

equipment necessary for a logging company was either in total disrepair or used for spare parts. Other machinery and heavy equipment not related to a logging operation was also identified during the site inspection.

Request: Baker Logging requests that the Planning Commission make a finding of legal non-conforming status for Assessor's Parcel Numbers 323-050-28, -25, -01 as a legal non-conforming commercial logging business located within a residential zone district (Exhibit A).

In order for the County to determine that the logging business is legal non-conforming, the following findings should be made:

1. Was the logging business legal when it first began operating?

Discussion: The original property owner, Carry Baker, stated that the logging business started in 1960 based on a Form 571 Business Statement filled out by him in 1979. The County Ordinance for the Unclassified Zone District did not define what was allowed by right and what required a special use permit within the Ordinance in 1959. At that time, the County Ordinance for the Unclassified Zone District only refers to junk yards not being allowed.

Finding: If the property was used in this manner in 1959 it would have been a violation of the Zone District because of the resemblance of a junk yard. However, a legitimate logging business would have been legally allowed to operate at that time.

2. Has the zoning changed in a manner that would make the use non-conforming?

Discussion: The County Ordinance for the Unclassified Zone District was amended in 1967. The amendment defined what is allowed for a home occupation within the Unclassified Zone District. The same provisions are contained in the current Ordinance.

Finding: A logging business including heavy equipment, use of accessory structures, employees would require a special use permit in the Unclassified Zone District in 1967 and both the Single-family Two-acre Residential (R2A) and Single-family Three-acre Residential (R3A) Zone District today. The business would only be considered legal non-conforming for the parcel (323-050-25) in which the business license was issued prior to the 1967 amendment to the Zoning Ordinance.

3. Has the use expanded?

Discussion: Based on the information available, it appears that the use has expanded over the years to include additional parcels, heavy equipment not typically associated with a logging business, and junk.

Finding: The use appears to have expanded based on information received by staff. It is now a junk yard for heavy equipment and has expanded onto additional parcels.

4. Does the use constitute a nuisance?

Discussion: Based on the information available, staff finds that much of the heavy equipment on the site does constitute a nuisance and is not used for any logging business. Heavy equipment that would not constitute a logging business includes an old cement truck, numerous enclosed semi trailers, old tractor equipment, metal barrels, old refrigerators, and old equipment that appears to have been used for salvage to some extent then simply left.

Finding: The use of the property for storage of heavy equipment and junk constitutes a nuisance based on complaints received by citizens in the area. If the logging business was allowed to continue with only working equipment specifically related to a logging operation, and all junk removed, and non-operable equipment stored in a building, the use may not be considered a nuisance.

Summary: Planning staff believes that there is a legitimate logging business on the property, however there are numerous code enforcement and vehicle abatement violations, vehicles, trailers, heavy equipment, and junk that would not be used for a logging business (supplemental pictures). In order for the logging business to be considered legal non-conforming only heavy equipment related to a logging company can be allowed on the property and must be parked on Assessor's Parcel Number 323-050-25. Any non-operational heavy equipment or junk must be removed or stored in a building. Any heavy equipment or junk determined to be unrelated to a logging company or non-operational must be removed in compliance with the policies and procedures of both County Vehicle Abatement and Code Enforcement.

RECOMMENDATION: Staff recommends that the Planning Commission find that the logging business, consisting of the parking and storage of operable vehicles and equipment used for harvesting and transport of timber, on Assessor's Parcel Number 323-050-25 only, is a legal nonconforming use based on the discussion contained in the previous request and summary. All other uses of the site, other than those uses permitted in the Single-family Two-acre Residential (R2A) and Single-family Three-acre Residential (R3A) Zone Districts (El Dorado County Code Section 17.28.320 and 17.28.420), shall be abated including the removal of all junk, inoperable vehicles, and equipment. No logging business, storage, or related activities may occur on Assessor's Parcel Numbers 323-050-01 and 323-050-28.

ATTACHMENTS:

- Exhibit A: Zoning Map
- Exhibit B: General Plan Land Use Map
- Exhibit C: Aerial Photo
- Exhibit D: Site Plan
- Exhibit E: Supplemental Pictures
- Exhibit F: Letter from Property Owner
- Exhibit G: Letters from Public
- Exhibit H: Form 571