

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



Agenda of: November 18, 2010
Item No.: 8
Staff: Aaron Mount

REZONE

FILE NUMBER: Z08-0011/Jose Wine Cave

AGENT: Ted Bechard

APPLICANT Alfonso P. Elena

REQUEST: Zone Change from Residential Agricultural-20 (RA-20) to Planned Agricultural (PA).

LOCATION: On the west side of Prospectors Road, approximately one mile north of the intersection with Marshall Road in the Coloma area, Supervisorial District IV. (Exhibit A).

APN: 088-440-13 (Exhibit B)

ACREAGE: 40.01 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Residential Agricultural-20 (RA-20) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Rezone application Z08-0011 based on the Findings in Attachment 1.

BACKGROUND: The proposed Rezone from RA-20 to PA would allow uses allowed by right under the Winery Ordinance that currently require a special use permit. As discussed in the Zoning section below, the Agricultural Commission has reviewed the project and has recommended approval of the Rezone (Exhibit H).

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description: The request would rezone the project site from Residential Agricultural-20 (RA-20) to Planned Agricultural (PA). The change is being requested to pursue the uses allowed by right under the Winery Ordinance. The current zoning would require a special use permit be obtained to allow a winery and its accessory uses. Future winery operations would utilize the existing permitted encroachment onto Prospectors Road, a County maintained road.

Site Description: The project site is located on a southwest facing ridge in the Coloma/Lotus area. Elevation of the project site ranges from approximately 1,400 feet to 1,800 feet above sea level. The site has moderate to severe slopes and contains chaparral vegetation. Existing improvements within the parcel include over five acres of vineyard, a barn under construction, and a driveway. Access to the project site is from Prospectors Road, a county maintained road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-20	RR	Agriculture, Existing permit for a barn
North	RA-20	RR	Agriculture, Undeveloped
South	RA-20	RR	Agriculture, Undeveloped
East	AE	RR/AL	Agriculture, Agricultural Structures
West	RA-20	RR	Undeveloped, US BLM land

The subject site is located in a Rural Region adjacent to low-density residential, undeveloped, and agricultural lands. The proposed Rezone to PA would allow for agricultural and winery uses that would be consistent within the Rural Residential land use designation and adjacent uses. No new agricultural setbacks would be applied to adjacent parcels as the subject parcels current zoning requires them.

General Plan: The General Plan designates the subject site as Rural Residential (RR) which typical uses include single-family residences, agricultural support structures, and a full range of agricultural production uses, recreation, and mineral development activities. The proposed zone change to PA is consistent with the RR land use designation and Table 2-4 of the General Plan. Additionally, the following General Plan policies also apply to this project:

General Plan Policy 2.2.5.3 directs that the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*
2. *Availability and capacity of public treated water system;*
3. *Availability and capacity of public waste water treatment system;*

The project site is not located within a public water district and is currently served by well water. Currently there are issued building permits for a barn. Any future expansion for a winery or other agricultural expansion that would require water or sewage disposal may require a new septic system and additional water services. All septic systems would be reviewed by Environmental Management for consistency with County standards.

4. *Distance to and capacity of the serving elementary and high school;*

The project is located within the Black Oak Mine Unified School District. The proposed Rezone would allow an increased range of agricultural uses permitted by right and would not allow additional residential density that would increase the existing demand on the public school system.

5. *Response time from nearest fire station handling structure fires;*

The project parcel is located within the Garden Valley Fire Protection District. The nearest station is approximately 1.6 miles north east of the site. Any future development would be reviewed by the District during the building permit process to ensure compliance with the Fire Safe Regulations. The site currently contains adequate access to a County maintained road.

6. *Distance to nearest Community Region or Rural Center;*

The project parcel is located 1.3 miles north east of the Lotus and Coloma Rural Centers.

7. *Erosion hazard;*

Potential erosion hazards are unlikely. No grading is proposed with the Rezone application. Future development must adhere to the County's grading and erosion control requirements. The site has steep slopes but is composed of thin rocky soils. The likelihood of severe erosion hazards due to expanded agricultural uses on the site would be low. Any grading related to expansion of the vineyard would be reviewed by the Agricultural Department.

8. *Septic and leach field capability;*

9. *Groundwater capability to support wells;*

The project parcels would continue to be served by private septic and well water as discussed under criteria 1 through 3 above. Environmental Management would ensure compliance.

10. *Critical flora and fauna habitat areas;*

The project site is not located within any Rare Plant Mitigation Areas and is not known to have soil types capable of sustaining the Pine Hill Endemic Plant Species. There would be no impact to biological resources.

11. *Important timber production areas;*

The project site does not contain nor is located adjacent to designated important timber areas.

12. *Important agricultural areas;*

The project parcel is located within the Coloma/Lotus area and is currently in use for a vineyard. The proposed Rezone to PA would allow an expanded range of agricultural uses to be permitted by right consistent with the Winery Ordinance. The proposed Rezone would be consistent with the Objectives and Policies of the General Plan in allowing for an increased range of agricultural uses to occur on-site.

General Plan Policy 8.1.4.1 requires a recommendation from the Agricultural Commission for all discretionary project which have the potential to impact agricultural lands. As previously stated, the Ag Commission recommended approval of the proposed Rezone based on findings that the proposed rezone to PA would allow for expanded agricultural use of the site and would not negatively impact the surrounding property owners.

13. *Important mineral resource areas;*

The project site is not mapped as being within a Mineral Resource Zone (MRZ) by the State of California Division of Mines and Geology or in the El Dorado County General Plan.

14. *Capacity of the transportation system serving the area;*

The project site is accessed via Prospectors Road which connects to Marshall Road, both County maintained roads. Marshall Road operates at a level of service (LOS) which is within the thresholds established by the General Plan. Any future winery activities on the site would not exceed the LOS thresholds established by the General Plan as winery activities are normally associated with traffic during off peak hours.

15. *Existing land use pattern;*

As shown on the Zoning Map (Exhibit D), the adjacent parcels are zoned RA-20 and AE. In accordance with General Plan Policy 8.1.3.2, the proposed PA zoning would be considered an agricultural zoning but would not impose a new 200 foot agricultural setback as it applies to the current RA-20 zoning.

The project site is bound by agricultural and residential uses. As proposed, the zone change would be compatible with the existing and potential surrounding agricultural and residential land uses and would not create land use conflicts with surrounding properties.

16. Proximity to perennial water course;

The nearest water course would be 1,800 feet west of the project site. Impacts to the water course would be remote.

17. Important historical/archeological sites;

The Cultural Resource Study that was prepared for the site did not identify any sensitive resources on the site. Any development of the site would be subject to the requirements of the General Plan Consistency Checklist which would include standard protective measures to be implemented in the event historical or archeological features are discovered during project construction.

18. Seismic hazards and present of active faults.

The project site is not located in a seismic hazard area or in the proximity of any active faults.

19. Consistency with existing Conditions, Covenants, and Restrictions.

The site does not have any CC&R's.

Conclusion: As discussed above, the proposed Rezone to PA would be consistent with the objectives of the General Plan related to the encouragement of agricultural activities within Rural Regions. The proposed Rezone would not intensify any impacts to biological resources, negatively impact the area, and is consistent with adjacent uses; therefore Planning Services staff finds the project would be consistent with the General Plan.

Zoning: In accordance with Section 17.36.150 of the County Code, a proposed Rezone to PA would require a recommendation from the Agricultural Commission. The Agricultural Commission reviewed the project at the September 9, 2009 Agricultural Commission Hearing and recommended approval of the proposed Rezone based on the existing agricultural use of the property.

The proposed Rezone from Residential Agricultural-20 (RA-20) to Planned Agricultural (PA) would allow for an expanded range of agricultural uses to be permitted by right under the Winery Ordinance. The allowed uses could include a wine tasting room, retail sales of wine, public tours, picnic areas, and special events with attendance of up to 250 persons.

Section 17.36.110 of the County Code establishes the purpose of the PA Zone District is to provide for the orderly development and protection of lands having sufficient space and conditions compatible to horticulture, husbandry and other agricultural pursuits and to promote and encourage these pursuits by providing additional opportunities for the sale, packing, processing, and other related activities which tend to increase their economic viability and to provide for the protection from encroachment of unrelated and incompatible land uses tending to have adverse effects on the development or use of these so designated lands..

Uses Permitted by Right: Both the RA-20 and the PA Zone Districts permit one single family detached dwelling and associated accessory structures. Barns and agricultural structures are also allowed by right. The RA-20 Zone District allows agricultural operations which include raising and grazing of domestic animals and cultivation of crops and the packing, processing and sale of such goods when the nature of the goods.

The PA District would allow for the by-right uses permitted under the winery ordinance. The Winery uses are subject to minimum acreages of crops in production based on the acreage of the site. The project site contains over five acres of vineyard which is the requirement in the Winery Ordinance to pursue the associated by-right uses. The allowed uses could include a wine tasting room, retail sales of wine, public tours, picnic areas, and special events with attendance of up to 250 persons.

Development Standards: The PA Zone District would impose the same setback requirements as the existing RA-20 Zone District. All development would be required to maintain a 30 foot setback for residential development and 50 feet for agricultural uses. Section 17.06.150 of the County Code requires agricultural setbacks of 200 feet for non-compatible uses on adjacent land. The Winery Ordinance, 17.14.200, requires winery and tasting rooms to have a 200 foot setback for parcels outside of an agricultural district. The PA has a maximum building height of 45 feet for residential structures and has no maximum height for agricultural structures. The current barn which has an issued permit meets these development standards.

Conclusion: The development standards of the PA Zone District would allow a range of expanded agricultural and winery activities on the site to be permitted by right. These uses would be more intensive than those allowed under the current RA-20 Zone District including more intensive processing and sales of goods on site related to a winery. Due to the project site location within the Coloma/Lotus Area and adjacent to a County Maintained Road, the proposed Rezone would be consistent in the project area and the range of expanded uses would not be detrimental to the surrounding area. No new agricultural setbacks would be imposed on adjacent parcels as the current zoning requires them.

ENVIRONMENTAL REVIEW

Staff has prepared a Negative Declaration (Exhibit I) to determine if the project may have a significant effect on the environment. It has been determined that the project would avoid any potentially significant environmental effects as the land use designation has been fully analyzed in the General Plan EIR. The initial study discussed the potential impacts of the by-right winery uses

that would allowed if the zone changed is approved. It was found that all impacts would be less than significant. Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment.

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,010.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zone District Map
Exhibit E	Site Plan
Exhibit F	Aerial Photograph
Exhibit G	Agricultural Commission Report
Exhibit H	Environmental Checklist Form

FINDINGS

Rezone Z08-0011/Jose Wine Cave Planning Commission/November 18, 2010

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The proposed project would 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 the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed Rezone to Planned Agricultural (PA) Zone District would be consistent with the Rural Residential (RR) General Plan Land use designation.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed uses.

3.0 ZONING FINDINGS

- 3.1 The proposed project is consistent with the El Dorado County Zoning Ordinance district of Planned Agricultural (PA) and the development standards within Section 17.36.150.