

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** October 9, 2008  
**Item No.:** 7  
**Staff:** Robert Peters

**SPECIAL USE PERMIT**

**FILE NUMBER:** S08-0010/Veerkamp Backyard Nursery

**APPLICANT:** Marie Veerkamp

**PROPERTY OWNER:** Robert and Marie Veerkamp

**REQUEST:** Special Use Permit request to allow an expanded home occupation consisting of an approximately 8,550 square-foot outdoor nursery to propagate and grow native and drought tolerant plants. No employees or retail sales will be conducted on-site. An existing paddock structure will be converted into a garden shed.

**LOCATION:** On the south side of Overton Road approximately 1,000 feet west of the intersection with Cherry Acres Road, in the Cool area, Supervisorial District IV (Exhibit A).

**APN:** 071-271-23 (Exhibit B)

**PARCEL SIZE:** 5.33 acre

**GENERAL PLAN:** Medium-Density Residential (MDR) (Exhibit C)

**ZONING:** Single-Family Two-Acre Residential (R2A) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Find that the project is Exempt pursuant to CEQA Guidelines Sections 15061(b)(3) ; and
2. Approve Special Use Permit S08-0010 subject to the conditions in Attachment 1 based on the findings in Attachment 2.

**BACKGROUND:** The applicant submitted the proposed Special Use Permit, S08-0010, on May 16, 2008, and the application was deemed complete on June 4, 2008. A Technical Advisory Committee Meeting for project review was held on July 14, 2008, at which time comments and conditions from responding County departments and outside agencies were presented and discussed with the applicant.

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the special use permit request and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** The project consists of a Special Use Permit request to allow an expanded home occupation consisting of an approximately 8,550 square-foot outdoor nursery to propagate and grow native and drought tolerant plants (see Exhibit E). An existing paddock structure will be converted into a garden shed. A six (6) foot deer fence (five (5) foot no-climb fence with two (2) stands of smooth wire above) is proposed to enclose the nursery area and separate the nursery from the adjoining neighbor to the east. Associated on-site activities will include primarily potting, watering, and organization of plant stock. The applicant proposes to use a self-contained water system to minimize water use and avoid runoff, and use of pelletized, slow-release fertilizers. No pesticides will be used. No grading or tree removal is proposed. No exterior lighting is proposed. No signage is proposed. The applicant proposes off-site wholesale and off-site sales at local farmer's markets. The applicant will utilize personal vehicles for all distribution. No employees are proposed, and no retail sales will be conducted on-site.

**Site Description:** The 5.33 acre subject parcel lies on the western slope of the central Sierra Nevada Mountains in the Cool area, on the south side of Overton Road approximately 1,000 feet west of the intersection with Cherry Acres Road, at an approximate elevation of 1,440 feet above mean sea level. Much of the parcel is covered by Blue Oak Woodland habitat (see Exhibit F). The site slopes steeply from the south/southeast to the west/northwest, from 1,463 feet at the southern property line to 1,402 feet at the northern property line at the driveway encroachment onto Overton Road. A relatively level area with limited trees exists on the eastern side of the property which is will be utilized for the on-site nursery (see Exhibits E and F). The parcel contains a single-family residential structure and detached garage/workshop which take access from an existing gravel driveway.

**Adjacent Land Uses:**

|              | <b>Zoning</b> | <b>General Plan</b> | <b>Land Use/Improvements</b>                  |
|--------------|---------------|---------------------|---|
| <b>Site</b>  | R2A           | MDR                 | Single-Family Residence                       |
| <b>North</b> | R2A           | MDR                 | Residential, two (2) single-family residences |
| <b>South</b> | RE-5          | LDR                 | Single-Family Residence                       |
| <b>East</b>  | R2A           | MDR                 | Single-Family Residence                       |
| <b>West</b>  | R2A           | MDR                 | Single-Family Residence                       |

Discussion: The adjoining parcel to the south, east, west, and across Overton Road to the north are residentially zoned and developed with single-family residences. The project would allow an expanded home occupation to an existing single-family residential land use which is not anticipated to create conflicts with the surrounding land uses. The adjacent neighbor immediately east of the proposed nursery area has submitted a letter in support of the proposed special use permit request (see Exhibit G).

**General Plan:** The subject parcel is located in the Cool Rural Center. The County General Plan designates the subject parcel as Medium-Density Residential (MDR). This land use designation establishes areas suitable for detached single-family residences with larger lot sizes. *Policy 2.2.5.21* requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. The applicant proposes an accessory outdoor nursery use to a previously established single-family residential use to allow for an expanded home occupation. The residential character of the neighborhood will not be affected by the proposed expanded home occupation, and as proposed and conditioned, will be compatible with adjoining land uses, specifically the residence immediately to the east of the proposed nursery area (see Exhibit E).

*Policy 10.1.7.4* states that home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties. The proposed expanded home occupation is an outdoor nursery to propagate and grow native and drought resistant plants with no on-site retail or employees. As proposed, the project will not generate additional traffic impacts that cannot be accommodated by the existing access/circulation system. All proposed sales will be wholesale or off-site at local farmers markets, and the applicant will be utilizing personal vehicles for distribution. As proposed and conditioned, the expanded home occupation will be compatible with adjoining land uses, specifically the residence immediately to the east of the proposed nursery area.

Conclusion: Staff finds that the project, as proposed and conditioned, conforms to the General Plan, specifically *Policies 2.2.5.21 and 10.1.7.4*. Findings of consistency with the General Plan are provided in Attachment 2

**Zoning:** The County permits expanded home occupations requiring special considerations which will not change the residential character of the premises or adversely affect the other uses permitted in a residential area by Special Use Permit in the Single-Family Two-Acre Residential (R2A) zone district, pursuant to Section 17.28.330(I). After obtaining the Special Use Permit, the proposed use would be consistent with the provisions of the R2A zoning district and is not

anticipated to change the residential character of the premises or adversely affect the other permitted uses in the residential area.

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17. Findings of consistency with the County Zoning Ordinance are provided in Attachment 2.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to *Section 15061(b)(3)* as staff has determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project proposal includes an outdoor nursery to propagate and grow native and drought resistant plants in the least sensitive are of the property and impacts to the environment are not anticipated with the approval of this special use permit. No further environmental analysis is necessary. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

|                    |                                |
|--------------------|--------------------------------|
| Attachment 1 ..... | Conditions of Approval         |
| Attachment 2 ..... | Findings                       |
| Exhibit A .....    | Vicinity                       |
| Exhibit B .....    | Assessor's Parcel Map          |
| Exhibit C .....    | General Plan Land Use Map      |
| Exhibit D .....    | Zoning Map                     |
| Exhibit E .....    | Site Plan                      |
| Exhibit F .....    | Aerial Photo                   |
| Exhibit G .....    | Letter from Adjoining Neighbor |

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **Special Use Permit S08-0010/Veerkamp Backyard Nursery Planning Commission/October 9, 2008**

#### **I. PROJECT DESCRIPTION**

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Planning Commission hearing exhibits marked Exhibit A through G dated October 9, 2008, and conditions of approval set forth below. 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 will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit allowing an expanded home occupation consisting of an approximately 8,550 square-foot outdoor nursery to propagate and grow native and drought tolerant plants (see Exhibit E). An existing paddock structure will be converted into a garden shed. A six (6) foot deer fence (five (5) foot no-climb fence with two (2) stands of smooth wire above) is proposed to enclose the nursery area and separate the nursery from the adjoining neighbor to the east. Associated on-site activities will include primarily potting, watering, and organization of plant stock. The applicant proposes to use a self-contained water system to minimize water use and avoid runoff, and use of pelletized, slow-release fertilizers. No pesticide use will be used. No grading or tree removal is proposed. No exterior lighting is proposed. No signage is proposed. The applicant proposes off-site wholesale and off-site sales at local farmer's markets. The applicant will utilize personal vehicles for all distribution. No employees are proposed, and no retail sales will be conducted on-site. No customers are permitted on-site, except by appointment only for wholesale purposes.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

## II. PROJECT CONDITIONS OF APPROVAL

### Planning Services

2. 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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.

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

3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
6. Any deviations to the approved Special Use Permit shall require an approved revision processed through Planning Services.

7. The applicant shall obtain a building permit to legitimize the existing paddock structure, obtain a building permit for the modification of the existing paddock into the garden shed, or the structure shall be removed entirely.
8. Prior to issuance of any permits or conducting of on-site nursery activities, the applicant shall pay all Development Services fees in full.
9. Prior to issuance of a building permit or conducting of on-site nursery activities, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

#### **El Dorado County Environmental Management – Air Quality Management District**

10. Prior to the start of project construction, an Asbestos Dust Mitigation Plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
11. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
12. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
13. The proposed project is within the Asbestos Review area; therefore the District will require the paving of any road or the application of a minimum of three (3) inches in depth, asbestos free gravel.

#### **Georgetown Divide Public Utility District**

14. The owner is responsible for any up-grades to the existing service which may be necessary as a result of additional use related to the proposed project.
15. The nature of the proposed activity will require cross-connection control through the installation of an approved backflow prevention assembly. A reduced pressure principal backflow prevention assembly would be required.

## **ATTACHMENT 2**

### **FINDINGS**

**Special Use Permit  
S08-0010/Veerkamp Backyard Nursery  
Planning Commission/October 9, 2008**

The special use permit may be approved or conditionally approved based on the following findings:

#### **1.0 CEQA FINDING**

- 1.1 Staff has determined that the proposed project will have no significant impact on the environment and is Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to *Section 15061(b)(3)* as staff has determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project proposal includes an outdoor nursery to propagate and grow native and drought resistant plants in the least sensitive are of the property and impacts to the environment are not anticipated with the approval of this special use permit.
- 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 Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

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

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation establishes areas suitable for detached single-family residences with larger lot sizes which enable limited agricultural land management activities.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 and 10.1.7.4 concerning land use compatibility and encouraging and permitting home occupations that are compatible with adjacent land uses. It has been determined that the project is consistent with the General Plan. The proposed expanded home occupation for an outdoor nursery has been designed to be compatible with the existing residential character of the neighborhood and adjacent land uses, specifically the single-family residence immediately east of the proposed nursery, therefore, the proposed project is consistent with the General Plan policies identified above.

### **3.0 ZONING FINDINGS**

- 3.1 The subject site is zoned Single-Family Two-Acre Residential (R2A) which permits expanded home occupations requiring special considerations which will not change the residential character of the premises or adversely affect the other uses permitted in a residential area by Special Use Permit in the Single-Family Two-Acre Residential (R2A) zone district, pursuant to Section 17.28.330(I). After obtaining the Special Use Permit, the proposed use would be consistent with the provisions of the R2A zoning district and is not anticipated to change the residential character of the premises or adversely affect the other permitted uses in the residential area.
- 3.2 The existing residential use at the subject site is permitted by right under Section 17.28.320(A). As proposed, the project meets all applicable development standards contained within Section 17.28.340 of the El Dorado County Zoning Ordinance.

### **4.0 ADMINISTRATIVE FINDINGS**

- 4.1 *The issuance of the permit is consistent with the General Plan;*

It can be found the proposed use is consistent with the Policies 2.2.5.21 and 10.1.7.4 of the 2004 El Dorado County General Plan, as discussed in the General Plan section of the staff report and in the General Plan Findings sections above.

- 4.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;*

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the support materials submitted by the applicant and the discussion and conclusions contained in the staff report. The adjacent neighbor immediately east of the proposed nursery area has submitted a letter in support of the proposed special use permit request (see Exhibit G).

- 4.3 *The proposed use is specifically permitted by a special use permit pursuant to this Title.*

Section 17.28.330(I) of the County Code allows expanded home occupations requiring special considerations which will not change the residential character of the premises or adversely affect the other uses permitted in a residential area subject to approval of a Special Use Permit by the Planning Commission pursuant to Section 17.22.500 et seq.