



CECSD Letter re Special Use Permit Revision S08-0012-R

1 message

Michael Minkler <michael@parkminkler.com>

Tue, Mar 31, 2015 at 3:59 PM

To: edc.cob@edcgov.us

Cc: Eva Robertson <evares@edcgov.us>, Cameron Estabrook <cestabrook@edcgov.us>

Please see the attached letter and related enclosures regarding Special Use Permit Revision S08-0012-R/Rancho Olivo Vineyards. The SUP revision was denied by the Planning Commission. The applicant appealed and the hearing is on the Board's April 7, 2015 agenda.

Best Regards,

Michael J. Minkler

Attorney






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www.parkminkler.com

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5 attachments

-  **150331 CECSD Ltr re Olivo SUP.pdf**
2353K
-  **090226 Staff Report Olivo SUP.pdf**
58K
-  **090326 Olivo SUP Findings.pdf**
256K
-  **150226 CECSD Ltr to Plan Comm.pdf**
721K
-  **150112 CECSD Ltr to Plan Comm.pdf**
962K

March 31, 2015

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, California 95667

Re: Special Use Permit Revision S08-12-R/Rancho Olivo Vineyards

Dear Board of Supervisors,

I represent the Cameron Estates Community Services District ("CECSD") and submit these comments on its behalf. Rancho Olivo Vineyards is within the boundaries of CECSD and relies exclusively on roads maintained by CECSD for access. CECSD opposes this revision to Special Use Permit S08-0012 because our roads cannot handle the additional traffic, our residents are concerned about noise and other impacts of the project, and the project has not been subjected to environmental review, as required under the California Environmental Quality Act.

If this SUP revision were approved, the route that the public would take to access the Rancho Olivo Winery from the nearest public road would be Strolling Hills Road to Lariat Drive to Rancho Road. The winery is at the end of Rancho Road. Strolling Hills Road and half of Lariat Drive are in decent shape, as they were constructed with several inches of road base, petromat fabric, and double chip-seal. This stretch, though, was not designed to accommodate high volumes of traffic. The second half of the route on Lariat Drive and the entire length of Rancho Road are far below standard, lacking any proper road base. This stretch is basically dirt road with chip seal, which already suffers from significant alligating, cracking, and patching. Any additional traffic volume on Lariat Drive and Rancho Road will exacerbate road conditions beyond what we can afford to address.

As we have repeatedly pointed out, there are potentially significant traffic and noise impacts associated with the proposed expanded use of the winery that must be analyzed prior to project approval. There may also be significant air quality impacts resulting from the increased use of dirt roads and parking areas. The project applicants claim the project is exempt from environmental review under CEQA Guidelines sections 15301 (existing facilities exemption) and 15303 (new construction exemption), however, neither of these exemptions apply.

CEQA Guidelines section 15301 applies to " the operation, repair, maintenance, permitting, leasing, licensing, or 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*" (emphasis added). The County's approval of the 2009 Special Use Permit specifically excluded public wine tasting facilities and was based on the assumption that only the Olivo family and one to four seasonal employees would need access to the site. Special Use Permit Finding 3.1 stated that the project was consistent with the General Plan "since there are no public uses on the project site."¹ The current project proposal would permit up to 150 people to access the site and places no limitation on the number of cars at any given time. This expansion of use may not be considered significant in an area with modern highway access, but that is not the case here. The only access to the site is through a rural, residential neighborhood with a substandard network of roads. The expanded use will have a significant impact on our roads and will raise serious traffic safety concerns. It will also bring new noise and air quality impacts. The County has done no analysis of the potential road, traffic, and air quality impacts and the single event noise analysis is inadequate. This project represents a significant expansion of the previously approved use and will cause new environmental impacts that have not been evaluated. As no expansion or only negligible expansion of use is permitted under Guidelines section 15301, this project is not exempt from CEQA and environmental review is required.

Courts construe categorical exemptions narrowly in favor of requiring environmental review. "Strict construction allows CEQA to be interpreted in a manner affording the fullest possible environmental protections within the reasonable scope of statutory language." (*Cnty. of Amador v. El Dorado Cnty. Water Agency* (1999) 76 Cal. App. 4th 931, 966.) The cases interpreting Guidelines section 15301 consistently hold that it only applies to projects that maintain a previously existing use. (*N. Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal. App. 4th 832, 868; *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal. App. 4th 786, 793.) Here, there is no dispute that the applicant is seeking a new use and an expansion of previous activities. Guidelines section 15301 clearly does not apply and there is no categorical exemption for such a project.

Guidelines section 15303 is also inapplicable. Section 15303 "consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure." This exception is intended to apply to projects that include new construction of small facilities or minor conversions of existing structures. "This categorical exemption thus applies when the project consists of a small construction project and the utility and electrical work necessary to service that project." (*Voices for Rural Living v. El Dorado Irr. Dist.* (2012) 209 Cal. App. 4th 1096, 1109.)

There is nothing in the project description indicating that any new construction will occur. Even if there will be minor conversions of existing facilities that are not included in the project description, which would indicate an inadequate project description, approval of this project is not limited to those construction impacts. The County would have to turn a

¹ The staff report and findings that accompanied the 2009 SUP are enclosed for your reference

blind eye to the obvious expansion of use to apply Section 15303 under these circumstances. Focusing on minor construction impacts and ignoring the real impacts to the community that we have repeatedly pointed out would violate the basic CEQA principle of analyzing the whole project prior to project approval. (CEQA Guidelines § 15378; *San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of Stanislaus* (1994) 27 Cal. App. 4th 713, 730.)

The exemptions from CEQA claimed by the project applicant simply do not apply. If the County chooses to approve the project, it must first conduct environmental review in compliance with CEQA. At minimum, an initial study and negative declaration are required, although an EIR may be the appropriate level of review.

We ask the County to outright deny this project based on inconsistencies with the General Plan and the County's winery ordinance, as well as the fact that our roads are inadequate to meet the additional demand.² Should the County choose not to deny the project at this time, environmental review under CEQA must be completed prior to project approval. We will actively participate in that process as a Responsible Agency in order to mitigate any potential impacts to our community.

CECSD appreciates your careful consideration of this matter and urges you to uphold the Planning Commission's denial of this revision to SUP S08-0012.

Sincerely,



Michael J. Minkler
CECSD General Counsel

² For additional details on the General Plan and winery ordinance inconsistencies, please see the enclosed letter from CECSD to the Planning Commission dated January 12, 2015.

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of:	February 26, 2009
Item No.:	8
Staff:	Patricia Kelly

SPECIAL USE PERMIT

FILE NUMBER: S 08-0012/Rancho Olivo Vineyards

APPLICANT: Nello Olivo

REQUEST: Special Use Permit request to allow the use of an existing 3,750 square foot accessory building for a home-based wine making operation. Wine production would be limited to a maximum of 1,500 cases a year, of which, approximately 750 cases would be sold through wholesale and retail distribution.

LOCATION: On the south side of Rancho Road, approximately 660 feet south of the intersection with Lariat Road in the Shingle Springs area, Supervisorial District II. (Exhibit A)

APN: 109-090-07

ACREAGE: 21 acres

GENERAL PLAN: Low-Density Residential (LDR) (Exhibit B)

ZONING: Estate Residential Five-acre – Estate Residential Ten-acre (RE-5- RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303(e) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The twenty-one (21) acre project site consists of seven acres of an existing vineyard, 12,560 square foot barn, 3,750 square foot accessory building, 9,680 square foot residence

and 1,200 square foot guest house. The site had previously been utilized as a horse ranch and ostrich farm. Presently, the seven acres of wine grapes are harvested by ten to twelve people employed for approximately four days and shipped to two facilities, one in the Mount Aukum area and the other in the City of Fairplay for processing. At the entrance to the project site, located adjacent to the driveway, is an undeveloped graded area, consisting of approximately one (1) acre which would be utilized for parking.

STAFF ANALYSIS

Project Description: The Special Use Permit request would be to allow the use of approximately twenty-one acres, consisting of approximately seven acres of existing vineyards and an existing 3,750 square foot accessory building for wine production. There would be no public tasting room with the facility at this time. A revision to the Special Use Permit would be required if one were to be necessary in the future.

All operational activities including grape crushing, fermentation, and bottling would occur in and around the existing 3,750 square foot accessory building. The accessory building would house the necessary wine making equipment including barrels, tanks, and bottling equipment. All operations, including harvesting, would be carried out by the applicant’s family and one to four part-time (seasonal) employees. The wine produced at the facility would consist of 1,200 to 1,500 cases per year produced entirely with grapes grown on the premises. No wine grapes would be imported. The wine would be made available through wholesale and retail sales and for personal consumption.

Site Description: The project site lies within an elevation range of 1,280 to 1,320 feet above sea level. The twenty-one (21) acre project site includes a six year old vineyard which contains 4,700 vines of Cabernet Sauvignon, Petit Sirah, Sangiovese, Barbera, Merlot, Viognier and Primitivo on approximately 7.5 acres. Slopes on-site are moderate and do not exceed 30 percent. Vegetation is dominated by native oaks, pine trees, the vineyard, and introduced landscaping of non-native ornamental plants and trees which surround the existing buildings and residences. Access is provided by Rancho Road which is a paved road that encroaches onto Lariat Road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5/RE-10-	LDR	Single family Dwelling, barn, accessory building, vineyard
North	RE-5	LDR	Single Family Dwelling
South	PA-20	LDR	undeveloped
East	PA-20	LDR	undeveloped
West	RE-5	LDR	Single Family Dwelling

General Plan: General Plan Policy 2.2.1.2 designates the project site as Low Density Residential (LDR). The LDR land use designation provides 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. **Policy 2.2.5.2** states that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan. Applicable policies include:

Policy 8.1.4.1 states that the County Agricultural Commission shall 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. The subject project site is not located within lands designated as agricultural, but the Commission reviewed the Special Use Permit request as they have concerns regarding the number of home occupation wineries and their relationship to the Winery Ordinance as well as to the larger commercial wineries located in lands designated as agricultural. The Agricultural Commission reviewed the request at their August 13, 2008 meeting and recommended that wholesale distribution could take place but no other on-site sales or commercial wine tasting events. The Agricultural Commission Agricultural Commission Memorandum is attached as Exhibit G.

Objective 10.1.7 seeks to promote the establishment and expansion of small businesses and work place alternatives including home occupations. Staff has determined that the approval of the proposal, as conditioned, would support this objective, as it would promote a home-based business and would be compatible with the surrounding Estate Residential Five-acre (RE-5) and Estate Residential Ten-acre (RE-10) zone district properties as the proposed project would not increase traffic, noise, or uses beyond what is consistent with the surrounding residential uses.

Policy 2.2.5.21 requires projects to be compatible with adjoining land uses. The subject project is in a Low-Density Residential (LDR) District and is surrounded by properties in the LDR District which allows accessory agricultural uses. The proposed Special Use Permit would be compatible with the project site's land use designation as well as adjoining designations as it would be an accessory agricultural use and as conditioned would not impact the residential uses.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project would be consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The property is zoned Estate Residential Five-acre (RE-5) and Estate Residential Ten-acre (RE-10) which permits single-family dwellings, accessory structures, and certain home occupations. The wine production operation would be located on the designated RE-5 Zone District portion of the project site. Approximately seven acres along the southeast portion of the project site is designated as being in the RE-10 Zone District. A portion of the existing vineyards are located in this area.

Section 17.28.170 and **Section 17.7.070** describe that the purpose of the RE-5 and RE-10 is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and provide for the

protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated. The following code sections would permit the proposed use with a Special Use Permit:

Section 17.28.200 (A), which applies to all RE-5 Zone Districts states that a Special Use Permit is necessary because the applicant is proposing the packing and processing of agricultural or wood products and the necessary buildings and structures required thereof where the nature of the product is changed.

Section 17.70.100 (A) which applies to all RE-10 Zone Districts states that a Special Use Permit is necessary, because the applicant is proposing the packing and processing of agricultural or wood products and the necessary buildings and structures required thereof where the nature of the product is changed.

The applicant is proposing a wine making operation by using an existing on-site 3,750 square foot accessory building. Use of the accessory building would not require any site improvements or construction.

The wine processing would involve the operation of mechanical equipment (destemmer/crusher) in the accessory structure. The equipment that would be used by the applicant would not generate excessive noise. All information received by staff indicates that there would not be a conflict with the Zoning Code.

Parking: Section 17.14.190 (B)(2) states wineries shall be permitted by Special Use Permit if located in the RE-5 and RE-10 Zone Districts. Wineries located in residential zone districts shall be located on parcels that contain twenty (20) acres or more and have a minimum of five (5) acres of planted grapes that are properly maintained and cared for to produce a commercial crop. Should the proper maintenance and are of the required minimum wine grapes acreage cease, as determined by the El Dorado County Agricultural Commissioner, the right to operate the winery becomes void. The designated parking area would be one acre in size, being a flat, hard packed dirt surface and would include an existing parking flood light and would accommodate the one to four seasonal employees required to produce the wine.

Water and Sewer: The El Dorado Irrigation District (EID) provides public water to the project site. A septic system exists on-site. Winery waste is under the jurisdiction of the State of California, Central Valley Regional Water Quality Control Board. The California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Board a Report of Waste Discharge (RWD). Wineries that crush less than 80 tons of grapes per year may receive a formal waiver notification in which wastewater may be applied to cropland at agronomic rates or stored in tanks and removed from the facility for disposal at a regulated facility. The discharger (applicant) is required to submit a Report of Waste Discharge with the application for the waiver and is responsible for complying with monitoring and reporting requirements. Compliance with the waiver requirements would ensure that natural resources that comprise the residential character of the RE-5 and RE-10 Zone District are not adversely affected.

Solid waste would be stored and disposed of in accordance with Chapter 8.42 of the County Code. The leaves, stems, and pomace would be composted on-site. The size of the proposed wine grape production facility and its associated discharge would be small enough in quantity to qualify for a waiver of waste discharge requirements for small food processors, including wineries, in accordance with the criteria set by the Central Valley Regional Water Quality Control Board.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned complies with the El Dorado County Zoning Ordinance.

Public Comments: Letters were received from neighbors concerned that the applicant may be proposing a commercial winery with wine tasting, retail sales and special events.

Due to the parcel size, zoning, and acreage of the vineyard, the project site would not qualify for the by right development and uses granted by **Section 17.14.190** Wineries of the Zoning Code. As discussed in this staff report, the applicant's request for a Special Use Permit to allow the use of an existing 3,750 square foot accessory building for a home based wine making operation would comply with the applicable requirements of the Zoning Code and would be consistent with the General Plan.

At the time of the preparation of this report, staff had received some comments from adjoining property owners that had concerns about the public being allowed to taste wine at the project site and creating a traffic problem and additional noise. This Special Use Permit request does not include a public tasting room, retail sales or special events with the facility at this time. A revision to the Special Use Permit would be required if such uses were requested in the future.

Agency Comments:

County of El Dorado Agricultural Commission: The Agricultural Commission recommendation as shown in the August 22, 2008, Agricultural Commission Memorandum (Exhibit X) is discussed in the General Plan section of this staff report.

Cameron Estates Community Services District: The Cameron Estates Community Services District opposes wholesale and retail sales of wine, wine tasting and special events, sale of wine products, and commercial weddings or large gatherings on the project site.

El Dorado Environmental Health: Environmental Health expressed concern regarding waste water discharge as a result of the irrigation process. Conditions have been provided to address said issues.

El Dorado County Department of Transportation (DOT): DOT does not have any comments for this request.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(e) of the CEQA Guidelines. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for this project. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines; and
2. Approve Special Use Permit S08-0012 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Assessor's Map
Exhibit F	Site visit photograph dated July 22, 2008 of accessory building
Exhibit G	Agricultural Commission Memorandum, dated August 22, 2008

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S 08-0012 – Rancho Olivo Vineyards
February 26, 2009, Planning Commission Hearing

CONDITIONS OF APPROVAL

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 Exhibit D through G, dated February 26, 2009 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, as approved, consists of the following:

The Special Use Permit request will be to allow the use of approximately twenty-one acres, consisting of approximately seven acres of existing vineyards; and an existing 3,750 square foot accessory building for wine production. There will be no public tasting room with the facility at this time. A revision to the Special Use Permit will be required if one were to be necessary in the future.

All operational activities including grape crushing, fermentation, and bottling will occur in and around the existing 3,750 square foot accessory building. The accessory building will house the necessary wine making equipment including barrels, tanks, and bottling equipment. All operations, including harvesting, will be carried out by the applicant's family and one to four part-time (seasonal) employees. The wine produced at the facility will consist of 1,200 to 1,500 cases per year produced entirely with grapes grown on the premises. No wine grapes will be imported. The wine will be made available through wholesale and retail sales and for personal consumption.

On-site parking will be located near the northwest corner of the project site. The designated parking area is approximately one acre in size, being a flat, hard packed dirt surface and will include an existing parking lot flood light. The designated parking area will accommodate the one to four seasonal employees required to produce wine.

Solid waste will be stored and disposed of in accordance with Chapter 8.42 of the County Code.

2. No public shall be permitted on the project site for any wine activities, such as, but not limited to wine tasting, weddings, concerts, winemaker dinners, and festivals.

3. Pursuant to *County Code Section 17.22.250*, implementation of the project shall 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 Conditions of Approval.
4. 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 County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner 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 Special Use Permit.

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

5. Prior to issuance of any permits, the applicant shall pay all Development Services fees.

Environmental Health

6. Prior to initiating all operational activities including grape crushing, fermentation, and bottling 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.
7. Prior to initiating all operational activities including grape crushing, fermentation, and bottling the applicant shall submit a solid waste management plan for review and approval by the Environmental Management Department, Solid Waste Division. The plan shall include a green waste reduction program that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and disking the waste into the soil or composting on the winery premises. Pomace may be used on-site as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable disposal requirements.

ATTACHMENT 2 FINDINGS

File Number S 07-0009
February 26, 2009 Planning Commission Hearing

1.0 CEQA Finding

- 1.1 This project has been found to Categorically Exempt from the requirements of CEQA pursuant to *Section 15303(e)* of the *CEQA Guidelines*. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for this project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 General Plan Findings

- 2.1 The proposed use is consistent with applicable policies in the 2004 El Dorado County General Plan, as discussed in the General Plan Section of this staff report, specifically *Policy 2.2.5.2* which necessitates this review for consistency, *Policy 2.2.5.21* which provides that development projects shall avoid incompatibility with adjoining land uses, *Objective 10.1.7*, which seeks to promote home occupations, *Policy 10.1.7.4* which assures these home occupations will be compatible with adjacent or surrounding properties, and *Policy 10.1.7.2* which directs the County to assist small businesses.

3.0 Special Use Permit Findings

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

The proposed winery, as conditioned, is consistent with the applicable general plan policies as it will promote a home-based business and will be compatible with surrounding properties since there are no public uses allowed on the project site.

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

With the specific case limitation placed on the project, as recommended by the Agriculture Commission and Planning Services, the proposed special use permit will not be detrimental to the public health, safety and welfare. Furthermore, the processing and storage of wine

within the existing a 3,750 square foot accessory building will not be detrimental to the neighborhood as the nearest residence is several hundred feet away.

3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is allowed by Special Use Permit pursuant to *Section 17.70.100(A)*, which provides for the packing and processing of agricultural or wood products and the necessary buildings and structures required therefore where the nature of the product is changed. Additionally, home occupations which require special consideration and will not change the residential character of the premises or adversely affect the other uses permitted in a residential area are allowed through issuance of a Special Use Permit, pursuant to *Section 17.70.100(G)*.

Findings

1.0 CEQA Finding

- 1.1 This project has been found to Categorically Exempt from the requirements of CEQA pursuant to *Section 15303(e)* of the *CEQA Guidelines*. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for this project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 General Plan Findings

- 2.1 The proposed use is consistent with applicable policies in the 2004 El Dorado County General Plan, as discussed in the General Plan Section of this staff report, specifically ***Policy 2.2.5.2*** which necessitates this review for consistency, ***Policy 2.2.5.21*** which provides that development projects shall avoid incompatibility with adjoining land uses, and ***Policy 10.1.7.2*** which directs the County to assist small businesses.

3.0 Special Use Permit Findings

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

The proposed winery, as conditioned, is consistent with the applicable general plan policies as it will promote a home-based business and will be compatible with surrounding properties since there are no public uses allowed on the project site.

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

With the specific case limitation placed on the project, as recommended by the Agriculture Commission and Planning Services, the proposed special use permit will not be detrimental to the public health, safety and welfare. Furthermore, the processing and storage of wine within the existing a 3,750 square foot accessory building will not be detrimental to the neighborhood as the nearest residence is several hundred feet away.

3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is allowed by Special Use Permit pursuant to *Section 17.70.100(A)*, which provides for the packing and processing of agricultural or wood products and the necessary buildings and structures required therefore where the nature of the product is changed. Additionally, home occupations which require special consideration and will not change the residential character of the premises or adversely affect the other uses permitted in a residential area are allowed through issuance of a Special Use Permit, pursuant to *Section 17.70.100(G)*.

Conditions of Approval

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibit D through H, 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, as approved, consists of the following:

The Special Use Permit request will be to allow the use of approximately twenty-one acres, consisting of approximately seven acres of existing vineyards; and an existing 3,750 square foot accessory building for wine production. There will be no public tasting room, no retail sales or special events with the facility. A revision to the Special Use Permit will be required if additional uses under the Wineries Ordinance were to be requested in the future.

All operational activities including grape crushing, fermentation, and bottling will occur in and around the existing 3,750 square foot accessory building. The accessory building will house the necessary wine making equipment including barrels, tanks, and bottling equipment. All operations, including harvesting, will be carried out by the applicant's family and one to four part-time (seasonal) employees. The wine produced at the facility will consist of 1,200 to 1,500 cases per year produced entirely with grapes grown on the premises. No wine grapes will be imported. The wine will be made available through wholesale and retail sales and for personal consumption.

On-site parking will be located near the northwest corner of the project site. The designated parking area is approximately one acre in size, being a flat, hard packed dirt surface and will include an existing parking lot flood light. The designated parking area will accommodate the one to four seasonal employees required to produce wine.

Solid waste will be stored and disposed of in accordance with Chapter 8.42 of the County Code.

2. No public shall be permitted on the project site for any wine activities, such as, but not limited to wine tasting, weddings, concerts, winemaker dinners, and festivals.
3. Pursuant to *County Code Section 17.22.250*, implementation of the project shall 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 Conditions of Approval.
4. 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 County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner 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 Special Use Permit.

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

5. Prior to issuance of any permits, the applicant shall pay all Development Services fees.
6. The applicant shall obtain a building permit for the facility, if one should be necessary for the change in use from residential to commercial winery purposes. The applicant shall meet with the Building Department to determine if such a Building Permit is necessary.

Environmental Health

7. Prior to initiating all operational activities including grape crushing, fermentation, and bottling 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.
8. Prior to initiating all operational activities including grape crushing, fermentation, and bottling the applicant shall submit a solid waste management plan for review and approval by the Environmental Management Department, Solid Waste Division. The plan shall include a green waste reduction program that includes the disposal of stems,

leaves, and skins of grapes by drying, spreading, and disking the waste into the soil or composting on the winery premises. Pomace may be used on-site as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable disposal requirements.

9. Prior to commencement of any use authorized by this permit, the applicant shall provide a copy of the Winegrower License obtained from the Alcoholic Beverage Control to the Planning Services.
10. Prior to commencement of any use authorized by this permit, the applicant shall provide proof to the Planning Services that the facility has been bonded through the Alcohol, Tobacco Tax and Trade Bureau.

Cameron Estates Community Services District

P.O. Box 171 Shingle Springs CA 95682
Phone and FAX: 530.677.5889, email cecsd@att.net

February 26, 2015

Planning Commissioners,

Cameron Estates Community Services District is opposed to the Revision because the addition of more events would substantially increase traffic on our roads, increase the District's potential liability and negatively impact the District's finances with increased maintenance and upkeep costs due to traffic. The District is authorized by Government Code Section 61105(f) to restrict access to our private roads and we have made efforts to limit traffic on our roads to a level consistent with our financial ability to maintain the roads. We do not have sufficient funds to mitigate the huge impact of such a commercial use. Our district is a residential gated community with private country roads unsuitable for heavy traffic loads. The District is solely responsible for maintaining our roads. We are extremely concerned about safety since our roads do not meet current County, Department of Transportation, or state fire safety standards in signage or construction (analysis provided in our Road Standards.)

We have read the Development Services Planning Commission Staff Report dated 1/22/2015 and there is an in correct statement on page 6 Vehicle Access third paragraph. The Olivo Winery is definitely within the boundary of the Cameron Estates Community Services District. The only access to the winery that we're aware of is through our roads. Our roads are considered "non-County maintained" under the Winery Ordinance (Section 17.14.200 of Chapter 17.14 of Title 17 of the El Dorado County Ordinance Code) and their sole maintenance is through our District. The Olivo Winery does not have direct access from a county-maintained road and Section 5(b) of the El Dorado County Winery Ordinance requires a CUP when access is from non-county maintained roads such as ours. In such cases, Section 5(c) prohibits a winery's being open to the public or having on-site sales. Accordingly, we feel that there should be a ban on the winery's being open to the public or having on-site sales.

We voiced our concerns regarding the original SUP in a letter to the County dated August 8, 2008 and at the August 22, 2008 Agricultural Commission hearing as follows:

- There should be no tasting room that is open to the public,
- There should be no wholesale or retail sales of wine and grape products,
- There should be no gift shop,
- There should be no special or wine tasting events,
- There should be no commercial weddings or large gatherings, bringing a high volume of traffic,
- There should be strict compliance with county regulations pertaining to noise restrictions,

The El Dorado County General Plan requires a finding of compatibility with adjoining uses before an SUP of this type is approved (Policies 2.2.5.10, 2.2.5.21 and 8.2.2.2). We have first-hand knowledge of significant conflicts with neighbors over traffic and noise from the events that the Olivos have held at their winery to date. Please be advised that over 160 residents of our district have signed a petition in opposition to the requested SUP revision and that more than three dozen residents have come to our district board meetings over the last two years to voice these complaints. It is our considered opinion that

the proposed revision would be highly incompatible with adjoining uses and would significantly increase existing conflicts with neighboring residents.

In sum, we have grave concerns about the issues such as safety, quality of life for neighboring residents, and impact on District roads from a commercial use. The District is requesting that you deny the Revision to the Special Use Permit and consider a significant decrease in the commercial functions allowed to Rancho Olivo so that the uses are reasonable and compatible with the adjacent residential land use.



Eva Robertson, President
Board of Directors
Cameron Estates Community Services District

Cameron Estates Community Services District

P.O. Box 171 Shingle Springs CA 95682

Phone and FAX: 530.677.5889, email cecsd@att.net

Roger Trout, Executive Secretary
El Dorado County Planning Commission
2850 Fairlane Court
Placerville, Ca. 95667

January 12, 2015

RE: HEARING SCHEDULED JAN 22
Special Use Permit Number S 08-0012-R / Rancho Olivo Vineyards

Dear Mr. Trout and Planning Commissioners,

We have received notice that Rancho Olivo Vineyards has requested a Revision to add wine tasting and other special events to its existing 2008 Special Use Permit. We are opposed to the Revision because the addition of more events would substantially increase traffic on our roads, increase the District's potential liability and negatively impact the District's finances with increased maintenance and upkeep costs due to traffic. The District is authorized by Government Code Section 61105(f) to restrict access to our private roads and we have made efforts to limit traffic on our roads to a level consistent with our financial ability to maintain the roads. We do not have sufficient funds to mitigate the huge impact of such a commercial use. Our district is a residential gated community with private country roads unsuitable for heavy traffic loads. The District is solely responsible for maintaining our roads. We are extremely concerned about safety since our roads do not meet current County, Department of Transportation, or state fire safety standards in signage or construction (analysis provided in our Road Standards.)

We have read the Development Services Planning Commission Staff Report dated 1/22/2015 and there is an in correct statement on page 6 Vehicle Access third paragraph. The Olivo Winery is definitely within the Cameron Estates Community Services District. The only access to the winery that we're aware of is through our roads. Our roads are considered "non-County maintained" under the Winery Ordinance (Section 17.14.200 of Chapter 17.14 of Title 17 of the El Dorado County Ordinance Code) and their sole maintenance is through our District. The Olivo Winery does not have direct access from a county-maintained road and Section 5(b) of the El Dorado County Winery Ordinance requires a CUP when access is from non-county maintained roads such as ours. In such cases, Section 5(c) prohibits a winery's being open to the public or having on-site sales. Accordingly, we feel that there should be a ban on the winery's being open to the public or having on-site sales.

Section E (5) (d) of the Winery Ordinance requires "as a condition of approval of a CUP that the winery participate in any private road maintenance entity...or otherwise pay a fair share for road maintenance as determined by the approving authority." Section E (5) (e) of the Winery Ordinance states that "access to a winery open to the public shall meet the minimum access requirements of the applicable fire protection district....exceptions may be allowed by the fire district." Our roads do not meet the fire district's minimum access requirements. As we are unaware of any exception to this having been obtained by the Olivos, we have categorically opposed any access by the public to the winery and further because of this, we have not even considered the Olivo Winery's "participation" in our district or payment of "fair share for road maintenance."

We voiced our concerns regarding the original SUP in a letter to the County dated August 8, 2008 and at the August 22, 2008 Agricultural Commission hearing as follows:

- There should be no tasting room that is open to the public,
- There should be no wholesale or retail sales of wine and grape products,
- There should be no gift shop,
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We feel that if the Agricultural Commission were to review the current situation, they would not be able to make the necessary findings under General Plan Policy 8.1.4.1(a) and 8.2.2.2(b) that the proposed use:

1. Has not intensified existing conflicts or added new conflicts with adjacent residents; and
2. Has not had a significant adverse impact on adjacent neighborhoods beyond that allowed by the Right to Farm Ordinance.

In sum, we have grave concerns about the issues such as safety, quality of life for neighboring residents, and impact on District roads from a commercial use. The District is requesting that you deny the Revision to the Special Use Permit and consider a significant decrease in the commercial functions allowed to Rancho Olivo so that the uses are reasonable and compatible with the adjacent residential land use.

Sincerely,



Eva Robertson
President of Board of Directors
Cameron Estates Community Services District