

**COUNTY OF EL DORADO PLANNING AND BUILDING  
DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** September 13, 2018

**Staff:** Isaac Wolf

**CONDITIONAL USE PERMIT REVISION**

- FILE NUMBER:** S04-0001-R-2/Oakstone Vineyards
- APPLICANT/AGENT:** Elizabeth Ryan
- PROPERTY OWNERS:** Elizabeth and Stephen Ryan
- REQUEST:** Revision to an existing Conditional Use Permit to remove limitations on annual case production; Increase days of tasting room operation from 4 to 6; Modify production hours from 9 AM to 5 PM to 8 AM to 5 PM; and Reconfigure existing parking space design for more efficiency and spaces.
- LOCATION:** Southwest side of Irish Acres Road, at the intersection with Slug Gulch Road, in the Fair Play area, Supervisorial District 2. (Exhibit A)
- APN:** 095-080-56 (Exhibit B)
- ACREAGE:** 20.8 acres
- GENERAL PLAN:** Rural Residential-Agricultural District Overlay (RR-A) (Exhibit C)
- ZONING:** Limited Agriculture, 20-Acre (LA-20) (Exhibit D)
- ENVIRONMENTAL DOCUMENT:** Exempt pursuant to California Environmental Quality Act (CEQA) Section 15301(a) (Existing Facilities)
- RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:
1. Find the project is exempt pursuant to Section 15301(a) of the California Environmental Quality Act Guidelines (Existing Facilities); and

2. Approve Conditional Use Permit Revision S04-0001-R-2 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of revision to an existing Conditional Use Permit would remove limitations on annual case production; increase days of tasting room operation from 4 to 6; modify production hours from 9 AM to 5 PM to 8 AM to 5 PM; and to reconfigure existing parking space design for more efficiency and spaces. The project is consistent with the El Dorado County General Plan and Zoning Ordinance.

## **BACKGROUND**

The Conditional Use Permit for a winery was originally approved by the Planning Commission on May 19, 2004. The first revision to the permit was filed by the previous owners/permittee on July 30, 2012. The owners requested that the winery be allowed to sell wine from 11:00 am to 5:00 pm seven days a week, primarily to accommodate holidays that occur on days other than Friday, Saturday, and Sunday. However, due to opposition from some neighbors, primarily because of potential traffic issues on the privately-maintained Irish Acres Road, the Planning Commission approved the revision requests with modifications restricting public tasting and sales to only four days per week, restricted additional employment to two additional employees besides the owners to be on site at any given time, and imposed a limitation on wine production to 2000 cases annually. This public opposition was not unanimous, as other neighbors supported the proposed revisions (Exhibits I and J).

According to the applicant, who acquired ownership of the property in 2012, these restrictions have placed Oakstone Winery at a competitive disadvantage to nearby wineries that do not have a case limit on production, and are open to the public six or seven days per week. This proposed revision would allow Oakstone Winery to operate under much of the same operations as the other wineries in the region.

## **PROJECT SETTING**

The project site is located at 6470 Irish Acres Road (APN 095-080-56) in Fair Play, California. The 20.8-acre parcel includes an existing winery on site, with vineyards and various buildings housing equipment necessary for winemaking.

The winery is in the nationally-recognized El Dorado American Viticultural Area (AVA) as well as the more specific Fair Play AVA. There are other wineries surrounding the project site, including on both Slug Gulch Road and Irish Acres Road. The parcel is located on a mountain range with slopes ranging from 0 percent to 15 percent. The winery is already connected to existing electricity, well and septic. Access to the parcel is off of the privately-maintained Irish Acres Road, at the intersection of the County-maintained Slug Gulch Road.

## **PROJECT DESCRIPTION**

This project is a revision to a Conditional Use Permit to remove limitations on annual case production; increase days of tasting room operation from 4 to 6; modify production hours from 9 AM to 5 PM to 8 AM to 5 PM; and to reconfigure existing parking space design for more efficiency and spaces. No physical changes will be made to the site as a result of this revision. The winery will continue to utilize existing utilities serving the property. Access to the property remains off of the privately-maintained Irish Acres Road, at the intersection of the County-maintained Slug Gulch Road. The winery will continue to operate in that they will not have special events, will have only 4 employees on site at any given time, and the hours of public tastings will remain the same (Exhibit K).

## **STAFF ANALYSIS**

**General Plan Consistency:** Staff has determined that the proposed project is consistent with the applicable policies and requirements in the El Dorado County General Plan, as discussed below in Section 2.0 of the Findings.

The project has a Rural Residential General Plan Land Use Designation. Moreover, there are other wineries in the area, many of whom have the same General Plan Land Use Designation. The project will be compatible with surrounding uses.

**Zoning Ordinance Consistency:** Staff has determined that the proposed project is consistent with the applicable regulations and development standards, as required in Title 130 of the El Dorado County Code and discussed below in Section 3.0 of the Findings.

The project is located in a Limited Agriculture zone in an agricultural district, which allows wineries subject to approval of a Conditional Use Permit by the Planning Commission. Staff has determined that the proposed project is consistent with the Zoning Ordinance requirements.

## **Environmental Review:**

Staff has determined that, pursuant to CEQA Guidelines Section 15301(a) (Existing Facilities), no expansion of use beyond that existing at the time of the lead agency's determination. This is a revision to a Conditional Use Permit to only allow ancillary uses to the existing wine production facility. This approval will not lead to the construction or alteration of any new buildings, utility infrastructure or additional impervious surfaces on the site. Moreover, there are no new uses that will be permitted as a result of approval. As such, staff has determined that the proposed uses would not involve significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Pursuant to Resolution No. 240-93, a \$50 processing fee is required by the County Recorder's Office to file the Notice of Exemption.

**Conditions of Approval:** As part of the approval process, this project was forwarded to other agencies for review and comment. No comments were received from these agencies to Planning Services.

As this project is a revision to a previously-approved Conditional Use Permit, the conditions of approval provided herein have been updated. Conditions that no longer apply have been struck through, while new conditions have been underlined.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Map
Exhibit D.....	Zoning Map
Exhibit E.....	Agricultural District Map
Exhibit F.....	Aerial Map
Exhibit G.....	Agricultural Commission Results
Exhibit H.....	Staff Report for 1 <sup>st</sup> Revision (Dated January 8, 2013)
Exhibit I.....	Staff Report Exhibits for 1 <sup>st</sup> Revision (Dated December 18, 2012)
Exhibit J.....	Planning Commission Minutes (Dated January 24, 2013)
Exhibit K.....	Approved Site Plan