



TOPOGRAPHY: Gentle to moderate slopes	VEGETATION: Grasses, forbs, oak trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: On-site septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: July 13, 2016

**PROJECT DESCRIPTION**

The applicant requests a Minor Use Permit to allow the construction of a 5,464 square foot, 34-foot tall detached canopy structure over an existing outdoor winery work area, and a 655 square foot partially covered raised deck. The proposed project also includes the enclosure of two existing utility pads to create a new 430 square foot electrical/trash enclosure, and a 165 square foot compressor utility shed. The applicant also requests a modification to allow the proposed covered deck to be located 41 feet from the east property line and the proposed canopy structure to be located 82 feet from the east property line instead of the required 100 feet, which is the main reason for the MUP (see Modifications discussion below).

**PROJECT HISTORY**

The previous land use permit (D010060P) authorized construction of a winery processing facility, tasting room and associated office and storage areas of approximately 25,500 square feet including: an approximate 18,118 square foot processing facility, 3,257 square foot tasting room and office facility, and a 16 space parking area. Subsequent building permits allowed for the construction of a 1,418 square foot tasting room/office and 7,864 square foot processing area, and a 3,698 covered porch. Because the building permit only included 7,864 square feet of processing area, and the use permit authorized 18,118 square feet of processing, there is a remainder of 10,254 square feet of possible processing area.

A substantial conformance determination for the use permit (D010060P) was approved on April 6, 2015 for an approximate 10 percent expansion of the approved processing square footage allowing for an approximate total of 12,050 square feet for an underground vault. However, to date there has been no building permit issued for the expansion. No Special Events were authorized with the use permit, but the applicant does participate in industry-wide events such as winemaker dinners and/or open houses during the established event weekend. Guest parking for these events is provided in the open area around the existing winery facility.

**PROJECT ANALYSIS**

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.2, Wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Minimum Site Area	None	Approximately 15 acres	Yes
Access location	Wineries with tasting rooms and retail sales, the principle access driveway shall be located within 1 mile of arterial or collector road.	The principle access driveway is located off Highway 46, which is a designated arterial road.	Yes

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Setbacks from property lines: Front, Side, Rear (Section 22.30.070.D.2 for Wineries)	<ul style="list-style-type: none"> <li>• 100 feet from property line</li> <li>• 200 feet from nearest residence</li> </ul>	40 foot east side setback* / no residence within 200 feet	No (see discussion under modifications)
Height	35 feet	34 feet	Yes
Lighting	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes, as conditioned
Signs (Section 22.20)	<ul style="list-style-type: none"> <li>• One monument sign</li> <li>• Maximum of aggregate area of 100 sf of signing per site</li> <li>• Maximum area of 40 sf</li> <li>• Maximum height of 5 ft</li> </ul>	No additional signs proposed with this permit	Yes
Design Standards	Agricultural or residential in nature	Exterior agrarian design	Yes
Screening	If visible from the public road wineries shall be screened.	Project is an open air canopy structure with no sides, eliminating any bulky appearance. Existing oak trees will screen the utility sheds that face HWY 46.	Yes
Liquid waste disposal	<ul style="list-style-type: none"> <li>• Winery wastewater - standards set through RWQCB</li> <li>• Domestic wastewater - leach lines shall be located at least 100 feet from any private well</li> </ul>	<ul style="list-style-type: none"> <li>• Winery is currently enrolled in the RWQCB General Waste Discharge Permit system</li> </ul>	Yes
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace is composted on site	Yes
Parking (Section 22.18)	16 spaces (per previous use permit)	None (there are 16 existing spaces)	Yes

NOTE: \*Setbacks may be modified through Minor Use Permit Approval (see discussion under modifications).

**MODIFICATIONS:**

The applicant is requesting a modification to the setback requirement of 100 feet. This setback is maintained to the front, rear, and west side of the property. Due to the narrow width of the parcel, the setback is unable to be maintained on the east side of the property with the proposed project. The applicant requests the proposed covered deck to be located 41 feet from the east property line and the proposed canopy structure to be located 82 feet from the east property line.

A modification to these standards can be approved pursuant to LUO Section 22.30.070.D.2 if one of the following findings can be made:

1. there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); or
2. the property fronts an arterial or collector street; or
3. the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation; or
4. a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The proposed canopy structure will be located on the eastern portion of the property along the east side of the existing facility. The utility sheds are located on the southeast corner of the existing facility. The structures will be located within previous disturbed areas on existing pads and are at least 400 feet away from the nearest neighboring residence. The proposed deck is on the east side of the facility and setback 40 feet from the property line. The proposed canopy structure area is used during harvest for receiving fruit. The area is currently fully exposed to the sun, creating a poor environment for staging and processing the harvest fruit. Each of the proposed structures, including the raised deck, will protect existing equipment from sun exposure.

The narrow portion of the canopy structure faces south to minimize visual impacts from Highway 46, and the utility sheds are screened by existing oak trees from those traveling on Highway 46 and those entering the tasting facility. Traveling westbound, views of the canopy structure will be restricted to distant rooftops only, which overlap the existing facilities roofline. Traveling eastbound, views of the proposed canopy structure will be mostly screened by existing large oak trees. The proposed canopy structure will not appear in the primary cone of vision for travelers on the road in either direction, and the proposed raised deck cannot be viewed from either direction.

Staff recommends approval of the modification pursuant to Land Use Ordinance section 22.30.070.D.2.d(1) that allows modification to these standards where the property fronts an arterial or collector street. The modification can be justified because the property fronts Highway 46, which is designated as an arterial street (see Exhibit A for Modification finding).

**PLANNING AREA STANDARDS:**

There are no planning area standards applicable to this project.

**COMMUNITY ADVISORY GROUP COMMENTS:**

Templeton Area Advisory Group – No comments received.

**AGENCY REVIEW:**

**Public Works** – Recommend approval with stock conditions, per referral response dated July 15, 2016.

**Agricultural Commissioner** – Less than significant impacts to agricultural resources, per referral response dated July 29, 2016.

**Cal Fire** – No comments received.

**LEGAL LOT STATUS:**

The existing lot was legally created by a parcel map at a time when that was a legal method of creating lots.

Staff report prepared by Cody Scheel and reviewed by James Caruso.