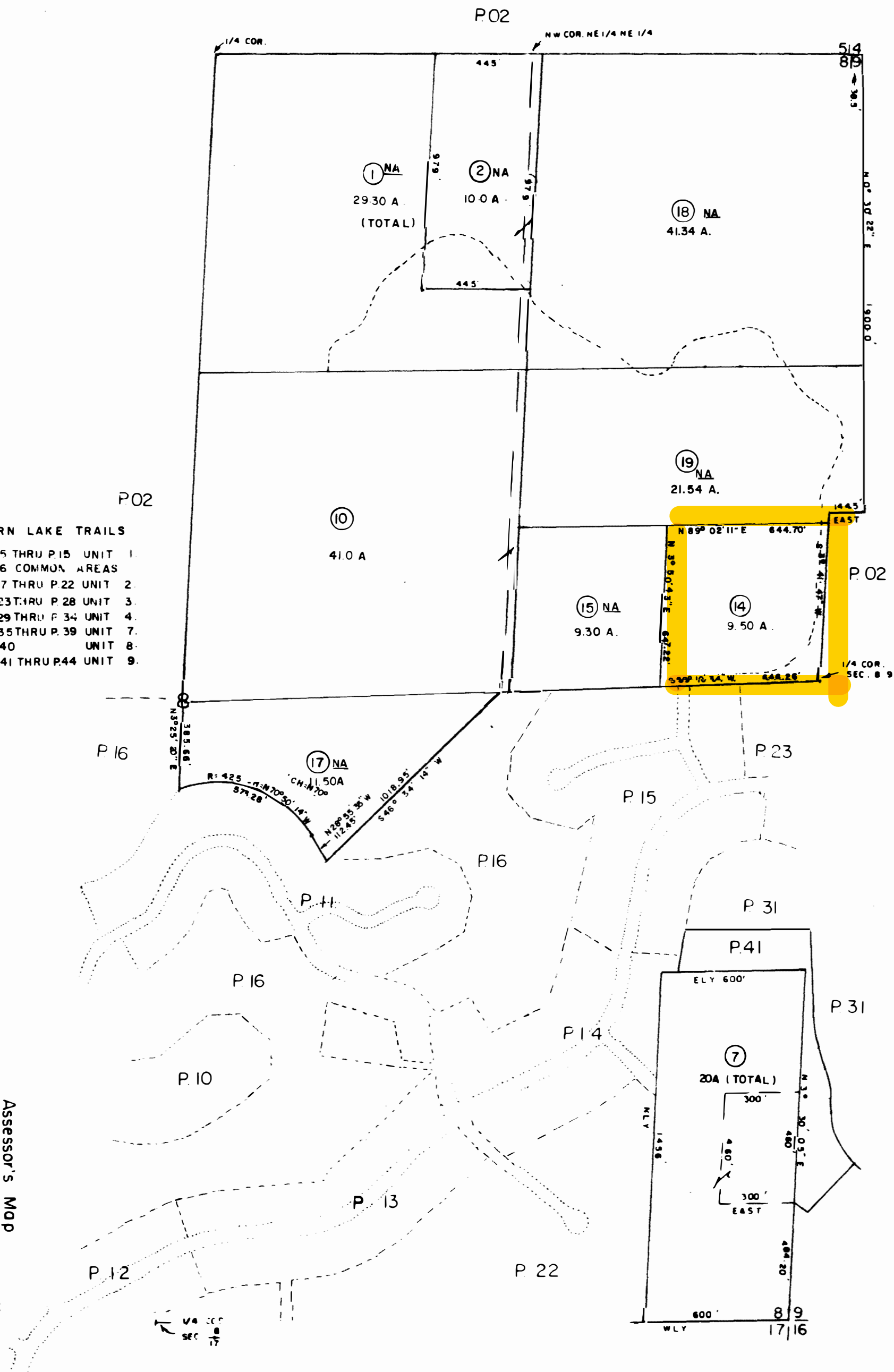
## CUP20-0014 Exhibit A - Vicinity Map



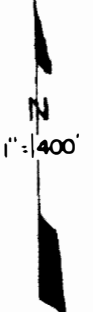
POR. S SEC. S 8 & 9 T12N R9E M.D.M.

AUBURN LAKE TRAILS

NOTE: P. 5 THRU P. 15 UNIT 1  
 P. 16 COMMON AREAS  
 P. 17 THRU P. 22 UNIT 2  
 P. 23 THRU P. 28 UNIT 3  
 P. 29 THRU P. 34 UNIT 4  
 P. 35 THRU P. 39 UNIT 7  
 P. 40 UNIT 8  
 P. 41 THRU P. 44 UNIT 9.



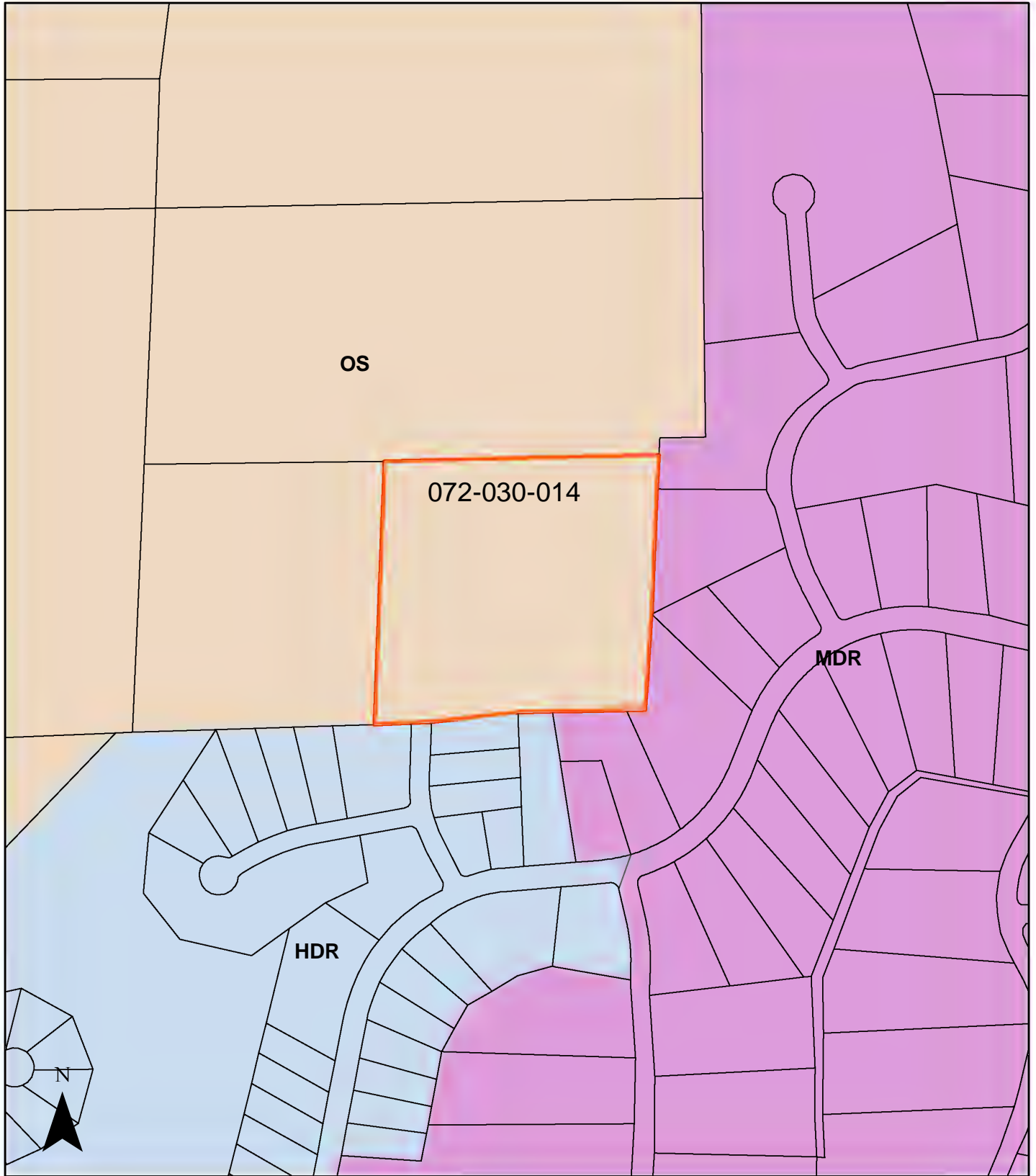
Assessor's Map  
County of El Dorado, Calif.



72:03

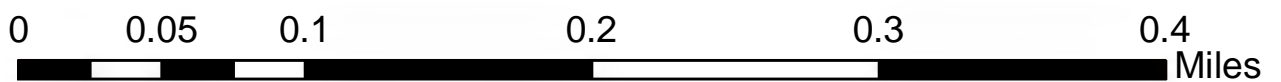
CUP20-0014  
Exhibit B - Assessor's Parcel Map

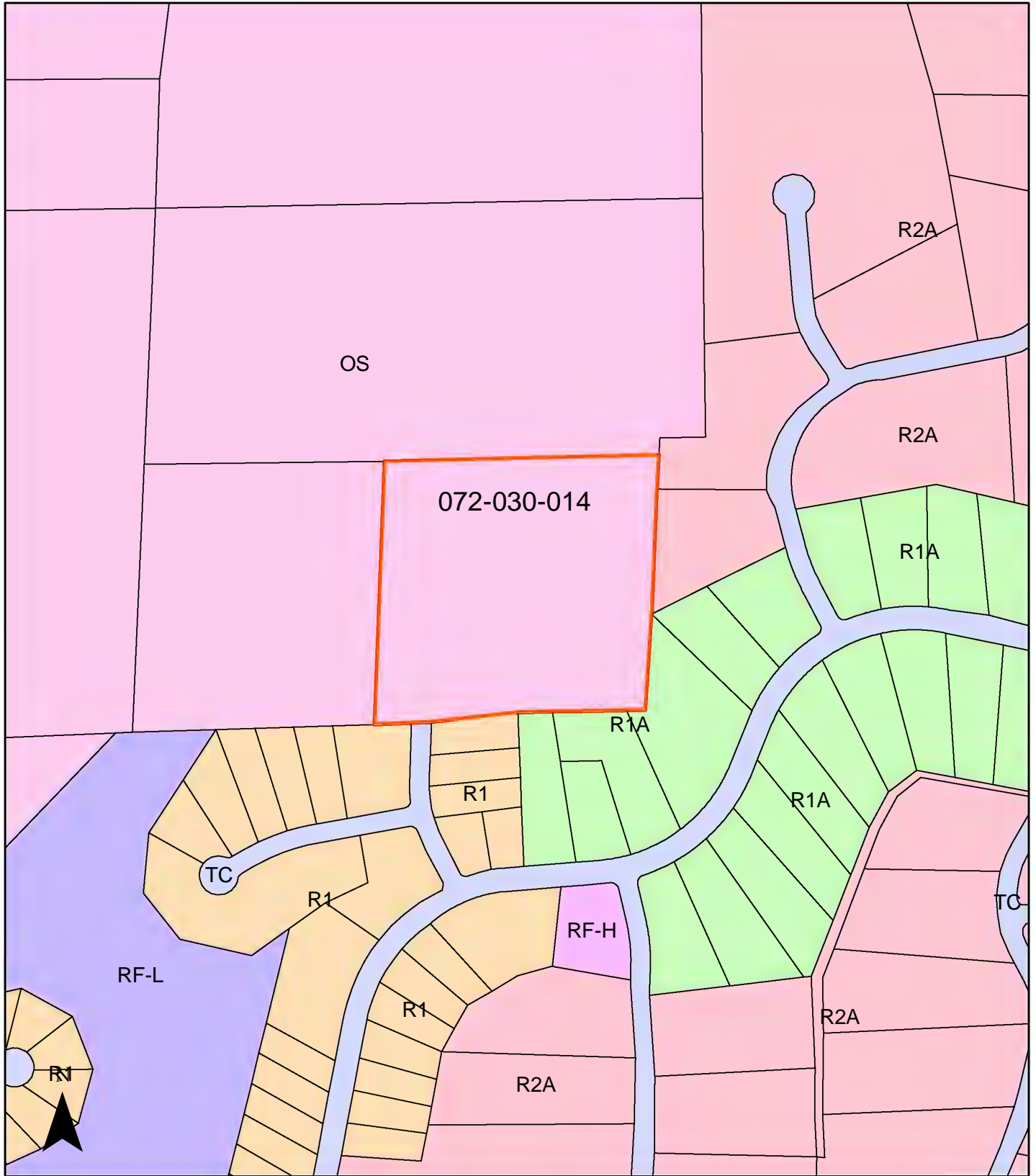




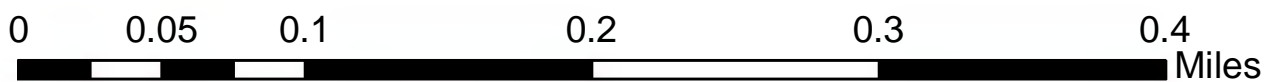
CUP20-0014

Exhibit C - General Plan Land Use Designation Map





CUP20-0014  
Exhibit D - Zoning Designation Map





**LOT INFORMATION:**

ZONING DESIGNATION - CS  
 LOT SIZE - 9.50 ACRES  
 FRONT & REAR SETBACK - 30' MIN  
 SIDE SETBACK - 30' MIN, 1' INCREASE FOR EVERY 1' OF BLDG HEIGHT OVER 20'  
 AGRICULTURE SETBACK - 50' MIN  
 BLDG HEIGHT - 5'

**GENERAL NOTES**

1. ALL WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE 2013 CALIFORNIA RESIDENTIAL CODE, 2013 CALIFORNIA PLUMBING CODE, 2013 CALIFORNIA FIRE CODE, 2013 CALIFORNIA ENERGY CODE (TYP 24), 2013 CALIFORNIA MECHANICAL CODE, 2013 CALIFORNIA ELECTRICAL CODE, 2013 UNIFORM HOUSING CODE, 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND ANY OTHER LOCAL CODES, RULES, OR REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF ALL TRADES AND SHALL VERIFY ALL EXISTING DIMENSIONS BEFORE ORDERING MATERIAL OR INITIATING CONSTRUCTION.
3. PROVIDE DRIVEWAY PER FIRE SAFE RESIDENTIAL DRIVEWAY STANDARDS.
4. PROVIDE A MINIMUM 12" WIDE DRIVEWAY AND 15' VERTICAL CLEARANCE ALONG ITS ENTIRE LENGTH. GRAVEL MAX SLOPE < 1% (OR ASPHALT OR CONCRETE FROM 1/8" x 20#, 20% AND OVER NOT PERMITTED).
5. NO NATIVE TREES ARE TO BE REMOVED ON PROPERTY.  
 SETBACKS: SEE PLAN APPROX ELEVATION 1710 FT  
 GRADING: NA  
 DIMENSIONS: BASED ON RECORDED INFORMATION & HAVE NOT BEEN SURVEYED FOR THE PREPARATION OF THIS MAP.

**NATIVE TREE PROTECTION NOTES**

1. A MINIMUM 4' HIGH CHAINLINK OR ORANGE MESH FENCE SHALL BE INSTALLED AT THE OUTERMOST EDGE OF THE PROTECTED ZONE. SIGNS MUST BE INSTALLED ON THE FENCE IN FOUR LOCATIONS (QUADRANTS) AROUND EACH INDIVIDUAL PROTECTED TREE AND BE A MINIMUM OF 2'X2' CONTAINING THE FOLLOWING LANGUAGE: "WARNING THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE PLANNING DEPARTMENT"
2. MULCH THE AREA UNDER THE OAKS BRANCHED CANOPY WITH REDWOOD TYPE HARDWOOD WOODCHIPS (4"-2" DEEP), NOT REDWOOD OR CEDAR BARK.
3. AS SOON AS CONCRETE IS POURED AND THE FORMS ARE STRIPPED, BACKFILL THE FOOTINGS AND STEM WALLS. THE PROTECTED TREES NEARBY THAT ARE TO REMAIN SHOULD BE WATERED TO POINT OF SOIL SATURATION.
4. UTILITY TRENCHING PATHS ARE TO BE ESTABLISHED AWAY FROM THE ROOTS AND BRANCHES OF THE OAKS THAT ARE TO REMAIN.
5. DO NOT NAIL, TIC, SCREW, OR FASTEN ANY SIGNS, BRACES, ACT TO THE TREES THAT ARE TO REMAIN.
6. CONSULT ARBORIST REPORT FOR ADDITIONAL GENERAL RECOMMENDATIONS PRIOR TO START OF GRADING.



**PRECISION DESIGN & Drafting, INC.**  
 Phone: (930) 233-6546 www.pdrnd.com  
 11768 Alwood Rd, Suite 20 Auburn, CA 95603

REVISIONS

Δ	DATE	DESCRIPTION

CLIENT INFORMATION  
 LON USO  
 1234 STREET  
 CITY, STATE ZIP  
 (530) 202-1106  
 LONRESUSO@COMCAST.NET

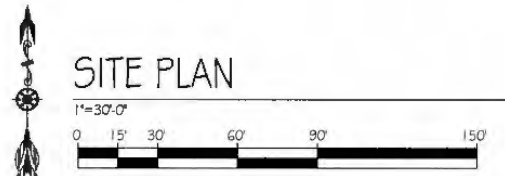
NEW SINGLE FAMILY DWELLING  
**USO RESIDENCE**  
 BIG CHIEF TRAIL  
 COOL, CA 95614



PROJECT #: 15-111  
 APN: 072-030-14-100  
 ISSUE DATE: 09-02-2015  
 DRAWN: J. SETTING  
 DESIGNED: S. BRADLEY  
 APPROVED: S. BRADLEY  
 DRAWING TITLE: ARCHITECTURAL SITE PLAN

CATEGORY	NUMBER
C	I

APPROVED BY  
 EL DORADO COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 PLANNING SERVICES  
 DATE: 09/02/15  
 BY: S. Bradley  
 TITLE: Planner



CUP20-0014  
 Exhibit E - Site Plan, Most Recent Approvals



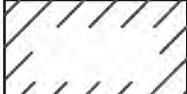
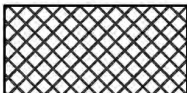

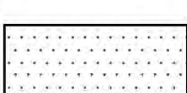

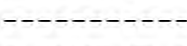


**LOT INFORMATION:**

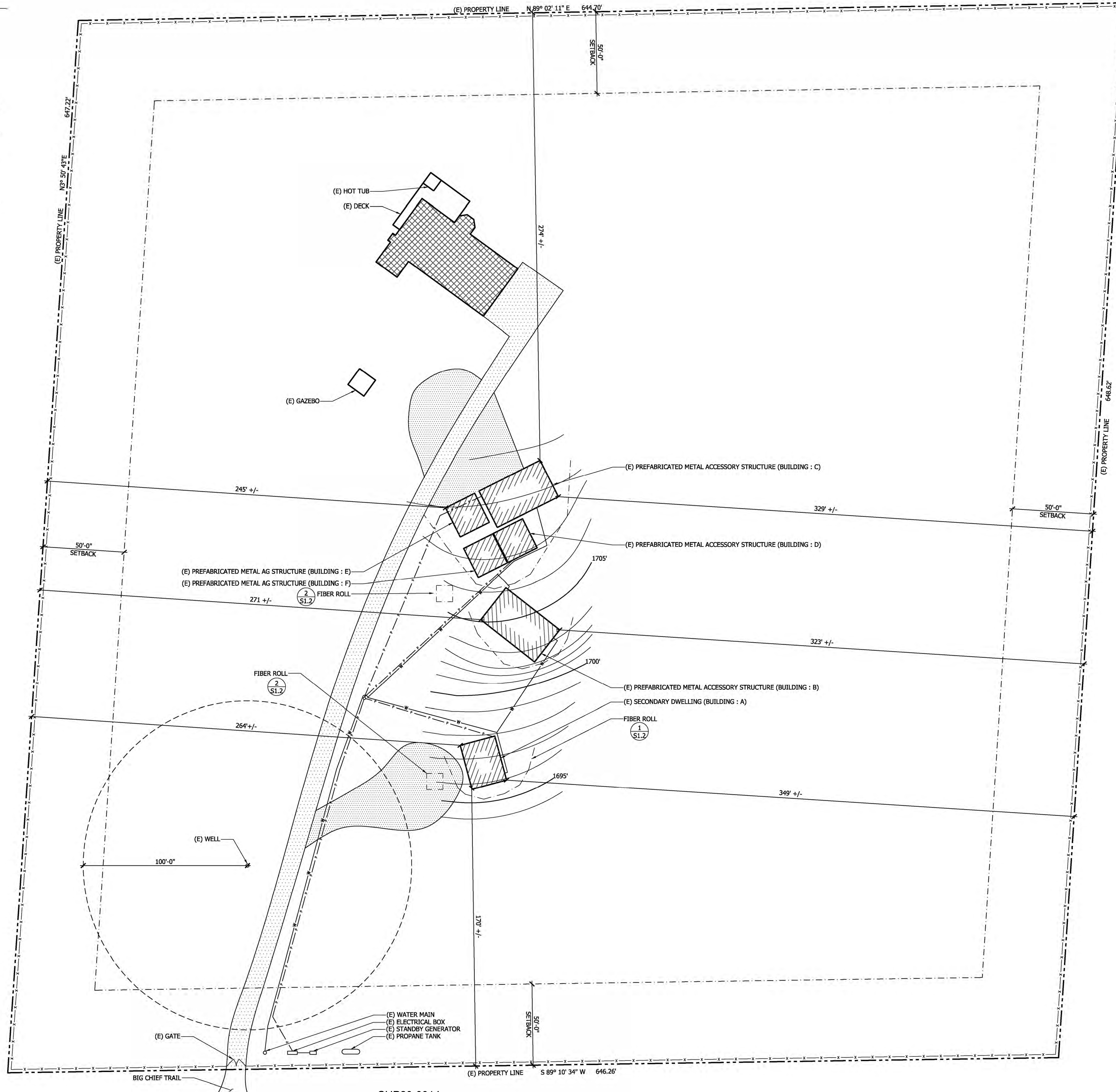
APN	-	072-030-14-100
LOT SIZE	-	10.54
ZONING DESIGNATION	-	CS
FRONT SETBACK	-	50' MIN
SIDE SETBACK	-	50' MIN
HEIGHT LIMITS	-	25'
(E) CUP	-	
GROSS BUILDING AREA	-	3916 SF

**GENERAL NOTES**

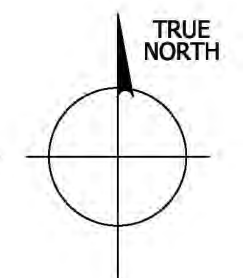
- ALL WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA PLUMBING CODE, 2019 CALIFORNIA FIRE CODE, 2019 CALIFORNIA ENERGY CODE (Title 24), 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 UNIFORM HOUSING CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND ANY OTHER LOCAL CODES, RULES, OR REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF ALL TRADES AND SHALL VERIFY ALL EXISTING DIMENSIONS BEFORE ORDERING MATERIAL OR INITIATING CONSTRUCTION.
- LOTS SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET. EXCEPTION: WHERE LOT LINES, WALLS, SLOPES OR OTHER PHYSICAL BARRIERS PROHIBIT 6 INCHES OF FALL WITHIN 10 FEET, DRAINS OR SWALES SHALL BE CONSTRUCTED TO ENSURE DRAINAGE AWAY FROM THE STRUCTURE. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 2 PERCENT AWAY FROM BUILDING 2019 CRC R401.3.
- THIS PLAN IS NOT AN OFFICIAL BOUNDARY SURVEY OF THE LAND DEPICTED HEREON AND SHOULD NOT BE RELIED ON FOR ANY PURPOSE OTHER THAN OBTAINING A BUILDING PERMIT AND/OR PROVIDING ORIENTATION AND GENERAL LOCATION OF EXISTING AND/OR (E) STRUCTURES, OBJECTS, AND FEATURES. ALL BOUNDARY MARKERS, PROPERTY LINES AND EASEMENTS, IF SHOWN, ARE FOR CONSTRUCTION ONLY AND A RE-CREATION USING EXISTING COUNTY RECORDED MAPS AND/OR DOCUMENTS. GROUND CONTOURS ARE A COMPUTERIZED INTERPRETATION OF THE ACTUAL GROUND CONTOUR. AS SUCH, THE CONTOURS REPRESENTED HEREON MAY DIFFER FROM THE ACTUAL GROUND CONTOUR. THE ACTUAL LOCATION OF TREES SHOULD BE FIELD CHECKED PRIOR TO CONSTRUCTION. TREE DRIP LINES ARE APPROXIMATE. VERTICAL DATUM IS BASED ON ASSUMED ELEVATIONS, UNLESS OTHERWISE NOTED, AND IS NOT TIED TO ANY ESTABLISHED BENCHMARK.

**LEGEND**

	(E) STRUCTURE(S)
	(E) RESIDENCE
	(E) GRAVEL DRIVEWAY
	(E) ASPHALT DRIVEWAY
	(E) FENCE
	PROPERTY LINE
	SETBACK
	FIBER ROLL



**1 SITE PLAN**  
A1.1 1" = 30'



CUP20-0014  
Exhibit F - Site Plan, current improvements

*Syndicate Architects*  
1510 108-1700



CLIENT / OWNER  
**LONDRES USO**  
2405 BIG CHIEF TRAIL  
COOL, CA 95614  
949-412-8878  
LONDRESUSO@COMCAST.NET

CONSULTANT  
**PENNEY'S ORIGINAL DESIGNS & DRAFTING**  
3192 GRAYBAR MINE RD  
GARDEN VALLEY, CA 95633  
530-919-0724  
SRPENNEY13@GMAIL.COM

**USO RESIDENCE  
CONDITIONAL USE PERMIT**  
**2405 BIG CHIEF TRAIL**  
**COOL, CA 95614**  
APN# 072-030-14

REVISIONS

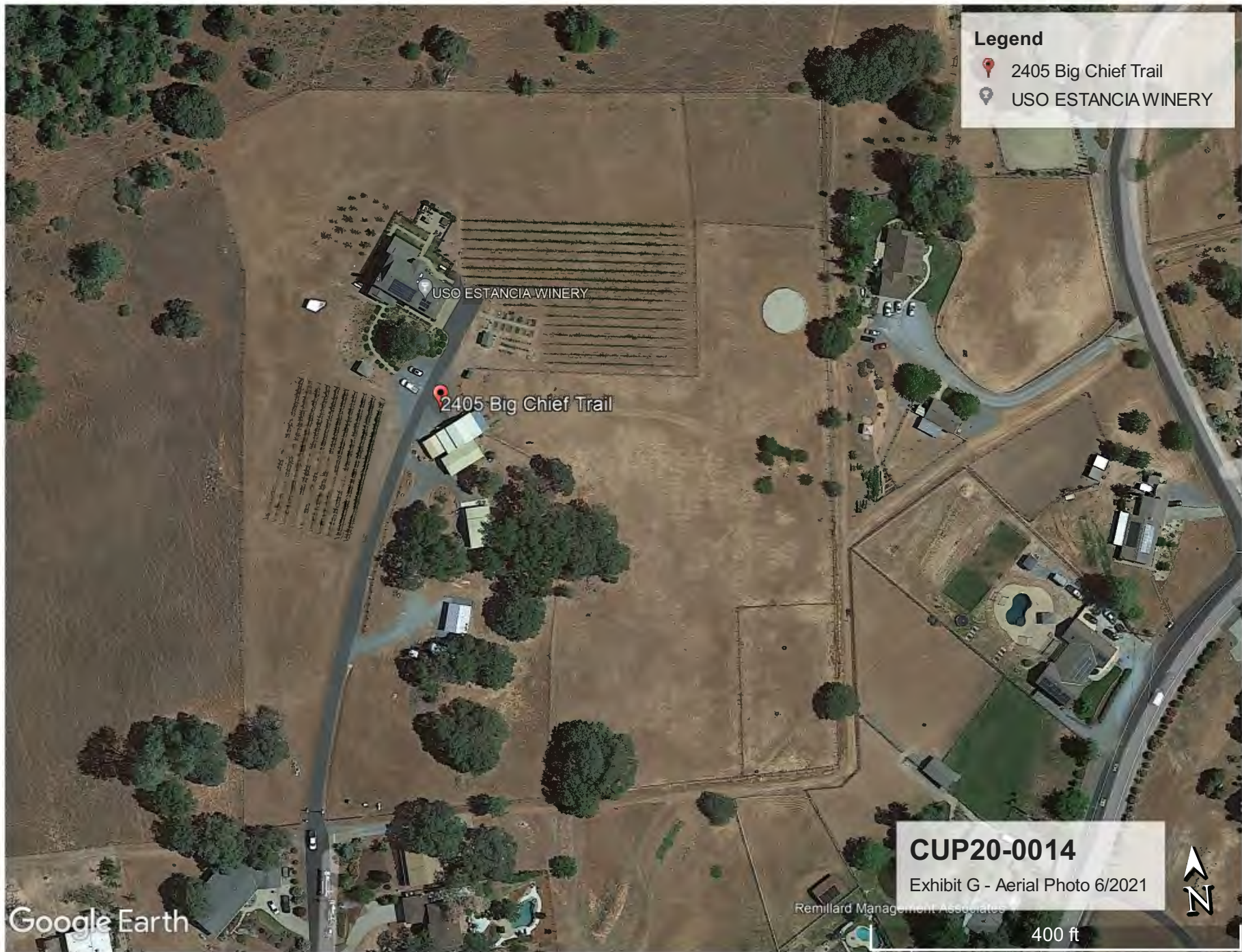

ARCHITECT CONTACT INFORMATION  
**SYNDICATE ARCHITECTS**  
P.O. BOX 87  
GREENWOOD, CA 95635  
(530) 308-3706  
SBRADLEY@SYNDICATEARCHITECTS.COM

DATE: 12/28/2020 PROJECT #: 20-070



**SITE PLAN**

SHEET #  
**S1.1**





**Legend**

-  2405 Big Chief Trail
-  USO ESTANCIA WINERY

USO ESTANCIA WINERY

2405 Big Chief Trail

**CUP20-0014**  
Exhibit G - Aerial Photo 6/2021

400 ft



Remillard Management Associates

Google Earth

## **IV. LAND USE REGULATIONS**

### **Chapter 17.68**

#### **OPEN SPACE (OS) DISTRICT**

##### Sections:

- 17.68.010 Purpose
- 17.68.020 Open space land defined
- 17.68.030 Applicability
- 17.68.040 Uses permitted by right
- 17.68.050 Uses requiring special use permits
- 17.68.060 Development standards

17.68.010 Purpose. The purpose of this chapter is to provide a medium whereby the essential open space needs of the citizens of the county may be provided for. (Prior code §9701)

17.68.020 Open space land defined. "Open space land" means parcels or areas of land which are generally unimproved and devoted to and essential for:

- A. Natural resource preservation including watersheds;
- B. Preservation of agricultural production;
- C. Preservation of recreational enjoyment areas;
- D. Prime or critical wildlife and biotic habitat preservation;
- E. Protection of public health, safety and welfare, in relation to seismic, geologic and geographic hazards;
- F. Protection of unusual or unique scenic values as determined by a specific finding of the governing body in regard to the specific parcel or area under consideration. (Prior code §9702)

17.68.030 Applicability. The regulations set forth in Sections 17.68.040 through 17.68.060 shall apply in all OS open space districts and OS districts shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. No building or structure shall be erected, structurally altered or enlarged, nor shall any building, structure, land or products thereof be used except as set forth in Sections 17.68.040 through 17.68.060. (Prior code §9703(part))

17.68.040 Uses permitted by right. The following uses are allowed by rights, without special use permit or variance:

- A. One single-family dwelling on not less than the minimum sized parcel of land under separate ownership;
- B. Agricultural and accessory buildings;

- C. The raising and grazing of livestock and other farm type animals, not to include the commercial keeping of poultry;
- D. The growing and harvesting of timber and other forest products, not to include the commercial processing or milling;
- E. Growing and harvesting of trees, fruits, vegetables, flowers, vines, grains and other crops, not to include commercial processing of products thereon;
- F. Signs warning against trespass, hunting or shooting, not to be located closer than one-eighth mile from a similar sign, such signs not to exceed two square feet in area. (Ord. 3606 §60, 1986; Ord.3366 §48, 1983; prior code §9703(a))

17.68.050 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Other buildings and structures;
- B. All signs not allowed by right;
- C. Excavation of earth or drilling of wells, for either commercial or private use to exclude that normally incidental to the erection of a single-family dwelling or permitted accessory structure;
- D. All home occupations;
- E. Public utility uses and accessory structures;
- F. All processing of products produced upon or from the land, to include all accessory structures required or so used;
- G. All commercial and private organized recreational uses;
- H. Airports and aircraft landing fields approved by the California Aeronautics Commission, which conform to the general plan for the county, buildings and structures as are customary and ancillary to the operation of an airport. (Prior code §9704)

17.68.060 Development standards. The following area and building regulations shall apply in OS districts unless a variance is first obtained from the planning commission or zoning administrator:

- A. Buildings and structures shall not exceed forty-five feet (45') in height from the ground floor except that water tanks, silos, granaries, barns, electronic towers and antennas and similar structures or necessary mechanical appurtenances may extend to sixty-five feet (65') in height, provided they do not violate the height regulations imposed by any AA airport approach district; (Ord. 4236, 1992)
- B. No building or structure shall be erected or enlarged unless the parcel of land under separate ownership on which it will be located is ten acres or larger in size, except that this provisions shall apply to any parcel of land under separate ownership as shown by the records of the county recorder on the date the ordinance codified in this chapter became effective with respect to such parcel;
- C. The minimum parcel size of ten acres shall be waived by the planning director in the case or event that an open space use is proposed to be established as an open space easement, such uses as, but not limited to:
  - 1. Equestrian trails or paths,
  - 2. Hiking trails or paths,
  - 3. Bicycle trails or paths,
  - 4. Off-road vehicle trails or paths,
  - 5. Connector links between recreation or scenic areas and/or population centers,
  - 6. Areas adjacent to water bodies or streams for scenic or recreation uses,



7. Areas adjacent to scenic highways or roads as designated by the state and/or the county,
  8. Designated green belt areas as determined by a finding of the governing body;
- D. Minimum parcel area, ten acres;
  - E. Minimum yard setbacks: front and rear, thirty feet (30'); sides, thirty feet (30'), except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)
  - F. Minimum agriculture structural setbacks of fifty feet on all yards. (Ord. 3606 §61, 1986: Ord. 3366 §§49, 50, 51, 1983; prior code §9705)

**CHAPTER 130.25 – SPECIAL PURPOSE ZONES**

**Sections:**

- 130.25.010 Zones Established; Applicability
- 130.25.020 Matrix of Allowed Uses
- 130.25.030 Special Purpose Zone Development Standards

**130.25.010 Zones Established; Applicability**

- A. Special purpose zones are used to provide for, promote and regulate certain recreational, transportation and open space uses.
- B. This Chapter lists the uses that may be allowed within the special purpose zones established by Section 130.12.020 (Zoning Map and Zones) in Article 1 (Zoning Ordinance Applicability) of this Title, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. Special purpose zones and the manner in which they are applied are as follows:
  - 1. **Recreational Facilities, Low-Intensity (RFL).** The RFL Zone is applied to regulate and promote dispersed recreational and tourist accommodating uses and activities primarily in Rural Regions or Rural Centers of the County where such uses are compatible with adjacent or nearby rural residential, agricultural or resource development. Uses include but are not limited to camping, picnicking, equestrian staging, and river put-in and take-out.
  - 2. **Recreational Facilities, High-Intensity (RFH).** The RFH Zone applies to regulate and promote recreational uses and activities with high concentrations of people or activities of a more urban nature, such as recreational vehicle parks, sports fields and complexes, and amusement parks or facilities that are primarily located in Community Regions and Rural Centers.
  - 3. **Transportation Corridor (TC).** The TC Zone is intended to protect and preserve established and identified future transportation corridors within the County, including corridors for motor vehicle, bicycle, hiking, equestrian, and rail transportation.
  - 4. **Open Space (OS).** The OS Zone is applied to set aside for primarily open space purposes including, but not limited to, the protection of rare and endangered plant or animal habitat; wildlife habitat, such as critical winter deer range and migration corridors; sensitive riparian areas; oak woodlands; visual resources as a part of a development plan or along a designated scenic corridor; and watersheds and groundwater recharge areas. Intensive agriculture is not compatible, although low intensity agriculture such as seasonal grazing may be

compatible. Recreational uses that have little impact and do not require substantial permanent structures or facilities are also compatible.

The OS Zone can also designate land set aside to protect agricultural lands covered by an open space easement or as a part of a development plan in an Agricultural District, as identified on the General Plan land use maps, or on other identified agricultural lands.

Where the OS Zone is applied as part of a development plan, the uses allowed under the development plan permit are allowed, including a full range of recreational facilities.

Where the County determines it is necessary or in the public interest, limited infrastructure, including but not limited to, roads, water, wastewater, drainage facilities and other utilities are expressly allowed in the OS zone.

**130.25.020 Matrix of Allowed Uses**

Uses are allowed in Special purpose zones subject to the requirements of this Title as designated in Table 130.25.020 (Special Purpose Zones Use Matrix) below in this Section:

**Table 130.25.020 – Special Purpose Zones Use Matrix**

<b>RFL: Recreation Facility-Low</b> <b>RFH: Recreation Facility-High</b> <b>TC: Transportation Corridor</b> <b>OS: Open Space</b>	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
<b>Agricultural</b>					
Grazing	P	—	—	P	
Timber	P	—	—	CUP	
<b>Recreation and Open Space</b>					
Campground	CUP	CUP	—	—	130.40.100
Golf Course	CUP	CUP	—	CUP <sup>1</sup>	130.40.210
Hiking and Equestrian Trail	P	P	P	P	
Hunting/Fishing Club, Farm	A	A	—	A	
Hunting/Fishing Club, Farm Facilities	CUP	CUP	—	CUP	



**Table 130.25.020 – Special Purpose Zones Use Matrix**

<b>RFL: Recreation Facility-Low</b> <b>RFH: Recreation Facility-High</b> <b>TC: Transportation Corridor</b> <b>OS: Open Space</b>	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Marina, motorized craft	CUP	CUP	—	—	
Marina, non-motorized craft	A	A	—	CUP	
Off-road Vehicle Recreation Area	CUP	CUP	—	—	
Parks: Day Use	P	P	—	CUP	
Nighttime Use	A	A	—	—	
Picnic Area	P	P	P	P	
Private Recreation Area	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	
Recreational Vehicle Park	—	CUP	—	—	130.40.100
Resource Protection and Restoration	P	P	P	P	
River Put-in and Take-out	A	A	—	CUP	130.40.210
Ski Area	CUP	CUP	—	—	
Snow Play Area	A	A	—	CUP	
Special Events, Temporary	TUP	TUP	—	TUP	
Stable, commercial	A	A	—	—	130.40.210
Swimming Pool, public	A	A	—	—	
Tennis Court, public	A	A	—	—	
Trail Head Parking or Staging Area	A/CUP	A	A	A/CUP	
<b>Residential</b>					
Employee Housing: Commercial Caretaker Permanent	A	A	—	—	130.40.120
Temporary	TMA	TMA	—	—	
<b>Commercial</b>					
Automotive and Equipment: Fuel Sales	CUP <sup>2</sup>	CUP <sup>2</sup>	—	—	

**Table 130.25.020 – Special Purpose Zones Use Matrix**

<b>RFL: Recreation Facility-Low</b> <b>RFH: Recreation Facility-High</b> <b>TC: Transportation Corridor</b> <b>OS: Open Space</b>	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Commercial Recreation: Arcade	—	P	—	—	
Indoor Entertainment	A	P	—	—	
Large Amusement Complex	—	CUP <sup>3</sup>	—	—	
Outdoor Entertainment	CUP	A	—	—	
Outdoor Sports and Recreation	A/CUP	A	—	—	130.40.210
Off Highway or Off Road Recreation Area	CUP	CUP			130.40.210.E
Contractor’s Office	TUP	TUP	—	—	130.40.190
Food, Beverage & General Merchandise Sales	CUP	CUP	—	—	
Lodging Facilities: Guest Ranch	A	—	—	—	130.40.170
Health Resort and Retreat Center	A	A	—	—	
Hotels and Motels	—	CUP <sup>3</sup>	—	—	
Seasonal Sales	—	A	TUP	A	130.40.220
Specialized Education and Training	—	CUP	—	—	130.40.230
<b>Industrial</b>					
Storage Yard: Equipment and Material Permanent	—	—	A	—	130.40.320
Temporary	—	TUP	TUP	—	
Mineral Exploration	A/ CUP	A/ CUP	—	—	Chapter 130.29
Mining, Subsurface	CUP	CUP	—	—	
<b>Civic</b>					
Community Services: Minor	CUP	CUP	—	—	
<b>Transportation</b>					
Intermodal Facility	—	CUP	P	—	

**Table 130.25.020 – Special Purpose Zones Use Matrix**

<b>RFL: Recreation Facility-Low</b> <b>RFH: Recreation Facility-High</b> <b>TC: Transportation Corridor</b> <b>OS: Open Space</b>	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
<b>USE TYPE</b>	<b>RFL</b>	<b>RFH</b>	<b>TC</b>	<b>OS</b>	<b>Specific Use Regulation</b>
Parking Lot, Public	—	—	P	—	
<b>Utility and Communication</b>					
Communication Facilities	A/ CUP	A/ CUP	CUP	CUP	130.40.130
Public Utility Service Facilities: Intensive	—	—	CUP	CUP	130.40.250
Minor	P	P	CUP	CUP	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)				130.40.390
<b>Notes:</b> <sup>1</sup> As part of an approved development plan or subdivision. <sup>2</sup> Accessory to Off highway or off road vehicle recreational uses <sup>3</sup> In Community Regions, only.					

**130.25.030 Special Purpose Zone Development Standards**

Allowed uses and associated structures shall comply with the following development standards listed in Table 130.25.030 (Special Purpose Zone Development Standards) below in this Section, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 130.52.070 (Variance) in Article 5 (Planning Permit Processing) of this Title.

**Table 130.25.030 – Special Purpose Zone Development Standards**

<b>Development Attribute</b>	<b>RFL</b>	<b>RFH</b>	<b>TC</b>	<b>OS</b>
Minimum Lot Size	5 acres	20,000 sq. ft.	None	None
Setbacks: (in feet) Front and secondary front	50	50	None	50
Sides	50	50	None	50
Sides				
Rear	50	50	None	50
Rear				
Maximum Height (in feet)	35	35	None	25
<sup>1</sup> Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones				



Building C - Barn

Building E - Carport

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CUP20-0014 Exhibit J - Existing Conditions





Building D access into Building C, Barn

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Building B - Wine processing

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CUP20-0014 Exhibit J - Existing Conditions





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Building B - Wine processing

CUP20-0014 Exhibit J - Existing Conditions





Building F - Carport

Building D - Carport

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CUP20-0014 Exhibit J - Existing Conditions





-Building A - Accessory Dwelling Unit

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Building C - Barn

Building E - Carport

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CUP20-0014 Exhibit J - Existing Conditions





Building C - Barn

Building E - Carport

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CUP20-0014 Exhibit J - Existing Conditions





Building F - Carport

Building D - Carport

Building B -  
Wine Processing

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CUP20-0014 Exhibit J - Existing Conditions



Building B -  
Wine Processing

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CUP20-0014 Exhibit J - Existing Conditions





Building A - Accessory Dwelling Unit

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CUP20-0014 Exhibit J - Existing Conditions