

FINDINGS

Conditional Use Permit S17-0021/Pecota Vineyard Planning Commission/June 28, 2018

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorically 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 Planning and Building Department 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.

Low Density Residential (LDR)-“This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available”

Rationale: The project is consistent with the Low Density Residential (LDR) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes a small winery in an existing building. The LDR designation supports agricultural activities and production uses. This use is consistent with the intent of the Low Density 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 residential estate land uses to the east, west and north (RE-5). Existing development on the subject property includes a residence that was built in 1991, and a 2,106 square foot garage and storage structure. The southern portion of the site consists largely of active agricultural vineyard operations with a residential dwelling located to the north of the vineyard operations. A total of 760 square feet of the existing garage and storage building would be used as winery and processing facilities, 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 use is considered compatible with the surrounding RE 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. The production of wine does not require the use of public services, as the project proposes the use of manually operated equipment and existing residential water supply for the minimal processing. The project would not generate a substantial increase in solid waste.

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 Rescue Fire Protection District (FPD) for fire protection. The project was reviewed by the County Department of Transportation (DOT) and the El Dorado Hills Fire Department on behalf of the Rescue FPD for adequate access and fire protection. No comments or concerns about the project were provided by DOT. El Dorado Hills Fire Department provided requirements for fire flow, sprinklers, fire alarm, underground private fire mains, fire hydrants, and access all of which are existing or in process. A new dry barrel fire hydrant is to be installed in accordance with review by El Dorado Irrigation District (EID). A determination was made on February 20th 2018 by Fire Marshal Cox that the infrastructure improvements needed to provide the project with the originally required 1,500 GPM fire flow would be impractical. Marshal Cox made the recommendation that the 500 GPM flow provided by existing facilities along with the new 500 GPM dry barrel fire hydrant would provide the best access to a constant supply of water needed for fire fighting operations.

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.” The roads serving the development have sufficient capacity to accommodate any added traffic without resulting in unacceptable levels of service. Operations are to occur in the existing building and there are no proposed public access changes to the site, thus 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 Agricultural Commission reviewed the proposed project and made a recommendation to approve. Agenda item 18-0005 was approved with a 6-0 decision to approve with no exceptions or conditions on February 14, 2018. The project complies with the General Plan Policy.

2.8 **The proposed use is consistent with General Plan Policy 10.1.5.4.**

Policy 10.1.5.4 identifies the objective to recognize and promote agricultural based industries in El Dorado County and provide for the expansion of value added industries in an economically viable manner consistent with available resources.

Rationale: The Conditional Use Permit would allow for growth of an agriculturally based business supported by an existing agricultural use.

3.0 **ZONING FINDINGS**

3.1 **The proposed use is consistent with Title 130.21.**

The Residential Estate Zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development. Agricultural structures and uses are considered compatible with this zone.

Rationale: The parcel is zoned Residential Estate minimum of 5 acres (RE-5). 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 RE 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. 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 existing driveway that provides access to the winery building opens up to end in approximately 2100 square feet of parking and loading space. The site plan was reviewed for adequacy and it was determined that the existing 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, thus it is not anticipated that there would be any short-term construction-related noise impacts. Long-term noise is not anticipated from the operation of the processing equipment and storage facility, as most equipment is manually operated. 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 west with existing trees and hilly terrain between this home and the winery 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 microwinery 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 microwinery. Noise could potentially result from the cultivation, harvesting, or processing of the grapes. However these operations are not anticipated to cause excess noise due to, as previously mentioned, the use of primarily manually operated equipment. Winery operations including bottling, cellaring, and packaging for sales of wine will not produce any significant noise.

3.4 The proposed use is consistent with Section 130.40.200 – Wineries.

Section 130.40.400 – Wineries “provides for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses.”

Table 130.40.400.3 identifies that micro-wineries are allowed in RE zoned properties outside of an Agricultural District with a CUP.

Section 130.40.400-2 specifies that:

- a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
- b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons);
- c. No other accessory uses described in this section are allowed on the site.

Rationale: This CUP would permit the existing two acre vineyard on an RE-5 zoned lot outside of an Agricultural District to operate as a micro-winery with a production capability of 700 gallons/400 cases of wine per year. No tasting rooms or other accessory uses are proposed.

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 RE zone district. The proposed use is consistent with the surrounding land uses which include large residential lots and vacant land. 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.

This application is consistent with the June 7, 2016 voter-approved ballot measure E because the project will generate minimal trips to the site, and will not cause traffic to reach Level Of Service (LOS) F during peak hours. As there are no on-site wine sales or general public access proposed, the use would not include additional trips to the site to taste or purchase wine, or to attend events.

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.H The subject property is located in the RE-5 zone district. Section 130.2 establishes the proposed uses that require approval by a Conditional Use Permit. This application meets the requirement of the applicable provisions above subject to a Conditional Use Permit.