

FROM THE MINUTES OF APRIL 26, 2007

- b. **S06-0025** submitted by KATHLEEN and ROBERT HALL to allow a home occupation winery proposing to produce a maximum of 500 cases of wine with internet sales and wholesale distribution. The properties, identified by Assessor's Parcel Numbers 319-070-09 and -11, consisting of 9.723 acres, is located on the east side of Greenstone Road, approximately 0.1 mile south of the intersection with Green Valley Road, in the **Greenstone area**. (Supervisory District IV) (Categorically exempt pursuant to Section 15301(e) of the CEQA Guidelines)

Staff: Tom Dougherty recommended conditional approval, proposing modification to several conditions.

Commissioner Mac Cready asked what the Agricultural Commission reviewed. Peter Maurer said they saw what is proposed by the applicant. The staff report is written after the application goes to the Agricultural Commission, and their comments are incorporated in the conditions of approval.

Commissioner Tolhurst asked for clarification on the application. Is it 250 or 500 cases? Mr. Dougherty said it is 250 based on the comments from the Agricultural Commission. Mr. Maurer said the 250 is based on the first home occupation for a winery.

Robert Hall said they will see about six tons of output this year. He explained their proposal and process they have gone through. They were never told about the 250-case limit. Mr. Hall read from the written information he submitted for the record. The packet included several letters from adjacent property owners speaking in favor of the request. Two hundred fifty cases per year is not economically feasible.

Eileen Crawford, Department of Transportation, explained the policies in the General Plan that precipitated Condition 9.

Mr. Hall said their house is 73 feet from the centerline of the road. He is concerned with being able to add on to his house with Condition 9. Mr. Maurer said the setback for RE-5 is 30 feet, so they would have no problem adding on to the front of their home.

Bill Stephans, Agricultural Commissioner, said one of the reasons to restrict the use to 250 cases was because of the two parcels. Also, the operation is not on agricultural land. The Agricultural Commission felt 250 cases were appropriate for the RE-5 Zone. Paula Frantz, County Counsel, said one way to deal with the issue of two parcels would be to merge them. Mr. Stephans said this is a home occupation, not a commercial operation.

Paula Frantz, County Counsel, said you have residential zoning. Different residential zones may allow different types of home occupations. There are certain uses allowed by use permit that may be appropriate and may not be. They need to be looked at on a case-by-case basis. With a special use permit there is broad discretion on what are appropriate conditions and limitations to

place on that permit. You need to look at the surrounding neighbors and whether the use is compatible.

Kathleen Hall said both parcels are under the use permit. She does not want to go through this process again. She hopes other people can move to El Dorado County and do what they have been doing for 17 years.

There was no further input.

Commissioner Mathews would be opposed to limiting the production to 250 cases per year. Commissioner Mac Cready said if we get problems down the line it could be counter productive to agriculture, doing this in a residential area.

Ms. Frantz said there is nothing such as a precedent with a use permit. There may be instances where no amount of cases should be allowed on a certain parcel.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT - COMMISSIONER MACHADO, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301(e) OF THE CEQA GUIDELINES AND APPROVE S06-0025 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has determined that the project is exempt from the requirements of CEQA pursuant to Section 15301(e) of the CEQA Guidelines which exempts the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 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 Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan which designates the subject site as Low-Density Residential and Important Biological Corridor (LDR/IBC) because accessory agricultural uses are compatible as a home occupation.
- 2.2 As conditioned, the proposal is consistent with the intent of General Plan Policies 2.2.5.2, 7.4.2.9, 8.2.2.2, 10.1.7, 10.1.7.2, and 10.1.7.4 because of the review for General Plan

consistency, impacts of the proposal on existing natural resources, review of the proposal by the Agricultural Commissioners, and approval of the expansion of a home based business.

3.0 Special Use Permit Findings

3.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be 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.

3.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing accessory building. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the expansion of the existing home-based business within the existing building, using existing driveways and encroachments onto Greenstone, will not have a detrimental affect nor be injurious to the neighborhood.

3.3 **The proposed use is specifically permitted by special use permit pursuant to** County Code Sections 17.28.200 (A) and 17.28.200.G.

Conditions

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits F1 (S1), F2 (S2), both dated January 6, 2007, Exhibits G1 (two color elevation photographs on one sheet labeled S06-0025) and G2 (labeled Country Barn Company, Rev A, Size C), all dated April 26, 2007, and conditions of approval set forth below. 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 project description is as follows:

Special use permit to allow the production of wine as an expanded home occupation pursuant to section 17.28.200 A of the El Dorado County Zoning Ordinance. No tasting room or tasting area is proposed, and the maximum amount of wine permitted per year will be ~~250~~ 500 cases. Grapes from ~~local~~ off-site growers may be used on occasion to supplement vineyard production provided the majority of the grapes used for wine are grown on-site. The deliveries of those grapes are limited to the bin volume that can be

accommodated in the back of a pick-up truck, not exceeding four (4) truck loads per crush season. ~~and there will be no routine deliveries of grapes from off-site vineyards.~~ There will be no on-site sales, tasting room, or employees and all operations will be carried out by the parcel owners and family members. All sales will be wholesale and to occur off-site via internet, telephone, or mail, and in accordance with applicable licensing requirements. The production facility or any portion of the subject parcels related to the wine making will not be open to the public, and access to the accessory building and home-based wine making operation will be from Greenstone Road only.

The winemaking shall only occur in the existing accessory building 36 feet x 36 feet (1,296 square feet) and adjoining exterior concrete crush pad 12 feet x 36 feet (432 square feet), (from Permit # 171416 , finalized by the County Building Services on January 12, 2006). A total of 1,728 square feet would be utilized in the production of altered grape products on the premises. Improvements or modifications to this accessory structure that would increase the height or expand the size are not permitted.

The operational activities shall include crushing grapes and producing and bottling wine in the existing accessory building and on the adjoining concrete pad. Proposed output of wine grape products will be housed within the existing accessory building noted in Exhibits F1, F2, G1 and G2.

~~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 conditions of approval 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.~~

2. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning Services.
3. One unlighted sign not to exceed six square feet of message area and eight feet above ground level advertising authorized activities on the premises sign shall be permitted at the driveway entrance to 3701 Greenstone Road, in compliance with County Code Section 17.28.190 (D).
4. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this special use 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 the conditions of approval.

5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold the County harmless from any legal fees or costs the County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
6. Prior to commencement of any use authorized by this permit, the applicant shall pay all Planning Services processing fees.

El Dorado County Environmental Management – Environmental Health Division

8. Prior to initiating the use, the applicant shall apply for and obtain a waiver of Waste Discharge Requirements for small wineries in accordance with Regional Water Quality Control Board Central Valley Region Resolution No. R5-2003-0106. The applicant shall comply with the conditions of the waiver and the associated monitoring and reporting program. A copy of the Waiver of Waste Discharge shall be received by Environmental Health Division prior to initiating the use.

El Dorado County Department of Transportation

9. The applicant shall verify the existence of 30 feet of County right of way or irrevocably offer to dedicate (IOD), in fee, 30 feet of right of way along the entire on-site frontage along Greenstone Road, and shall be accomplished prior to initiating the use. This offer will be accepted by the County.

Diamond Springs – El Dorado Fire Protection District

10. A Knox Lock shall be installed per District requirements prior to initiating the use.
11. A fire apparatus access road shall be provided to meet the County's Design and Improvement Standards Manual and Fire Safe Regulations, addressing driveway width to the structure and turnaround at the structure. Plans for this access roadway shall be reviewed and approved by the Fire District, both before and after construction, prior to initiating the use. This roadway access shall be maintained to the initial construction standard by the applicant as long as the special use permit is in effect.
12. Gates on driveways shall meet County requirements with appropriate Knox lock installation.

The action today can be appealed to the Board of Supervisors within ten working days.