

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: July 18, 2007
Item No.: 5.c.
Staff: Thomas A. Lloyd

SPECIAL USE PERMIT

FILE NUMBER: S07-0006 / Auriga Home Occupation Winery

APPLICANT: Richard and Diane Stading

REQUEST: Special use permit request for a home occupation winery limited to a maximum of 250 cases per year from an existing three (3) acre organic vineyard.

LOCATION: On the west side of Newtown Road, approximately 0.25 miles northwest of the intersection with Big Barn Road in the Placerville periphery area, Supervisorial District III.

APN: 048-121-76

ACREAGE: 6.88 acres

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

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303(e) of the CEQA Guidelines

RECOMMENDATION: Conditional Approval

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines; and
2. Approve the Special Use Permit S07-0006 subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The existing vineyard has produced grapes for several years. Historically, the vineyard has netted 2.5 to 3.5 tons of grapes each harvest season. These grapes were then processed offsite in a custom crush agreement which typically yields 150-200 cases per annum.

STAFF ANALYSIS

Project Description: The applicant is proposing the operation of a winery as an expanded home occupation. There would not be a tasting room or tasting area on the premises, as the owners operate a commercial tasting room in Camino. All operational activities including grape crushing, fermentation, and bottling would occur in and around the existing garage. This garage area houses the necessary wine making equipment including: barrels, tanks, and bottling equipment. The wine produced at the facility would be available through wholesale and internet sales only, and would be produced entirely with grapes grown on the premises. No special events would be conducted on site, as the winery would not be open to the public, distributors, or wholesalers. All commercial and retail activities will be conducted at the tasting room in Camino.

Site Description: The parcel is 6.88 acres, contains a small organic vineyard with approximately 2.5 acres of planted grapevines and is surrounded by deer fencing. The vineyard is trellised and has drip irrigation. Water for the irrigation is supplied by an on-site well with two 2,500 gallon water tanks. Improvements include a residential home with approximately 2,700 square feet of living space and about 1,500 square feet of garage space beneath. The crush pad area will be located adjacent to the garage on an existing asphalt parking area. Despite the proposed equipment and the subsequent space it will consume, the property will provide adequate parking for the residence.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|-------|---------|--------------|------------------------|
| Site | RE-5 | LDR | Single Family Dwelling |
| North | R1A | MDR | Single Family Dwelling |
| South | RE-5 | LDR | Single Family Dwelling |
| East | R1A/R2A | LDR | Single Family Dwelling |
| West | RE-5 | MDR | Undeveloped |

General Plan: The General Plan designates the subject site as Low Density Residential. Low Density Residential establishes areas for single-family residential development in a rural setting. Additionally, Low Density Residential provides a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County.

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. Applicable policies include: **Policy 2.2.5.21** which provides that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses. **Objective 10.1.7** seeks to promote the

establishment and expansion of small businesses and work place alternatives including home occupations. Additionally, **Policy 10.1.7.2** directs the County to assist small business within the County. Finally, **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. As the nearest neighbor is approximately 300 feet away, harvest is limited to a few days a year, sounds and smells are negligible, and there will be no employees beyond the occupants, the use would not be detrimental to the neighborhood. 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 properties.

Zoning: The *Zoning Ordinance* identifies the property as Estate Residential Five-acre (RE-5). The proposed use is allowed by special use permit pursuant to *Section 17.28.200(A)*, which provides for the packing and processing of agricultural or wood products and the necessary buildings and structures required therefore where the nature of the product is changed. Additionally, home occupations which require special consideration and would not change the residential character of the premises or adversely affect the other uses permitted in a residential area are allowed through issuance of a Special Use Permit, pursuant to *Section 17.28.200(G)*. To approve the use, *Sections 17.22.500-17.22.520* requires the approving authority to 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, as described in the findings contained in Attachment 2.

Agency and Public Comments:

The Department of Transportation expressed concern with the existing encroachment onto Newtown Road, specifically with regard to line-of-site issues. Conditions for approval to address the issues have been supplied.

As this special use permit request contains an agricultural element, it was referred to the El Dorado County Agricultural Commission for review. On April 11, 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.

Environmental Health recommends that a standard condition regarding waste water discharge be added to this permit.

ENVIRONMENTAL REVIEW

This project has been found to Categorical Exempt from the requirements of CEQA pursuant to *Section 15303(e)* of the *CEQA Guidelines*. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for

this project. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

| | |
|--------------------|---------------------------|
| Attachment 1 | Conditions of Approval |
| Attachment 2..... | Findings |
| Exhibit A..... | Vicinity Map |
| Exhibit B..... | General Plan Land Use Map |
| Exhibit C..... | Zoning Map |
| Exhibit D (1)..... | Site Plan |
| Exhibit D (2)..... | Garage Floor Plan |
| Exhibit E..... | Assessor'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 July 18, 2007, 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:

Special use permit for a winery as an expanded home occupation. There would not be a tasting room or tasting area on the premises. All operational activities, including grape crushing, fermentation, and bottling would occur in and around the existing garage. This garage area houses the necessary wine making equipment including barrels, tanks, and bottling equipment. The wine produced at the facility would be available through wholesale and internet sales only, or for sale at the commercial tasting facility in Camino. The wine would be produced entirely with grapes grown on the premises. No special events would be conducted on site, as the winery would not be open to the public, distributors, or wholesalers. All commercial and retail activities will be conducted at the tasting room in Camino.

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. 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.

3. 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 County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in *Section 66499.37*.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

4. No special events, e.g. weddings, concerts, winemaker dinners, festivals, etc., shall be allowed on the property.
5. Prior to issuance of any permits, the applicant shall pay all Development Services fees.

El Dorado County Department of Transportation

6. The applicant shall improve the existing sight distance at the driveway encroachment onto Newtown Road, looking northwest, to a minimum of 400 feet in length, according to the provisions of County Standard Plan 103D. An encroachment permit, as approved by Department of Transportation, shall be obtained by the applicant for these improvements, which shall be accomplished prior to initiation of the use.
7. The applicant shall irrevocably offer to dedicate (IOD), in fee, for the on-site 30-foot wide road and public utility easement along the entire frontage of Newtown Road. This offer will be accepted by the County. The applicant shall complete the IOD, prior to initiation of the use.

Environmental Health

8. The applicant shall submit a report of waste discharge (RWD) to the Central Valley Regional Water Quality Control Board.

ATTACHMENT 2 FINDINGS

File Number S 07-0006 - Auriga Home Occupation Winery
July 18, 2007 Zoning Administrator Hearing

1.0 CEQA Finding

- 1.1 This project has been found to Categorical Exempt from the requirements of CEQA pursuant to Section 15303(e) of the CEQA Guidelines. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for this project.
- 1.2 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 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, specifically **Policy 2.2.5.21** which provides that development projects shall avoid incompatibility with adjoining land uses, **Objective 10.1.7**, which seeks to promote home occupations, **Policy 10.1.7.4** which assures these home occupations would be compatible with adjacent or surrounding properties, and **Policy 10.1.7.2** which directs the County to assist small businesses.

3.0 Special Use Permit Findings

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

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 properties.

- 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 and Planning Services, and with the specified site distance improvements to the encroachment onto Newtown Road as recommended by the 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 use is allowed by special use permit in the Estate Residential Five-acre (RE-5) Zone District pursuant to *Section 17.28.200(A)*, which provides for the packing and processing of agricultural or wood products and the necessary buildings and structures required therefore where the nature of the product is changed. Additionally, home occupations which require special consideration and would not change the residential character of the premises or adversely affect the other uses permitted in a residential area are allowed through issuance of a special use permit, pursuant to *Section 17.28.200(G)*.