

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



Agenda of: January 22, 2015

Staff: Aaron Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S08-0012-R/Rancho Olivo Vineyards

APPLICANT: Nello and Danica Olivo

OWNER: Nello and Danica Olivo

REQUEST: A special use permit revision request to allow nine events with up to 150 attendees and wine tasting at an existing winery at Rancho Olivo Vineyards.

LOCATION: At the south end of Rancho Road, approximately 500 feet south of the intersection with Lariat Drive, in the Cameron Park area, Supervisorial District 2. (Exhibit A)

APN: 109-090-07 (Exhibit B)

ACREAGE: 21 acres (Exhibit B)

GENERAL PLAN: Low Density Residential (LDR) (Exhibit C)

ZONING: Estate Residential Five-Acre (RE-5) and Estate Residential (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Section 15301 and 15303; and

2. Approve Special Use Permit Revision S08-0012-R based on the Findings and subject to the Conditions of Approval as presented.

STAFF ANALYSIS

Background: Special Use Permit S08-0012 was approved by the Planning Commission On March 26, 2009. The SUP allowed a winery in an existing 3,750 square foot accessory building. The SUP prohibited a public tasting room, retail sales, and special events. A revision to the Special Use Permit will be required if additional uses under the Wineries Ordinance were to be requested in the future such as retail sales, special events, and public wine tasting.

This Special Use Permit (SUP) revision was initiated because the County received complaints that the property owners were having events at the project site without first obtaining a revision to S08-0012. Four Temporary Use Permits (TUP) were issued by the County for events at the site. The County continued to receive complaints from property owners within Cameron Estates so no further TUPs have been issued.

Project Description: The Special Use Permit revision request would allow the following additional uses:

Events: Six commercial and three community or charity events per year. Events will have a maximum of 150 people at the site at any one time. No more than one event every three weeks would be scheduled. Events are to take place 11 am to 9 pm Friday through Sunday. All guests and service employees shall leave the premises by 10 pm. Events would take place within the existing 12,560 square foot barn and outdoors within the project parcel. Amplified music would only be used within the structure and only acoustic music would be played outdoors. All events would take place at least 200 feet from the nearest property line.

Wine tasting: Five wine tasting appointments per month with a maximum group size of six people. Wine tasting appointments shall be available only between 11 am and 7 pm Thursday through Monday. Tasting appointments would be held within the existing 3,750 square foot winery building.

Site Description: The project site lies within an elevation range of 1,280 to 1,320 feet above sea level. The 21 acre project site consists of seven acres of existing vineyard, a 12,560 square foot barn, a 3,750 square foot accessory building, a 9,680 square foot residence and a 1,200 square foot guest house. The site had previously been utilized as a horse ranch and ostrich farm. Slopes on-site are moderate and do not exceed 30 percent. Vegetation is dominated by native oaks, pine trees, grapevines, 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 privately maintained road that encroaches onto Lariat Drive.

General Plan: Policy 8.1.4.1 states: “The County Agricultural Commission shall review all discretionary development applications and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority

that the proposed use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities.”

Policy 8.2.2.2 states, “The approving authority shall make the following findings when approving special use permits for agricultural support services:

A. The use will not substantially detract from agricultural production in the surrounding area; and

B. The use is compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law”.

Policy 2.2.5.10 states, “It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services with a special use permit which will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof”.

Policy 2.2.5.21 states, “Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.”

Discussion

The El Dorado County Agricultural Commission reviewed the application at their hearing on June 9, 2014 and found that the project is in compliance with sections B and C of Policy 8.1.4.1, however the Commission was not able to make findings consistent with Section A of General Plan Policy 8.1.4.1. In light of the recorded conflicts and violations the Commission expressed concern with the amount of events requested by the applicant. The Commission did find that the proposed project revision would not have an impact on agricultural production on or adjacent to the site.

The project description at the time of the Agricultural Commission hearing was for 18 events with attendance up to 250 people. The applicants have since met with neighbors and the Cameron Estates CSD and have reduced the project description to the current request of nine events with a maximum attendance of 150 people with no outdoor amplified sound. The Winery Ordinance requires all outdoor events to take place 200 feet from the nearest property line and the project applicants have agreed to no amplified sound at outdoor events. This would reduce potential conflicts to a less than significant level and the project can be found consistent with the mandatory and specific policies cited above.

Conclusion: Staff finds that the project, as proposed and conditioned, conforms to the General Plan.

Zoning Ordinance: Under Section 130.14.200.B.2.h, of the Wineries Ordinance, the uses proposed are allowed in the RE zoned parcels, that are a minimum of ten acres, with a minimum of five acres of commercial vineyard, and are not located within a General Plan Agricultural District. As shown on Table B.3 of Section 130.14.200, the uses allowed by Special Use Permit include:

- New winery
- Tasting facilities
- Retail sales of wine
- Retail sale of art/merchandise
- Public tours
- Picnic areas
- 48 Special events with up to 250 people at any one time
- Agriculture related museums
- Commercial kitchen for on-site use only

Under section 130.14.200.D.2, a land use compatibility determination is required as the proposed project is within and adjacent to parcels within the Low Density Residential land use designation.

Section 130.14.200.E.2.b requires a 200 foot minimum setback from all property lines for the outdoor use areas.

Sections 130.14.200.E.4.a&c require permanent parking spaces for tasting rooms and overflow parking for special events.

Discussion

The existing winery is located on a 21-acre parcel. There are currently eight acres of grapes planted. The project parcel is not located within a General Plan Agricultural District. The uses proposed are consistent with what is allowed by Special Use Permit. Limited tasting appointments are proposed; however, most sales will occur at the tasting room in the City of Placerville. Events are limited to nine per year with a maximum of 150 people at any one time.

Land use compatibility is discussed in the Project Issues section of this staff report.

There is no new construction proposed. The existing winery facility and the proposed use of the existing barn as an event building meet the required 200 foot setback. A condition to require all outdoor event and wine tasting activities to take place at least 200 feet from any property lines is proposed.

The project includes a condition to develop two permanent parking spaces for the tasting room and the site plan shows adequate area for special event parking. The site plan shows 94 potential parking spaces which is more than is required for special event attendance of 150 people.

Conclusion: Staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of the Zoning Ordinance.

Project Issues:

Land Use Compatibility: The project and adjacent parcels are within the General Plan designated Rural Region and Low Density Residential land use designations. The objective of the Rural Regions states, “Provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations”.

The project parcel is 21 acres in size and has historically been used for agricultural purposes and currently has a winery and seven acres of vineyards. However, it is adjacent to the Cameron Estates subdivision and uses the Cameron Estates roads for access. Numerous complaints have been received by adjacent land owners about permitted and unpermitted events that have taken place at the project site. Events related to temporary use permit approvals were limited to 150 guests and Planning did not receive any specific complaints other than events were taking place at the site and vehicles were on the Cameron Estates roads. Most of the complaints received were about unpermitted events of which Planning could not verify the numbers in attendance or whether amplified music was used.

The project description has been reduced from 18 events with an attendance of 250 people to nine events with a maximum attendance of 150 people. All events will take place within the existing barn or outdoors at least 200 feet from the nearest property line. Outdoor events will not have amplified sound and all events attendees and staff are to leave the property by 10:00 pm. As discussed below a noise assessment has been submitted and shows the projects consistency with General Plan Policies for acceptable noise levels. As conditioned, impacts to the adjacent property owners are anticipated to be less than significant. If noise complaints are received about commercial events at the project site, the applicant is required to re-evaluate the potential noise impacts. Finally, if the project is not in compliance with the conditions of approval, the project can be scheduled for a revocation hearing.

Noise: An environmental noise assessment was prepared by Bollard Acoustical Consultants (Exhibit F) evaluating the effect of the proposed events on the adjacent residential uses. Before the preparation of the acoustical analysis the applicants agreed that no amplified sound would occur in the exterior areas of the project site. Amplified music and speech would only take place within the existing event building with the doors closed.

To assess the sound levels generated by music played within the event building, amplified music was played on the house system located within the building at volume levels typical of parties or wedding receptions. Noise level measurements were taken at six locations around the project site and all readings were within the allowable evening decibel levels as required by the General Plan Noise Element. This includes a five dB reduction due to the speech and music nature of the project noises.

The noise analysis for exterior guest noises was based on an early project description that requested up to 200 guests. The current project description is for a maximum of 150 guests. The assessment concluded that typical sound level generated by guests speaking in raised voices

during outdoor receptions held at the project site are not expected to exceed the County's noise standards at the nearest property lines. The assessment does go on to say that such speech will likely be audible at those nearest residences, so any patrons speaking in exceptionally loud voice should be reminded of the proximity to the nearby residential uses.

Vehicle Access: Access to the parcel is on roads within Cameron Estates (Strolling Hills, Lariat, and Rancho Roads) which are paved and can provide adequate access for the project. The Transportation Division and the El Dorado County Fire Protection District have reviewed the project and took no exception.

The roads within Cameron Estates are under the control of the Cameron Estates Community Services District (CECSD). Pursuant to California Government Section 61060(b) the CECSD has authority to adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the District's facilities, including roads. Additionally, under Government Code Sections 61100(l) and 61103(a), the District has the same authority as a county to acquire, construct, improve, and maintain its roads. Government Code Section 61105(e) states that the Cameron Estates Community Services District, "may, for roads owned by the district and that are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, by ordinance, limit access to and the use of those roads to the landowners and residents of that district". Normally when roads are maintained by a CSD there is implied public access to the road system as public funds are used in the administration of the CSD by the county or city.

The project parcel is not within the Cameron Estates CSD. However, as discussed above access to the site is only available on CSD maintained roads. The CECSD opposes the project based on increased traffic on its roads that would require additional funding to maintain. The applicant has proposed to pay a fair share yearly road maintenance fee based on their increased use of the road system. The CSD has considered and rejected the option of surcharging the applicants based on their interpretation of recent case law. County staff has determined that issues pertaining to access for discretionary projects within the Cameron Estates CSD are a civil matter between the applicants and the CSD.

Event Building: Indoor events are proposed to be in an existing 12,560 square foot barn. Building Services and the El Dorado County Fire Protection District have requested that the applicants submit a permit for the conversion of the structure from a barn to one for commercial occupancy. This permit would require fire sprinklers and alarms be installed prior to any events being held in the structure.

Septic: An analysis of the existing septic system was performed by Patterson Development and it determined that the system in the building where the events are to be held has a system capable of serving a maximum of 100 people. The septic system would require an increased capacity to accommodate the project proposal of 150 guests and staff.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is

consistent with the residential development standards of the RE-5 and RE-10 Zone District for the existing structures which required only ministerial permits. The use as a winery was previously approved and the expansion of uses has been found to be consistent with the Winery Ordinance and County Code.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption (NOE). The filing of the NOE is optional; however, not filing the NOE extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Conditions of Approval
Findings

Exhibit A.....Location Map
Exhibit B.....Assessor's Parcel Map
Exhibit C.....General Plan Map
Exhibit D.....Zoning Map
Exhibit E.....Site Plan
Exhibit F.....Environmental Noise Assessment; March 28, 2014