



Proposed hours of operation would be 8:00 AM to 6:00 PM seven days a week from the third week in August to November 30 (peak season). The facility would be closed from December 1 to March 30 of each year. Approximately 20 to 40 employees would work at the ranch during the week while up to 100 employees would be present during the weekends. Equipment utilized at the site would consist of typical farm equipment including trucks, forklifts, and quad runners.

**RECOMMENDATION:**

1. Accept the CEQA Section 15270 denial exemption as appropriate for this project;
2. Deny S06-0012 based on the findings in Attachment 1; and
3. Direct Code Enforcement to pursue necessary legal means to ensure the property is brought into compliance with the existing permits and County Code.

**LOCATION:** The 31 acre property is identified by Assessor's Parcel Number 048-160-23 and is located on the north side of Carson Road approximately one half mile west of the intersection with Highway 50 in the Camino area, Supervisorial District III. (Exhibit A)

**BACKGROUND:** In response to several code compliance issues at the subject site, the applicant filed S06-0012 on May 19, 2006. The application was subsequently deemed incomplete on May 30, 2006. Although several items needed to complete the environmental assessment were still needed, the application was deemed complete on July 7, 2006 and was distributed for agency review and comment with the understanding that the applicant would submit the outstanding items in the near future. The SUP request was heard by the Agricultural Commission on September 13, 2006, but continued to a later date when additional information would be available.

As outlined in the attached letter (Exhibit B) sent to the applicant on May 22, 2007, the following information is still needed before the application can move forward:

- Comprehensive site plan showing all existing and proposed uses and structures on the site as well as a calculation of total acres devoted to Ranch Marketing activities;
- Revised parking plan indicating the proposed square footage of all uses listed under 17.18.060.46.a-e of the Zoning Ordinance of the schedule of off-street vehicle parking requirements. All proposed parking stalls must be clearly shown on the parking plan so that staff can verify they are consistent with the requirements within the Zoning Ordinance. The current parking plan does not have sufficient detail for staff to make this determination; and
- Acoustical analysis of the proposed amplified music at the large special events.

At the time of preparation of this memorandum, the information identified above has yet to be submitted. Additionally, the following code compliance issues (case #'s 153015 and 164925) are still present at the subject site:

- An addition to the apple/food sales building was built without permits, within the setback from a road easement; and
- The facilities are rented out for weddings and other special occasions without an SUP.

**PROJECT ANALYSIS:** It has been approximately 1 ½ years since the information outlined above was first requested. As discussed in the background section of this memorandum and attached letter, the applicant has not submitted the required information necessary for staff to complete an analysis of the request and insufficient information has been provided to complete the Initial Study, pursuant to CEQA. As a result, staff cannot process the SUP consolidation project and requests that the Planning Commission deny S06-0012 for the following reasons:

1. The subject site has ongoing zoning violations dating back to June 1, 2000 including an addition to the apple/food sales building built within the front yard setback from a road easement without permits, sale of food products not produced on-site, trout pond/fishing, pony rides, craft fairs of 20 to 40 crafters present each weekend of peak season, large special events, and holding more than the maximum of 12 special events allowed and exceeding 250 persons.
2. The applicant has been given every opportunity to submit the necessary information. Without the information, staff is unable to prepare the necessary environmental analysis.
3. The identified zoning violations cannot be left open indefinitely.
4. Operating without the necessary permits creates an unfair business practice for other businesses within the project area.
5. Code Enforcement has stayed their enforcement activities while staff was processing the new permit, but now they need to take appropriate legal action to bring the property into compliance prior to next year's Apple Hill season.

**ATTACHMENTS:**

- Attachment 1: Findings
- Exhibit A: Vicinity Map
- Exhibit B: Planning Services Letter, May 22, 2007

# **ATTACHMENT 1** **FINDINGS**

## **FILE NUMBER S06-0012**

### **1.0 CEQA FINDINGS**

- 1.1 The project is found to be Statutorily Exempt from CEQA pursuant to Section 15270 (a) project disapproval.
- 1.2 The Planning Commission finds that disapproval of the proposed project could not have a significant effect on the environment.
- 1.3 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.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 Special Use Permit S06-0012 Findings**

**2.1.1** *The issuance of the permit is consistent with the General Plan.* As outlined above, General Plan consistency with the applicable policies cannot be determined because of insufficient information.

**2.1.2** *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.* The proposed use is detrimental to the public health, safety and welfare, and injurious to the neighborhood because of the two unresolved code compliance cases concerning special events and the construction of an apple/food sales building without building permits within an easement. As such, the structure is potentially unsafe and may impede use of the easement as access to neighboring properties. Additionally, appropriate mitigation measures for potential noise and traffic impacts cannot be determined because of insufficient submittal information.

**2.1.3** *The proposed use is specifically permitted by special use permit pursuant to this Title.* The majority of the proposed uses are specifically permitted by special use permit pursuant to Sections 17.36.080.I and 17.36.240.F of the *El Dorado County Zoning Ordinance*. However, the required findings detailed above cannot be made by the Planning Commission because of insufficient information. Table 1 identifies a number of current uses that are not approved. Denial of this special use permit will result in further Code Enforcement activities to ensure that the unpermitted uses are not allowed.