

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: AUGUST 11, 2015**

ITEM 1- Public Hearing – Request by Helwig Vineyards to amend Condition of Approval No. 15 related to the requirements for food preparation and catering for Use Permit (UP-15;2-2), which allows seven (7) one-day outdoor events annually, between the hours of 5:00 pm & 11:00 pm, including wine tasting and sales, food, and live music for approximately 750 attendees plus an additional 50 staff (APN 014-110-059).

Applicant: David Helwig
Supervisorial District V

Location: 11555 Shenandoah Road, approximately one-half mile west of the intersection with Shenandoah School Road, in the Shenandoah Valley.

- A. General Plan Designation of Area:** A-G, Agricultural-General (one family per 40 acre population density).
- B. Present Zoning:** "AG," Exclusive Agricultural District.
- C. Description:** The Planning Commission approved the Use Permit #UP-15;2-2 on May 12, 2015, authorizing Helwig Vineyards to conduct seven (7) one-day outdoor events annually for up to 750 attendees, subject to 25 Conditions of Approval. Subsequent to the Planning Commission's approval, staff was made aware that Condition #15, which concerns the permit required for event catering, incorrectly identified the applicant's venue as needing a food facility permit. All food service for events is intended to be prepared off-site by a caterer permitted by the Amador County Environmental Health Department. The proposed changes to Condition #15 are noted below:
- “Any food provided at concerts and special events held on the premises shall be prepared off-site and served by a caterer holding a valid permit from the Amador County Environmental Health Department, unless the applicant must obtains a valid food facility permit to operate a food preparation facility for catering on-premises prior to activation of the Use Permit. The food facility permit shall remain in effect for the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
- E. Staff Recommendation:** The Planning and Environmental Health staff have no objections to the Planning Commission amending the Conditions of Approval as attached to this project with a finding that since the amendment to the condition is not a substantial change, it is therefore consistent with previously approved Mitigated Negative Declaration, and no additional environmental review is required.
- F. Planning Commission Action:** After taking public comment the Commission may either grant or deny the requested condition amendment.
- G. Findings:** If the Planning Commission moves to approve this request, the following findings are recommended for adoption:
1. The requested amendment to the condition is not a substantial change to the original condition in that it only adds the requirements for using an off-site caterer; and
 2. The requested amendment to the condition is consistent with the previously adopted Mitigated Negative Declaration so no further environmental analysis is required.

**USE PERMIT CONDITIONS OF APPROVAL
FOR
HELWIG VINEYARDS SPECIAL EVENTS/SUMMER CONCERT SERIES**

PERMITTEE: Helwig Vineyards (David Helwig, applicant)

ADDRESS: 11555 Shenandoah Road
Plymouth, CA 95669

PROJECT DESCRIPTION: Use Permit to allow seven (7) one-day outdoor events, annually, between the hours of 5:00 p.m. and 11:00 p.m., to include wine tasting and sales, catered food sales, and live music for up to 750 attendees, plus an additional 50 staff.

LOCATION: Helwig Vineyards, located at 11555 Shenandoah Road, approximately one-half mile west of the intersection of Shenandoah Road and Shenandoah School Road, in the Shenandoah Valley.

ASSESSOR PARCEL NUMBERS: 014-110-059

USE PERMIT NUMBER: UP-15; 2-2

PLANNING COMMISSION APPROVAL: May 12, 2015

PLANNING COMMISSION APPROVAL CONDITION 15 AMENDMENT:

1. ***No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***
2. ***This Use Permit shall not become valid, nor shall the use commence until such time as the permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use may commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***
3. ***The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code §19.56.060. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***

4. *The project shall be substantially the same as approved. Any substantial changes must be submitted for approval by the Amador County Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.*
5. The events authorized by this Use Permit shall be inclusive of the 12 by-right events with up to 450 attendees permitted by County Code Section 19.24.036(G)(32)(j). THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
6. There shall be no on-site overnight camping or lodging provided for event attendees or vendors. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
7. This use permit shall be posted in a conspicuous place on the premises and shall not be transferable or assignable to another location without the consent of the Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

ABC LICENSE:

8. The permittee shall be responsible for obtaining the appropriate California State Department of Alcoholic Beverage Control (ABC) licenses and complying with all ABC requirements, rules, and regulations. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

FIRE PROTECTION:

9. The events are considered an "A-5" occupancy and the following are requirements any time an event will have in excess of 450 attendees:
 - Due to possible congestion of the primary fire apparatus access road, the secondary all-weather fire apparatus road at Helwig Winery is to have the gate unlocked during all events and a temporary sign placed adjacent to Shenandoah Road that is legible from both directions indicating emergency access. This secondary access shall be maintained 20 feet in width for the entire length and no parking shall be allowed that would reduce this width. *Section 503 of the California Fire Code*
 - Access to lower event parking area shall be maintained as emergency apparatus access road and be temporarily marked as "NO PARKING FIRE LANE." *Section 503 of the California Fire Code*
 - The three drafting hydrants shall be upgraded as follows: Each hydrant/fire valve shall be permanently identified by a reflectorized blue marker of tape or other reflective device, with a minimum dimension of 3 inches. This reflective device shall be mounted on a fire retardant post visible from the driveway. The post used may be the existing bollards for said hydrant/fire valve. In addition, a sign shall be provided at each hydrant, on one of the bollards or other sign post, stating "DRAFTING HYDRANT, FIREFIGHTING USE ONLY, NO PARKING WITHIN 15 FEET." *Section 507 of the California Fire Code and NFPA Standard 24*
 - It is understood that the wine cave will not be occupied by event audience. *Section 436.4 California Building Code*

- Small tents and canopies used for cooking shall be a minimum of 20 feet apart and not block emergency responder access lanes. *Sections 3103.8 & 3104.15 of the California Fire Code*
- All tents or canopies shall be anchored to prevent moving or damage due to weather. *Section 3103.9 of the California Fire Code*
- All tents and canopies shall be in accordance with *California Fire Code Chapter 31*.
- An emergency plan shall be made to instruct security and event personnel in the safe evacuation of patrons and vehicles without obstructing incoming emergency first responders. *Section 403 of the California Fire Code*

(See MM 14.1). THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.

ACCESS FOR PUBLIC OFFICERS

10. The permittee shall provide access for law enforcement and other public officers, including fire control and health officers, to enter upon the premises for the purpose of inspection and enforcement of the terms and conditions of this permit. (See MM 14.2). THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

PUBLIC ROAD IMPACT FEE:

11. Prior to issuance of the Use Permit, the permittee shall pay the Regional Traffic Mitigation Fee and Local Traffic Impact Fee in accordance with County Code Chapter 7.80 at the rate(s) in effect at the time of payment. (See MM 16.1) THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

TRAFFIC:

12. The permittee shall not cause vehicle queuing onto Shenandoah Road for any reason prior to, during, or after any special event allowed under this Use Permit. If traffic begins to queue near the intersection of the main entrance (or alternate entrance) of the property with Shenandoah Road, the permittee shall immediately open entrance gates or deploy event staff to handle traffic as needed to prevent queuing on to Shenandoah Road. The use of shuttle service to and from lodging facilities used by attendees shall be employed whenever possible. (See MM 16.2) THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.
13. No event parking is allowed on Shenandoah Road. (See MM 16.3) THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

SIGNAGE:

14. Event signage shall be located on site and limited to two 8' x 4' signs directing arriving cars to the property entrance, as indicated on the site plan (attached). The signs shall not be erected more than twenty-four (24) hours prior to the event and shall be removed within twenty-four (24) hours following the event. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

FOOD SERVICE:

15. “Any food provided at concerts and special events held on the premises shall be prepared off-site and served by a caterer holding a valid permit from the Amador County Environmental Health Department, unless the applicant ~~must~~ obtains a valid food facility permit to operate a food preparation facility for catering on-premises ~~prior to activation of the Use Permit~~.” The food facility permit shall remain in effect for the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

WATER SERVICE:

16. The applicant shall increase its bacteriological water quality monitoring from quarterly to monthly for any month in which greater than 1,000 persons are served. The number of bacteriological samples collected during these months shall represent the minimum number required per Table 64423-A in Title 22 of the California Code of Regulations. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

RESTROOMS:

17. The applicant shall have the property’s existing on-site sewage disposal capacity evaluated by a qualified consultant prior to activation of the Use Permit. The qualified consultant shall certify that the sewage disposal system is in satisfactory condition and submit a plan for providing adequate sewage disposal for the uses authorized by the Use Permit. The consultant shall specify numbers of toilet and hand washing facilities to be provided at special events. Provision of facilities shall meet or exceed the minimum plumbing facilities as listed in the current state plumbing code table of minimum plumbing facilities for assembly places. Portable units may be used to meet the demand. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

HAZARDOUS MATERIALS:

18. Prior to activation of the use permit, the permittee shall provide documentation to the Amador County Environmental Health Department that the site is in full compliance with the requirements of the Unified Program regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. If a hazardous materials business plan is triggered, the emergency response portion shall include a plan for the evacuation of attendees in the event of a hazardous materials incident. The permittee shall substantially comply with all requirements of the Unified Program throughout the life of the Use Permit. (See MM 8.1 & 8.2) THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

SOLID WASTE:

19. Solid waste handling and storage must comply with Amador County Code Chapter 7.24. No less than 14 days prior to the first event each year, the permittee shall submit a plan for review and approval to the Amador County Waste Management and Environmental Health Departments describing the locations and types of receptacles for solid waste and recyclables. The plan shall describe waste segregation methods and destinations for each waste or recyclable stream. The plan shall describe activities by the permittee after the event to assure that roadside litter or other solid wastes associated with the event are collected and sent for disposal or recycling as appropriate. (See MM 17.1). THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

CALIFORNIA LAND CONSERVATION ACT:

20. The following conditions are required by the Amador County Agricultural Advisory Committee to ensure compatibility with California Land Conservation Act contract #407:

A maximum of 7 events shall be allowed annually with 451 to 750 attendees (plus 50 staff), subject to the following conditions:

- The current overflow parking area shall not be paved or have permanent structures
- Alcohol sales shall end by 9:30 p.m.
- Music shall end by 9:45 p.m.
- Events shall end by 10:00 p.m.
- Traffic management shall be provided for parking
- Entry times shall be at least 90 minutes prior to beginning of events
- No alcohol shall be brought on the premises by attendees
- Temporary parking lot lighting shall be provided, and shall be off by 11:00 p.m.
- Events shall be permitted only during June, July, August, and September
- First responder medical care shall be on-site during events
- Litter on-site shall be properly disposed of with 24 hours of events.

(See MM 2.1 – 2.14) THE PLANNING DEPARTMENT SHALL MONITOR THESE CONDITIONS.

21. Attendees and vendors shall exit the premises by 11:00 p.m. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
22. All events are to be held on Saturday evenings only. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
23. To verify that events do not exceed 750 attendees, the applicant shall provide monthly ticket sales totals to the County. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

24. In an effort to minimize light pollution, all non-emergency lighting must be turned off by 11:00 p.m. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
25. Noise levels are not to exceed 95 dBA at the applicant's furthest property line from the event. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.