


**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
Meeting of August 22, 2006**

**AGENDA TITLE:** Rezone Z06-0004/Site Plan Review SPR06-0035 (District II)

<b>DEPARTMENT:</b> Development Services/Planning	<b>DEPT SIGNOFF:</b> 	<b>CAO USE ONLY:</b>
<b>CONTACT:</b> Gregory L. Fuz/Lillian Mac Leod <i>lpn</i>		
<b>DATE:</b> 7/31/2006 <b>PHONE:</b> 5445/6583		

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:** Hearing to consider a request submitted by STAN and KAREN VAN SPANJE to rezone property from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10), and site plan review to allow the conversion of an existing agricultural building to a winery facility. The property, identified by Assessor's Parcel Number 094-130-05, consists of 10.14 acres, is located on the north side of Fairplay Road, approximately 1.9 miles east of the intersection with Mt. Aukum Road, in the Fairplay area.

**RECOMMENDATION:** The Planning Commission recommends the Board take the following action: 1. Adopt the negative declaration, as prepared; 2. Approve Z06-0004 rezoning Assessor's Parcel Number 094-130-05 from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10), based on the findings listed on Attachment 1; and 3. Approve SPR06-0035, based on the findings and subject to the conditions on Attachment 1.

**CAO RECOMMENDATIONS:**



Financial impact? ( ) Yes (X) No      Funding Source: ( ) Gen Fund ( ) Other

**BUDGET SUMMARY:**

Total Est. Cost \_\_\_\_\_

**Funding**

Budgeted \_\_\_\_\_

New Funding \_\_\_\_\_

Savings \_\_\_\_\_

Other \_\_\_\_\_

Total Funding \_\_\_\_\_

**Change in Net County Cost** \_\_\_\_\_

Other: \_\_\_\_\_

**CAO Office Use Only:**

4/5's Vote Required ( ) Yes ( ) No

Change in Policy ( ) Yes ( ) No

New Personnel ( ) Yes ( ) No

**CONCURRENCES:**

Risk Management \_\_\_\_\_

County Counsel \_\_\_\_\_

Other \_\_\_\_\_

**\*Explain**

**BOARD ACTIONS:** AUG 22 2006

**Vote:** Unanimous \_\_\_\_\_ **Or**

**Ayes:** \_\_\_\_\_

**Noes:** \_\_\_\_\_

**Abstentions:** \_\_\_\_\_

**Absent:** \_\_\_\_\_

Rev. 04/05

**I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors**

**Date:** \_\_\_\_\_

**Attest: Cindy Keck, Board of Supervisors Clerk**

**By:** \_\_\_\_\_

**EL DORADO COUNTY  
BOARD OF SUPERVISORS  
AGENDA TRANSMITTAL  
MEETING OF AUGUST 22, 2006**

**Page 2, Z06-0004/SPR06-0035  
Memo to Board of Supervisors  
July 31, 2006**

**DISCUSSION**

These applications were considered by the Planning Commission on July 13, 2006, and recommended for approval on a 4-1 vote. Commissioner Machado voted against the requests as the zone change would place a 200-foot agricultural setback on adjacent parcels. No comments were received from adjacent property owners. There were no new significant issues discussed other than those in the staff report.

GLF:JCB:jcb

**ATTACHMENTS**

Attachment 1 – Findings/conditions for approval  
Attachment 2 – Minutes from Planning Commission hearing on  
Attachment 3 – Letter from applicants dated July 21, 2006  
Staff Report

**Findings**

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).
2. The proposed use is consistent with the policies in the El Dorado County General Plan in that the project parcel has the size and soil characteristics, as determined by the Agricultural Commission, to sustain agricultural production, is currently producing a commercial vineyard crop of more than five acres, and the winery facility will be compatible with the surrounding wine producing area.
3. The use is found to comply with the requirements of Chapters 17.14.190, Winery Ordinance and 17.36, Select Agricultural Districts, in that the subject applications are the correct ones for the request to convert an existing barn into a winery facility, and the project, as proposed and conditioned, is compatible with the adjacent agriculturally zoned land, and meets setback standards under the Zoning Ordinance.

**Conditions**

This site plan review approval is based upon and limited to compliance with the project description, dated July 13, 2006, 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 site plan review approval.

**The project, as approved, consists of the following:**

1. A rezone of the project parcel, Assessor's Parcel Number 094-130-05, from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10).

A site plan review of the conversion of an existing 1,050 square foot agricultural barn into a winery facility. The applicants are currently under a 10-year contract to supply grapes to a neighboring winery. The applicants' plans call for a maximum production of

500 cases of wine per year from surplus grapes grown on site that are over and above their contractual obligation. They may also utilize grapes from a 450-vine vineyard on a separate parcel under their ownership in the Fairplay area. The winery will be a family-run operation, and no employees shall be hired. No on-site sales or tasting room shall be allowed without further site plan review. Sales will be conducted by phone or internet and delivered off-site.

2. All site improvements shall conform to the site plan attached as Exhibit D.
3. Prior to issuance of a grading permit or final occupancy of the winery, whichever comes first, the applicants shall irrevocably offer to dedicate, in fee title, a 30 foot half-width right-of-way of the project parcel's frontage along Fairplay Road.
4. Prior to issuance of a grading permit or final occupancy of the winery, whichever comes first, the applicants shall be subject to an encroachment permit, Standard Plan 103C, requiring a minimum driveway width of 24 feet onto Fairplay Road.
5. Prior to operation, a building permit shall be required to convert the existing agricultural barn into a winery facility.
6. Prior to operation of the winery facility, the applicants shall file a report of waste discharge (RWD) with the Central Valley Regional Water Quality Control Board. If the applicants receive a formal waiver notification, winery wastewater shall be applied to cropland at agronomic rates or stored in tanks and removed from the project site for disposal at a regulated facility.
7. If the future winery facility will involve the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant shall submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, to include payment of applicable fees.
8. The applicants will be subject to further site plan review for those accessory uses listed under §17.14.190(C) (2) (a) of the Zoning Ordinance.

**FROM THE MINUTES OF JULY 13, 2006**

**9. REZONE/SITE PLAN REVIEW (Public Hearing)**

- a. **Z06-0004/SPR06-0035** submitted by STAN and KAREN VAN SPANJE to rezone property from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10), and site plan review to allow the conversion of an existing agricultural building to a winery facility. The property, identified by Assessor's Parcel Number 094-130-05, consists of 10.14 acres, is located on the north side of Fairplay Road, approximately 1.9 miles east of the intersection with Mt. Aukum Road, in the **Fairplay area**. (Negative declaration prepared)\*

Lillian Mac Leod presented this item with a recommendation for approval.

Commissioner Mac Cready asked for clarification on the 30-1/2 foot width right-of-way. Mrs. Mac Leod explained. Chuck Collins, Department of Transportation, further explained.

Referring to Exhibit D, Commissioner Machado asked about the dashed lines. The line goes through the existing house. Mrs. Mac Leod said the house was built in 1942 when there probably were no setbacks. It is a legal non-conforming use. Chair Knight said if the house were rebuilt they would have to conform to the required setbacks. Paula Frantz, County Counsel, said if they expand the house they could only do so outside the easement lines.

Commissioner Machado asked who makes the determination on the surfacing for the road. Mr. Collins said the encroachment is the only portion that would have to be paved.

Karen van Spanje was present but had nothing to add to the presentation.

There was no further input.

Commissioner Machado said change in zoning places the 200-foot setback on adjacent parcels. Mrs. Mac Leod concurred.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUKKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0004 REZONING ASSESSOR'S PARCEL NUMBER 094-130-05 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO SELECT AGRICULTURAL (SA-10), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE SPR06-0035 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.