

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



<b>Agenda of:</b>	June 17, 2020
<b>Item No.:</b>	4.a.
<b>Staff:</b>	Bianca Dinkler

**MINOR USE PERMIT**

**FILE NUMBER:** MUP19-0002/Sierra Foothills Meadery

**APPLICANT:** James E. Price and Beverly E. Farrell

**OWNER:** James E. Price and Beverly E. Farrell

**REQUEST:** Minor Use Permit to operate a meadery within an existing garage on an existing 1.01 acre parcel.

**LOCATION:** On the northwest side of Spearmint Lane, approximately 370 feet southwest of the intersection with Hilton Way in the Shingle Springs area, Supervisorial District 4. (Exhibit A, B, C)

**APN:** 070-072-030 (Exhibit D)

**ACREAGE:** 1.01 Acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit E)

**ZONING:** Residential One-Acre Zone (R1A) (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15303 (c) of the California Environmental Quality Act (CEQA) Guidelines (Conversion of Small Structure)

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find Minor Use Permit MUP19-0002 exempt under Section 15303 (c) of the CEQA Guidelines; and
2. Approve Minor Use Permit MUP19-0002, based on the Findings and subject to the Conditions of Approval as presented.

## EXECUTIVE SUMMARY

Approval of this Minor Use Permit MUP19-0002 would allow for a meadery, Sierra Foothills Meadery, which is the processing of a fermented beverage made from honey called mead, within an existing 450 square foot garage. There will be no on-site sales or tasting room. Staff has determined that the project is consistent with the applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## ANALYSIS TO DETERMINE MINOR USE PERMIT

The proposed use to operate a meadery is currently not a specified use described in the Zoning Ordinance. Therefore, staff looked at comparable uses within the subject parcel zone district of Residential One-Acre (R1A) to analyze what type of permit would be required for this use. The following Zoning Ordinance sections and discussion show how the determination was made to require a Minor Use Permit:

**Section 130.20.030 A.2.(b.) - Use Not Listed** requires that a use not listed in the tables within a particular zone is not allowed within that zone, except otherwise provided in Subsection A.3 (Similar and Compatible Uses Allowed).

**Section 130.20.030 A.3.(a.) - Required Findings; Similar and Compatible Use** requires that a proposed use not listed is similar and compatible with a listed use and shall be allowed if the approval authority can make the following four findings: (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone; (2) The use will be consistent with the applicable zone; (3) The use will be consistent with the General Plan and any applicable specific plan; and (4) The use will be compatible with the other uses allowed in the zone.

Discussion: The proposed meadery meets the required findings of Sections 130.20.030 A.2.(b.) and 130.20.030 A.3.(a.). Although a meadery is not a defined use listed in the R1A zone, the activities associated with the processing of mead will not involve a greater intensity than other comparable uses allowed in R1A. The R1A zone allows accessory structures and uses of low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals), which are considered compatible with this zone; the use will be consistent with the Medium Density Residential (MDR) General Plan land use designation as MDR establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities; and the use will be compatible with other uses allowed in the zone since R1A allows for low-intensity commercial agricultural pursuits and the meadery would be considered a low-intensity agricultural pursuit since all processing and storage of the mead will be within the existing 450 square foot garage, limited in volume to 590 gallons per year, and sales would be off-site.

**Table 130.24.020 - Residential Use Matrix** describes allowed uses in each of the residential zone districts and the types of permits required for specific uses. R1A zoning allows crop production, orchards and vineyards, packing on-site products, and produce sales of produce grown on-site. A conditional use permit is required for the processing of agricultural products.

Discussion: Although meadery is an unspecified use, it was determined to require a Minor Use Permit as the use is similar to other uses allowed in the R1A zone, while being less intensive than uses that require a conditional use permit. The proposed project is not a micro-winery and is more comparable to processing of agricultural products (in this case honey), which is permitted with a conditional use permit in R1A zoning. The definition of “Processing of Agricultural Products; Commercial” (use type), is described in the glossary of the Zoning Ordinance Chapter 130-80 as the handling of agricultural products whereby the nature of the product is changed or altered, such as making juices, jams, and sauces from fruit. Producing mead uses honey, yeast and water, as well as other natural flavoring ingredients and is therefore comparable to the definition.

**Section 130.40.240 - Produce Sales** is defined as the public sale of agricultural products grown on or off-site (Glossary, Zoning Ordinance Chapter 130-80).

Discussion: The meadery is similar in nature and scale to the definition of produce sales as the applicants will be using agricultural products grown off-site (honey) to produce mead. All functions of the meadery will be within the existing garage, and all sales of mead will be made online then delivered off-site.

**Section 130.40.240 D. - Off-Site Sales** requires that no direct sales of produce grown off-site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off-site produce sales may be allowed subject to approval of a Minor Use Permit.

Discussion: The proposed project will have no on-site sales or tastings of mead. All sales will be made online only, and then delivered to restaurants or stores by the owner, and by using postal services such as UPS. The proposed project is consistent with Section 130.40.240 D. as off-site sales may be allowed subject to the approval of a Minor Use Permit, which the applicant is requesting.

**Section 130.40.160 C. - Home Occupation, Standards**

Discussion: The proposed meadery is consistent with the Home Occupation Standards, specifically Sections 130.40.160 C.1., 2., 6., 7., 8.(d.), 9., 10., and 11. as described below:

130.40.160 C.1. - All business is conducted within permitted structures on the lot or outdoors provided the business is screened from a right-of-way or road easement. The appearance of the structure shall not be altered nor shall the occupation be conducted in a manner that would cause the structure to differ from its residential character either by the use of colors, materials, construction, lighting, or signs.

130.40.160 C.2. - For home occupations conducted in any part of a garage or a detached building, the activity shall not be visible from a right-of-way or road easement, nor shall it require vehicles of the property owner to be routinely parked on the street.

130.40.160 C.6. - As part of the home occupation, no equipment or process shall be used that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off-site.

130.40.160 C. 7. - Commercial delivery vehicles that are normally associated with residential uses may be utilized for the pick up or delivery of materials related to the home occupation.

130.40.160 C. 8.(d.) - On lots less than one acre, or lots zoned R1A, no heavy commercial vehicles used as part of the home occupation shall be stored or parked on-site or on the road frontage.

130.40.160 C. 9. - Goods or materials used or manufactured as part of the home occupation shall not be visible from a right of way or road easement.

130.40.160 C.10. - Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable Fire Department.

130.40.160 C. 11. - The total acreage of contiguous lots under same ownership shall be used to determine the number of employees, customers and clients allowed for a home occupation.

**Section 130.40.160 F. - Limitations on Home Occupations** states limitations on home occupations for parcels one acre or greater that would be subject to a Use Permit.

Discussion: The project parcel is greater than one acre on size, 1.01 acre, and the applicants are requesting a Minor Use Permit for the processing of agricultural products into honey mead as a home occupation. All functions of the meadery will occur within the existing 450 square foot garage.

## PROJECT INFORMATION

**Site Description:** The project site is a 1.01 acre parcel located on the northwest side of Spearmint Lane, approximately 370 feet southwest of the intersection with Hilton Way in the Shingle Springs area. Access to the site is from County roads Meder Road to Hilton Way, then to Spearmint Lane which is a privately-maintained road. The parcel lies at approximately 1,500 feet above mean sea level. Vegetation on site is sparse with natural brush and California chaparral including a variety of small oak and pine trees. Current improvements on the property include a residence with an attached garage that was built in 2001 and is served by on-site well and septic. All of the neighboring parcels are similarly zoned Residential One-Acre (R1A) and have the same General Plan land use designation of Medium Density Residential (MDR).

**Project Description:** The project would allow the use of the existing 450 square foot garage for the processing and storage of mead, a fermented beverage made from honey, water, and yeast. In addition to the basic recipe other natural ingredients would be added including herbal teas, herbs, spices, and whole fresh fruit such as berries, stone fruits, apples and pears, which will be sliced but not used as fruit juice (no grapes will be used). The applicant proposes to feature locally grown agricultural products purchased from El Dorado County growers. The total volume of mead produced would be limited to a maximum of 590 gallons per year. The equipment used to produce the mead will be electric heating and will not use gas or propane fueled heating except for water from the existing residential water heater. For storage of the mead, after initial fermentation the mead will have a period of conditioning in plastic, glass, and/or steel tanks, then transferred to glass bottles and plastic or metal kegs for distribution. Waste will be composted for gardening or dried before disposal. The property would not be open to the general public and there would be no on-site sales or tasting room. Sales will be on-line only to restaurants, stores, and a third-party internet-based distributor. There would be no signage, no employees, and the owner will do all administrative and clerical work. Typical hours of operation would be four hours per day between the hours of 8:00 am and 6:00 pm. The anticipated amount of delivery frequency (UPS) would be once to twice per week and the owner would use their own vehicle to deliver shipments to the UPS store twice per week. There would be no changes to the existing structure or property as a result of the project. The applicant is currently obtaining licenses from the US Alcohol and Tobacco Tax and Trade Bureau (basic permit) and California Alcohol Beverage Control (ABC).

## CONSISTENCY

**General Plan:** The project is consistent with the applicable General Plan Policies including 2.2.1.2 (Medium Density Residential General Plan land use designation); 2.2.5.2 (discretionary permits consistent with General Plan policies); 2.2.5.21 (compatible with adjoining land uses); 5.1.2.1 (adequacy of public services and utilities); 5.7.2.1 (fire protection in rural regions and rural centers); 6.2.3.2 (adequate access for emergency services); 10.1.5.4 (promote agriculturally based industries in El Dorado County), as discussed below in Section 2.0, General Plan Findings.

**Zoning:** The project is consistent with the Zoning Ordinance as required for a Minor Use Permit including Sections 130.52.020 (Minor Use Permits); 130.24.010 (Residential One-Acre Zone); 130.20.030 (Allowable Uses and Planning Permit Requirements); 130.24.020 (Residential Zone Use Matrix); 130.40.240 (Produce Sales); 130.40.240 D. (Off-site Sales); 130.40.160 C. (Home Occupation Standards); and 130.40.160 F. (Limitations on Home Occupations). Staff has determined that the proposed project is consistent with the applicable regulations and requirements of Title 130 of the El Dorado County Code as discussed below in Section 3.0, Zoning Findings.

**Public Comments/Outreach:** No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. In addition, project notification was also posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Minor Use Permits.

**Conditions of Approval:** The project was distributed to all applicable local County agencies for review and comment. Comments were received from the Air Quality Management District. An air quality analysis is not required and a waiver was issued April 1, 2020. The Environmental Management Department did provide conditions of approval which have been incorporated into the project. The Department of Transportation reviewed the submitted Traffic Impact Study - Initial Determination (TIS) and On-Site Transportation Review (OSTR) and determined that no traffic studies are required and a waiver was issued April 7, 2020. Comments were requested of the El Dorado County Fire Protection District during Initial Consultation and in a follow-up email sent by staff April 13, 2020, however no comments were received to date. All applicable agency comments received have been incorporated into the project as Conditions of Approval.

## **ENVIRONMENTAL REVIEW**

The project has been found to be Categorically Exempt pursuant to Section 15303 (c) (Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines, which allows the conversion of existing small structures from one use to another for structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. All functions of the proposed meadery from processing to storage would be within the existing 450 square foot garage, and does not involve the use of significant amounts of hazardous substances, therefore the project conforms to the exemption in Section 15303 (c) of CEQA.

Filing of a Notice of Exemption (NOE) is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

- Findings
- Conditions of Approval
  
- Exhibit A.....Location Map
- Exhibit B.....Vicinity Map
- Exhibit C.....Site Aerial Photo
- Exhibit D.....Assessor’s Parcel Map
- Exhibit E.....General Plan Land Use Map
- Exhibit F.....Zoning Map
- Exhibit G.....Site Plan
- Exhibit H.....Floor Plan

## **FINDINGS**

### **Minor Use Permit MUP19-0002/Sierra Foothills Meadery Zoning Administrator/June 17, 2020**

#### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303(c), Conversion of Small Structures, which allows a structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The proposed meadery does not use significant amounts of hazardous substances and no new structures are proposed. The change in use of the existing 450 square foot structure complies with this exemption.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies that the purpose of the Medium Density Residential (MDR) General Plan land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre.

Rationale: The project is consistent with the Medium Density Residential (MDR) land use designation defined in General Plan Policy 2.2.1.2. The proposed meadery would occur within the existing 450 square foot garage on a developed 1.01 acre parcel, and the Medium Density Residential (MDR) land use designation supports limited agricultural activities.

##### **2.2 The project is consistent with General Plan Policy 2.2.5.2.**

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.



Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

**2.3 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is fully developed with a residence and attached garage which were built in 2001. The proposed meadery would occur within the existing 450 square foot garage (Exhibit G, H). No additional changes to the building are proposed. Conditions of Approval would limit the use of the meadery to maintain compatibility with the surrounding area. All of the adjoining properties to the north, east, south, and west are similarly zoned Residential One-Acre (R1A) and have the same General Plan land use designation of Medium Density Residential (MDR). The project has been located within the garage and designed to be compatible with adjoining land uses.

**2.4 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project would not increase the need for public services or utilities. The production of mead does not require the use of public services, as the project proposed the use of manually operated equipment and existing residential water supply for minimal processing. The project would not generate a substantial increase in solid waste. Therefore existing services and utilities are deemed adequate. The parcel is served by on-site septic and well. The County Environmental Management Department (EMD) reviewed the project and provided conditions which will be incorporated into the conditions of approval for the project.

**2.5 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) requires prior to approval of a new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development.

Rationale: The El Dorado County Fire Protection District provides fire protection service to the project site. The project application was distributed to the district however no comments or conditions were received. The meadery will occur within an existing permitted accessory structure (garage) and is conditioned to limit the production therefore the project will not reduce fire protection below acceptable levels. A standard condition of approval is incorporated to ensure compliance with any applicable requirements of the fire district.

**2.6 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The Department of Transportation reviewed the application and site plan for adequate access for emergencies. It was determined that a traffic study was not required since the proposed use would include no on-site sales. Operations are to occur within the existing building and there are no proposed developments or changes in access to the site. No additional improvements are required. The project is in compliance with the General Plan Policy 6.2.3.2.

**2.7 The project is consistent with General Plan Policy 10.1.5.4.**

Policy 10.1.5.4 identifies the objective to recognize and promote agricultural based industries in El Dorado County and provide for the expansion of value added industries in an economically viable manner consistent with available resources.

Rationale: The meadery would contribute as an agriculturally based small business in an economically viable manner consistent with available resources.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.52.020 Minor Use Permits**

A Minor Use Permit is a process for reviewing uses and activities that are typically compatible with other allowed uses within a zone, but due to their nature require consideration of site design and adjacent uses. Minor Use Permits provide for a discretionary review of minor projects or uses that are allowed, but do not meet the standards for administrative review.

Section 130.52.020 C. - Specific Findings for Minor Use Permits requires that in addition to findings of consistency with the requirements and standards of this Title, the review authority shall make the following findings before approving a Minor Use Permit application: 1. The proposed use is consistent with the General Plan; 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and 3. The proposed use is specifically allowed by a Minor Use Permit pursuant to this Title.

Rationale: The project meets the required findings as the parcel is in the Medium Density Residential (MDR) General Plan land use designation which establishes areas for single-family residences on larger lot sizes which enables limited agricultural land management activities; the proposed use to produce mead would occur within the existing garage and the project is conditioned to limit the volume of mead produced to 590 gallons per year and therefore would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and the proposed is allowed by approval of a Minor Use Permit.

### **3.2 The project is consistent with Section 130.24.010.**

Section 130.24.010 C.3. - Residential One-Acre (R1A) requires that the R1A zone is used to create a more dispersed suburban residential character to an area by providing for a regulating medium density residential development at the highest range of one dwelling unit per acre. Accessory structures and uses and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone.

Rationale: The project parcel is located within the Residential One-Acre (R1A) zone. The request to operate a meadery within the accessory structure (existing garage) is consistent with a low-intensity commercial agricultural pursuit, and is therefore consistent with the standards in Section 130.24.010 C.3. The processing of mead is comparable to the processing of agricultural products (in this case honey), which is allowed with a conditional use permit, and the meadery would be considered a home occupation as discussed above.

### **3.3 The project is consistent with Section 130.20.030.**

Section 130.20.030 - Allowable Uses and Planning Permit Requirements

Section 130.20.030 A.2.(b.) - Use Not Listed requires that a use not listed in the tables within a particular zone is not allowed within that zone, except otherwise provided in Subsection A.3 (Similar and Compatible Uses Allowed).

Section 130.20.030 A.3.(a.) - Required Findings; Similar and Compatible Use requires that a proposed use not listed is similar and compatible with a listed use and shall be allowed if the approval authority can make the following four findings: (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone; (2)

The use will be consistent with the applicable zone; (3) The use will be consistent with the General Plan and any applicable specific plan; and (4) The use will be compatible with the other uses allowed in the zone.

Rationale: A meadery is not a specified use listed in the R1A zone, however the activities associated with the processing of mead will not involve a greater intensity than other comparable uses allowed in R1A. The R1A zone allows accessory structures and uses of low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) which are considered compatible with this zone; the use will be consistent with the Medium Density Residential (MDR) General Plan land use designation as MDR establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities; and the use will be compatible with other uses allowed in the zone since R1A allows for low-intensity commercial agricultural pursuits and the meadery could be considered a low-intensity agricultural pursuit as it will be produced within the existing garage, and conditioned to limit the volume to 590 gallons per year.

### 3.4 **The project is consistent with Section 130.24.020.**

Section 130.24.020 - Residential Zone Use Matrix

Rationale: Section 130.24.020 outlines specific uses in each of the residential zones. The R1A zone allows crop production, orchards and vineyards, packing on-site products, and produce sales of produce grown on-site. A meadery is not a specified use, however it is comparable to other allowed uses and uses that require a discretionary permit, therefore it has been determined that a Minor Use permit, subject to conditions of approval, is required. The proposed project is not a micro-winery and is more comparable to processing of agricultural products (in this case honey), which is permitted with a conditional use permit in R1A zoning. Producing mead uses honey, yeast and water, as well as other natural flavoring ingredients and is therefore comparable to the processing of agricultural products.

**3.5 The project is consistent with Section 130.40.240.**

Section 130.40.240 - Produce Sales is defined as the public sale of agricultural products grown on or off-site.

Rationale: The meadery is similar in nature and scale to the definition of produce sales as the applicants will be using agricultural products grown off-site (honey) to produce mead. All functions of the meadery will be within the existing garage, and all sales of mead will be made online then delivered off-site

Section 130.40.240 D. - Off-site Sales requires that no direct sales of produce grown off-site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off-site produce sales may be allowed subject to approval of a minor use permit.

Rationale: The proposed project is a request for a Minor Use Permit to allow the processing of mead within the existing 450 square foot garage. There will be no on-site sales or tastings allowed. All sales will be on-line only to restaurants, stores and a third-party internet-based distributor therefore the project is consistent with 130.40.240.

**3.6 The project is consistent with Section 130.40.160.**

Section 130.40.160 - Home Occupations

Section 130.40.160 C. - Standards for Home Occupation. Specifically Sections 130.40.160 C.1., 2., 6., 7., 8.(d.), 9., 10., and 11. would apply for the meadery.

Rationale: The proposed meadery is in conformance with the Standards for Home Occupations. All functions of the meadery will be conducted within the existing 450 square foot garage and will not alter the residential character of the neighborhood (C.1.,2.); the meadery will not generate noise, vibration, dust, glare, fumes, odors or electrical interference detectable to normal senses off-site (C.6.); commercial delivery vehicles that are normally associated with residential uses may be utilized for the pick up or delivery of materials related to the home occupation (C.7.); no heavy commercial vehicles will be stored on-site or on the road frontage (C.8.d.); the goods produced or materials used for the meadery will not be visible from a right-of-way or road easement (C.9.); the project has been reviewed by the Environmental Management Department and applicable Fire Department (C.10.); and no employees are proposed and all business functions will be conducted by the property owners (C.11.).

Section 130.40.160 F. - Limitations on Home Occupations provides limitations on home occupations for parcels one acre or greater that would be subject to a Use Permit.

Rationale: The project parcel is greater than one acre on size, 1.01 acre, and the applicants are requesting a Minor Use Permit for the processing of agricultural products into honey mead as a home occupation. All functions of the meadery will occur within the existing 450 square foot garage.

# CONDITIONS OF APPROVAL

## Minor Use Permit MUP19-0002/Sierra Foothills Meadery Zoning Administrator/June 17, 2020

### Planning Services Division

1. This Minor Use Permit is based upon and limited to compliance with the project description, the Site Plan and Floor Plan (Exhibit G, H), and the Conditions of Approval set forth below.

The project description is as follows:

A Minor Use Permit to operate a meadery consisting of:

- a. The production and storage of mead;
- b. All processing and storage of mead to occur within the existing 450 square foot garage (Exhibit G, H);
- c. The mead will be produced from honey, water, and yeast with other natural ingredients such as herbal teas, herbs, spices, and whole fresh fruit such as berries, stone fruits, apples and pears, which will be sliced but not used as fruit juice (no grapes will be used);
- d. A maximum production capacity of 590 gallons per year;
- e. No on-site sales, tastings, special events, or general public access;
- f. All mead sales to occur online;
- g. No employees (owners only);
- h. Delivery truck frequency limited to two times per week.

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 would constitute a violation of permit approval. Any permit authorized under this Article may be revoked or modified by the County when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance.

2. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
3. **Indemnity:** 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.

The developer and land owner 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 Minor Use Permit.

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

### **Environmental Management Department**

4. The project proposes sales of product at the wholesale level. No mead or similar products will be sold to the public at retail level. The requirements of the California Retail Food Code do not apply to scope of this project, and a health permit to operate from the El Dorado County Management Department will not be required unless the scope of operations changes to include onsite retail sales.
5. A review of the septic system determined that it will not be significantly impacted by the project. Evaluation and/or expansion of the existing septic system is not required at this time.
6. **Solid Waste:** Construction and Demolition (C&D) Debris Recycling: State law mandates that a minimum of 65% of the waste materials generated from covered construction and demolition projects must be diverted from being landfill by being recycled or reused on site. Please visit the El Dorado County's Construction and Demolition Debris Recycling Ordinance Program online for more information and requirements. If after reviewing this information there are any questions, please contact the Environmental Management Department at (530) 621-5300.
7. **AB 341 - Mandatory Commercial Recycling (Non-Residential):** State law requires that all non-residential dwellings that generate at least two cubic yards of solid waste per week to have a recycling program for common recyclable materials such as bottles, cans, and paper.
8. **AB 1826 - Mandatory Commercial Organics Recycling (Non-Residential):** State law requires that all non-residential dwellings that generate at least two cubic yards of solid waste per week have an organics recycling program for the following types of organic wastes: green waste, landscape and pruning waste, non-hazardous wood waste, food waste and food-soiled paper.



9. **Trash and Recycling Enclosures:** CalGreen Section 5.410.1: Recycling by occupants requires that new projects provide readily accessible areas that serve the entire building and are identified for the deposition, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals to meet a lawfully enacted local recycling ordinance, if more restrictive. Please direct questions about this provision to Building Services at (530) 621-5315.
  
10. **Non-Mandatory Trash Service Area:** This parcel is in a non-mandatory waste service area, which means businesses and residents have the option to self-haul their waste (at least once every seven days) and recycling to a refuse facility, as opposed to using the franchise waste hauler.
  
11. **El Dorado Disposal:** The franchise waste hauler for the location of this parcel is El Dorado Disposal (EDD). They can help businesses and multi-family dwellings determine how much waste they generate, when/if they exceed the waste amounts and complying with state law. Before the facility opens please contact EDD to set up waste and recycling service.