

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



Agenda of:	April 26, 2006
Item No.:	9.a.
Staff:	Michael C. Baron

SPECIAL USE PERMIT

FILE NUMBER: S06-0024

APPLICANT: Ted and Andrea Bechard

REQUEST: Special use permit to allow an expanded home occupation for a winery to produce a maximum of 250 cases per year from an existing two acre organic vineyard.

LOCATION: On the North side of Rooster Court, 650 feet east of the intersection with Grizzly Flat Road in the Somerset area, Supervisorial District II. (Exhibit A)

APN: 093-110-38

ACREAGE: 20 acres

GENERAL PLAN: Rural Residential (RR)-Agriculture District (A) (Exhibit C)

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit B)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303C of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The parcel was originally created by Parcel Map 39-40 July 11, 1988. The current property owners took title to the property in 2001 and began planting a small two acre organic vineyard. The property is currently being developed with a new single-family residence (Permit #169786).

STAFF ANALYSIS

Site Description: The property is located at an approximate elevation of 2,368 feet above sea level, gently rolling to the northeast with sporadic oak and pine woodland. The parcel is 20 acres and contains a small organic vineyard with two acres of planted grapevines. Improvements include a single family dwelling under construction, attached cellar and adjacent crush pad, well, water tank, fencing, septic system, and shed.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-A	Single family Dwelling
North	RA-40	NR	Single Family Dwelling
South	PA-20	RR-A	Single Family Dwelling
East	RA-40	NR	Vacant
West	RE-10	RR-A	Single Family Dwelling

General Plan: The General Plan designates the subject site as Rural Residential with the Agricultural District Overlay (RR-A). **Policy 8.1.1.1** states that “Agricultural Districts” shall be created and maintained for the purposes of conserving, protecting, and encouraging the agricultural use of important lands and associated activities throughout the County. The proposed winery would protect and ensure agricultural activities. **Policy 8.2.2.2** states that the approving authority shall find that the use will not substantially detract from agricultural production in the surrounding area; and that it will be 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. Staff finds that the proposal, as conditioned, would be compatible. The processing and distillation will be conducted predominately within the existing structure, except for crushing, which will be done outside on a concrete pad on the backside of the residence. **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. Review of General Plan Policies and the subsequent determination made by the Agricultural Commission show that the proposed expanded home occupation is consistent with the policies of the General Plan related to agricultural uses. The proposed use also meets the intent of the General Plan, because it supports agricultural operations on those lands designated within an Agricultural District (A) by allowing uses that are specifically related to agriculture production. **Objective 10.1.7** seeks to promote the establishment and expansion of small businesses and work place alternatives including home occupations as well as **Policy 10.1.7.2** which directs the County to assist small business within the County. Further, **Policy 10.1.7.4** states that home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties. Staff has determined that the approval of the proposal, as conditioned, can be found to support these policies as it would promote a home-based business and would be compatible with surrounding RE-5 zoned properties.

Zoning: The proposed use is permitted by special use permit in the Residential Estate 10-acre Zone District, pursuant to Section 17.36.080(I). In order to approve the use, the approving authority must

find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies, as discussed below, staff finds that the project would not be detrimental to the public health, safety and welfare and not injurious to the neighborhood.

Agency and Public Comments:

The Department of Transportation expressed concerns over the existing encroachments onto Grizzly Flat Road and has provided conditions for approval to address the issues.

This special use permit request was referred to the El Dorado County Agricultural Commission for review. On February 14, 2007, the Agricultural Commission unanimously voted to recommend approval of the proposed request for an expanded home occupation winery producing a maximum of 250 cases per year.

At the time of the preparation of this report, staff had received some comments from an adjoining property owner that had concerns about the public being allowed to taste wine at the facility and creating a traffic problem. The property owners are requesting they be allowed to have the ability to allow for some tasting by appointment but only at a capacity that would allow them to meet with potential distributors and not necessarily the general public. Staff is requesting direction from the Planning Commission on this issue.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303C of the Guidelines stating that the construction and location of limited numbers of new, small facilities or structures where only minor modifications are made in the exterior of the structure. 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(c) of the CEQA Guidelines; and
2. Approve the Special Use Permit S06-0024 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval

Attachment 2Findings

Exhibit AVicinity Map

Exhibit BGeneral Plan Land Use Map

Exhibit CZoning Map

Exhibit DSite Plan

Exhibit EAssessor's Map

ATTACHMENT 1 CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the project description, dated December 19, 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 permit approval.

The project, as approved, consists of the following:

A request for a special use permit to allow an expanded home occupation for a winery to produce a maximum of 250 cases per year from an existing two acre organic vineyard.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Any wine tasting activities shall be by appointment only and shall be limited to distributors and wine wholesalers. Wine tasting shall not be permitted by the general public.
3. No special events, e.g. weddings, concerts, festivals, etc., shall be allowed on the property.
4. Pursuant to County Code Section 17.22.250, implementation of the project must 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.
5. 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 the County harmless from any legal fees or costs the County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

El Dorado County Department of Transportation

6. The applicant shall construct a paved encroachment for Rooster Lane onto Grizzly Flat Road to the provisions of County Standard Plan 103C or verify that an encroachment currently exists which conforms to the requirements of Standard Plan 103C. An encroachment permit, as approved by the Department of Transportation, shall be obtained by the applicant for these improvements, which shall be accomplished prior to the issuance of a business license or other permit to operate the winery.

ATTACHMENT 2

FINDINGS

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1.0 CEQA Finding

- 1.1 This project has been found to Categorically Exempt from the requirements of CEQA pursuant to Section 15303C of the CEQA Guidelines stating that the construction and location of limited numbers of new, small facilities or structures where only minor modifications are made in the exterior of the structure. No major improvements have been proposed for this project.
- 1.2 The Planning Commission finds that the project could not have a significant effect on the environment.
- 1.3 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 It can be found that the proposed use is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan Section of this staff report.

3.0 Special Use Permit Findings

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

This project meets the intent of the General Plan because the agricultural operations support the intent of the uses allowed within the Agricultural District overlay.

- 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, Planning Services and Department of Transportation, the proposed special use permit would not be detrimental to the public health, safety and welfare. Furthermore, the processing and storage of wine within the existing single-family dwelling 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 expanded home occupation is located within the Residential Estate 10-acre (RE-10) Zone District, which allows expanded home occupations through the issuance of a special use permit pursuant to Section 17.36.080(I) of the El Dorado County Zoning Ordinance.