

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



Agenda of:	December 11, 2008
Item No.:	9.b
Staff:	Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S08-0019/Hay Lady Hay Barn

APPLICANT: Alexis Alterman

PROPERTY OWNER: Alex and Cindy Deleeuw

AGENT: Stephen Twist, Twister Designs

REQUEST: Special Use Permit to allow the construction of a 60-foot by 30-foot, three sided, pre-engineered steel building for storage and retail sales; and a 32 square-foot roof-mounted sign.

LOCATION: South side of State Route 193 approximately 0.5 mile southeast of the intersection with Main Street in the Georgetown area, Supervisorial District IV. (Exhibit A)

APN: 061-220-06 (Exhibit B)

ACREAGE: 26.5 acres

GENERAL PLAN: Low Density Residential/Commercial (LDR/C) (Exhibit D)

ZONING: Estate Residential 5-Acre/Planned Commercial (RE – 5/CP) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303(C) of the CEQA Guidelines.

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

1. Certify that the project is exempt from CEQA pursuant to Section 15303(C) of the CEQA Guidelines.

2. Approve the Special Use Permit S08-0019 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.

BACKGROUND: On December 5, 1979, the Georgetown Area plan land use map was adopted designating the northwest portion of the parcel Commercial along State Route 193 with the remainder being designated Single – Family Residential – Medium Density (1 d.u/1 – 4.9 acre minimum). The entire parcel was zoned Estate Residential Five – Acre (RE – 5) zoning which became effective following the adoption of the Georgetown Area Plan Zoning Map on June 13, 1980. On May 28, 1985 the Board of Supervisors adopted Ordinance 3542 which amended the Georgetown Area Plan to rezone a 120,000 square-foot portion of the parcel along State Route 193 to Planned Commercial (CP). That area of the parcel was also partially designated Commercial (C), and the rest of the parcel was designated Low Density Residential (LDR), by the current General Plan adopted July 19, 2004 and on the previous General Plan adopted July 19, 1996. When the current General Plan land use boundaries were drawn, the C land use boundary did not coincide with the zoning designation boundary. As such, a portion of the existing commercial structures are located outside the Commercial designation as would a portion of the proposed storage/retail building.

A previous parcel map application (P90-0134) was submitted in September of 1990 to attempt to split the commercial section of the parcel from the residential. That map expired but during that process the commercial zoning boundary was defined and is shown in Record of Survey 27 – 137 attached as Exhibit C. The subject special use permit application was submitted on August 20, 2008 was deemed complete on September 3, 2008.

STAFF ANALYSIS

Project Description: The applicant is proposing to construct a 60 foot by 30 foot, three sided, pre-engineered steel building for storage and retail sales. The storage building is proposed to be used for the retail sales storage of hay. The business is proposed to operate seven days a week typically from 8:00 am to 6:00 pm. The only equipment proposed to be used would be a hay squeeze and the number of employees is currently proposed to be one to two at any given time. A sign for the Hay Lady Hay Barn would be added to the existing pole-supported sign at the front entrance to the commercial center and the business would use the existing 50 foot by 20 foot concrete slab as their loading area. The special use permit will also include the use of the existing buildings for storage, retail and office uses. The existing 3,840 square-foot building would be used for retail sales repair and service, office, and storage uses. The existing 510 square-foot fully enclosed metal storage garage would be used for general site storage. The existing lighting fixtures are conditioned to be replaced with ones that are shielded to minimize impacts to surrounding properties.

Site Description: The 26.5-acre site is located at the 2,640-foot elevation above sea level and gently slopes from the northwest corner to the southeast portion of the parcel. Exhibit F shows the locations and labeled uses of the existing structures and other improvements for the entire 26.4-acre parcel. There is a State operated oil transfer station located near the two existing dumpsters. The limit line of the subject Special Use Permit would be established by Planned

Commercial Zone District area shown in Exhibit C on Record of Survey 27 - 137. The following table shows the existing uses within those commercial buildings in that area:

Type of Business	Square footage	Uses	Hours of Operation
Thrift store	1,650	Sell clothing, appliances, furniture.	Monday – Saturday 8:00 am to 5 pm.
HVAC Contractor	1,950	Warehouse/shop, no retail.	On an “on-call” basis.
No business	510	Utility storage for the site.	
Notary Public office	240	Notary Public services.	On an “on-call” basis.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CP/RE-5	C/LDR	Commercial/residential. Thrift store, HVAC contractor, Notary Public. Single family dwelling and accessory buildings
North	RE-5	LDR	Residential. Single family dwellings.
South	RE-5/R3A	LDR	Residential. Single family dwellings.
East	RE-10	LDR	Residential. Single family dwellings.
West	R3A	MDR	Commercial grazing on leased vacant land.

Discussion: The surrounding parcels have predominately residential uses with single family dwellings and accessory buildings. The 120,000 square foot (2.75 acres) area has been historically been used for retail auto part sales and auto repair. The retail/storage building proposed would have minimal impacts on the neighborhood and can be found to be compatible with the surrounding development for an area planned for commercial land use, location in a Rural Center and location along State Route 193.

General Plan: The General Plan designates the subject 120,000 square-foot (2.75 acres) area of the subject parcel as Commercial. The purpose of this land use category is to *provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.* The project proposes to construct an 1,800 square-foot metal building for the storage and retail sales of hay. The existing buildings support retail, storage, and office uses. Therefore, it can be found that the uses and buildings subject of this permit request could be found to be in compliance with the 2004 General Plan policies.

Policy 2.1.2.1 established the Georgetown Rural Center boundary. The subject parcel is located within that boundary. **Policy 2.1.2.2** defines Rural Centers as *areas of higher intensity development throughout the rural areas of the County based on the availability of infrastructure,*

public services, existing uses, parcelization, impact on natural resources, etc. **Policy 2.1.2.3** defines the purpose of Rural Centers as being areas intended to *meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.*

Discussion: Planning has found that the subject proposal does meet the intent of these policies by providing commercial and services for the benefit of the community within the Rural Center Boundary.

Policy 2.2.5.2 requires that applications for discretionary projects, such as a special use permit, shall be reviewed to determine consistency with General Plan policies.

Discussion: Planning has reviewed the project proposal and determined the project could be found to be consistent with all applicable General Plan policies.

Policy 2.2.5.10 recognizes that *there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services with a special use permit which will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof. Uses which may be considered to be consistent with this policy are those which include but are not limited to feed stores, agriculture supplies and sales, veterinarian services, animal boarding, processing and/or sale of agriculture products...*

Discussion: As discussed in the *Background* section above, the zoning and General Plan land use boundaries do not coincide on the subject parcel due to what has been determined by Planning to have been attributed to human error. The subject proposal includes a use that supports agricultural pursuits within the surrounding Rural Region and would to have minimal impacts to noise, traffic, and the viewscape from State Route 193, it therefore can be found to comply with the intent of this Policy.

Policy 2.2.5.21 directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.

Discussion: Staff has found the design of the projects physical elements and the commercial uses are designed and located in a manner that predominately shields and separates the neighboring residential uses from the retail, retail repair and service, storage and office uses. As discussed in the *Background* section above, the Board of Supervisors determined the project site was appropriate for Commercial when they adopted Ordinance 3542 on May 28, 1985 zoning it to Planned Commercial. The proposed project, as conditioned, would be consistent with the intended uses for parcels zoned and General Plan designated for Commercial.

Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings and that consideration be given to the use of motion detectors or automatic shutoffs for lighting features in rural areas.

Discussion: Planning recommends that the project be conditioned to require that all lighting to conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation with further restrictions for height of pole lighting, motion sensors and hours of operation. As conditioned, staff finds the submitted lighting plan complies with this Policy.

Policy 5.1.2.1 requires that there be adequate public utilities and services including water supply, wastewater treatment and disposal, solid waste disposal capacity, storm drainage, fire and police protection, and ambulance service exist or are available to the subject discretionary project. **Policy 5.7.1.1** directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: There are no bathroom facilities or plumbing proposed for the new metal building. The existing buildings will all share the existing facilities with the new building lessee. The subject proposal was reviewed by the El Dorado County Environmental Health Division and it was found to show the existing septic to be adequate. Solid waste services currently exist for the project site and is adequate for the proposal. The project proposal was reviewed for drainage issues by the Department of Transportation and it was found that they would be adequately handled through the grading permit process and with the implementation of the required implementation of Best Management Practices. As conditioned, the project would meet the intent of these Policies.

Policy 6.2.3.2 directs that 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.

Discussion: The project has been found by the Georgetown Fire Protection District to meet minimum Fire Safe standards for the access road and turnaround capacity. They have required the installation of a fire extinguisher and 100-foot brush clearance prior to final occupancy of the metal building. Adequate police protection and ambulance service exist and the proposed project would not be anticipated to burden those services on a significant level.

General Plan Objective 10.1.5 and Policies 10.1.5.1, 10.1.5.2, and 10.1.5.4 all seek to encourage and emphasize the importance of promoting and encouraging projects that have the potential to support, assist, and encourage the economic expansion and addition of businesses, and also enable and encourage existing companies, businesses, and/or industries, such as agriculture, to expand and economically thrive in El Dorado County.

Discussion: The proposed project approval allows the applicant to expand the existing commercial center and provide a public benefit in a rural area by increasing the availability of goods and services.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The requested Special Use Permit would pertain only to that portion of the parcel zoned Planned Commercial (CP) as shown on the Record of Survey in Exhibit C. Table 2.4 of the 2004 General Plan shows (CP) zoning is compatible with the Commercial General Plan land use designation. The remainder of the parcel, not subject to this special use permit review, is zoned RE – 5 which permits the existing single family dwelling and accessory buildings.

If evaluated as a separate lot, the 120,000 square-foot (2.75 acres) portion of the parcel would comply with the minimum development standard for parcel sizes in CP pursuant to 17.32.160 Section A for minimum lot area of 5,000 square feet, and the proposed 1,800 square-foot metal storage/retail building would comply with Section C for minimum lot width of 50 feet and minimum yard setbacks of ten feet front and five on the sides and rear.

Section 17.32.150 D states that all uses enumerated in subsection E of Section 17.32.140 when they are not fully enclosed in a building require a Special use Permit application. The proposed 1,800 square-foot building has an open side in the front and therefore is not fully enclosed. Planning has found that because of the minimal impacts the project has to the environment, and adjoining properties, the Special Use Permit can be approved as conditioned.

The Special Use Permit process will consider all structures and uses on the subject site whether allowed by right or by permit. An applicant is not entitled to the "by right" uses once an SUP is granted. A special use permit is subject to General Plan and Zoning consistency review, as well as CEQA analysis. The structures and uses permitted are only those allowed by the special use permit and only regulate that portion of the subject parcel zoned CP.

Other Issues:

Exterior Lighting Plan:

The Exterior Lighting Plan, including fixture details, was provided for the site locations and is provided as Exhibit H. Planning staff has found this submitted plan, as conditioned, would meet County Lighting Ordinance requirements and could be approved. The final lighting plan submitted with the building permit will be reviewed for consistency with the lighting plan approved by the Planning Commissioners before the building permit will be issued.

Proposed Signs:

The applicant is proposing to add a eight square-foot sign to the existing metal pipe supported signs by the front entrance gate as shown in Exhibit J2. The sum square footage of the combined signs equals less than the maximum 50 square feet permitted by the CP Zone.

The existing surface-mounted signs are subject to Zoning Code section 17.16 for wall signs which requires in part that the aggregate area of the wall sign not exceed twenty percent of the

total area of the wall. Planned Commercial District section 17.32.140 permits two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises. The sign package is shown in Exhibits J1 to J4. The sizes of the existing wall signs and the mounting wall supplied by the applicant and shown in Exhibit J3, meet the size requirement. The applicant is proposing to include a 32 square-foot sign to be mounted on the roof just below these signs which would exceed the amount allowed on this wall/roof portion but are requested as part of this Special Use permit application.

Project Access, Parking, and Loading:

The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The commercial center project site is to have nine standard spaces and one handicap accessible/van accessible space. One loading zone is located on the concrete slab. The entire area that shows parking spaces on Sheet C2 is either asphalt coated or solid concrete. The required parking was calculated as follows:

Business type/quare footage	Required spaces	Provided spaces
200 square foot Notary Office	One per 250 square feet of floor area	One provided
2,000 square feet of retail	One space per 300 square feet required	Seven provided
1,400 square of storage	One space plus one per 2,000 square feet of floor area	Two provided
Loading area	One twelve foot by 40 foot loading area is required	One 20 foot by 40 foot loading area is provided

As proposed, the project complies with the Parking Ordinance.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(C) of the CEQA Guidelines Sections. Section 15303 (C) applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. 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 Map
Exhibit B	Assessor's Parcel Map
Exhibit C	Record of Survey 27 - 137
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F	Plot Plan
Exhibits G1 and G2	Site/Grading Plans C1 and C2, dated August 20, 2008
Exhibits H1, H2	Elevations
Exhibit I1, I2	Exterior Lighting Plan
Exhibits J1, J2, J3, J4, J5	Existing and Proposed Signs
Exhibits K1, K2	Site visit photographs from September 25, 2008
Exhibits L1, L2	Aerial photos
Exhibits M1, M2	Aerial photos showing how Zoning and Land Use designations overlay on current buildings.

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S08-0019/Hay Lady Hay Barn Special Use Permit
December 11, 2008 Planning Commission Hearing

CONDITIONS OF APPROVAL

Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through L2 dated December 11, 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:

Approval of the Special Use Permit allows construction of a 60 foot by 30 foot, three sided pre-engineered steel building with an open front, for storage and retail sales. Construction and installation of one 32-square-foot roof-mounted sign on the west side of the existing building and the addition of one eight square-foot sign to the existing pole mounted sign structure at the entrance into the commercial area, both as shown in Exhibit G2. Use of the existing 3,840 square-foot building for retail sales repair and service, office, and storage uses. Use of the existing 510 square-foot fully enclosed metal garage for storage.

The limit line of the subject Special Use Permit is established by Planned Commercial area shown in Exhibit C on Record of Survey 27 - 137.

Planning Services Site Specific and Standard Conditions

2. All signs shall comply with Exhibits J1 – J4. All non-wall mounted signs other than the one at the front entrance shall be removed. The sign plans shall be reviewed for compliance with the approved sign program by Development Services prior to issuance of a building permit.
3. All outdoor lighting shall conform to the approved Exterior Lighting Plan (Exhibits I1 and I2) and County Code Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit and shall be reviewed for conformance with the approved Exterior Lighting Plan shown in Exhibits I1 and I2 prior to issuance of a building permit.

In addition, the following apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. Security lighting shall be activated with motion-sensor.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

4. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits G1, G2, H1 and H2. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Development Services Director prior to project modifications.
5. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Parking shall conform to Exhibit G2 and shall consist of the following:

Parking Stall Standard	No. of Spaces
Standard Space	8
Accessible Space	1 van accessible
Loading zone	1
Total	10

6. The existing 34 foot by 15 foot (510 square feet) fully enclosed metal garage/storage building is subject to an "as built" building permit through El Dorado County Building Services. Said permit shall be finalized prior to final occupancy of the 1,800 square-foot three-side metal retail/storage building.
7. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
8. All Planning Services fees shall be paid prior to issuance of any building permits.
9. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the

event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

10. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
11. 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 concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

Georgetown Fire Protection District

12. All existing "Fire and Life Safety" violations on the site shall be corrected prior to issuance of a building permit.
13. Vegetation management/fuel modification shall be completed for a perimeter of 100 feet around the proposed structure prior to issuance of a building permit.
14. A minimum of one Class 2A fire extinguisher shall be required within the new storage building. Said extinguisher shall be mounted in a location approved by the District.

ATTACHMENT 2

FINDINGS

File Number S08-0019/Hay Lady Hay Barn Special Use Permit December 11, 2008 Planning Commission Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(C) of the CEQA Guidelines Sections. Section 15303 (C) applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.
- 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.2 As conditioned, the proposal is consistent with the intent of General Plan Policies 2.1.2.1 (Rural Center boundaries), 2.1.2.2 (Rural Center definition), 2.2.2.3 (Rural Center purpose), 2.2.5.2 (review for General Plan consistency), 2.2.5.10 (support for agriculture), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 10.1.5, 10.1.5.1, 10.1.5.2, and 10.1.5.4 (encouragement of economic opportunities), because of the review for General Plan consistency, minimal impacts to visual qualities, noise, traffic, and on existing emergency response capabilities. The project can be found to be compatible with the community, had review and conditional approval of by the Georgetown Fire Protection District, there is adequate availability of utilities such as water, power and solid waste facilities, and the project adds an economic benefit and ability to supply needed commodities and services to the local residents.

3.0 Zoning Findings

- 3.1 The project is zoned Planned Commercial which allows retail sales, service and repair, enclosed storage and offices by right. Storage/retail sales not fully enclosed is permitted by Special use Permit. The 120,000 square-foot (2.75 acres) portion of the parcel would comply with the minimum development standard for parcel sizes in CP pursuant to 17.32.160 Section A for minimum lot area of 5,000 square feet. The proposed 1,800 square-foot metal storage/retail building would comply with Section C for minimum lot width of 50 feet and minimum yard setbacks of ten feet front and five on the sides and rear.

4.0 Special Use Permit Findings

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All potential project-related environmental issues and the benefits to the community have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing accessory building. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction 1,800 square-foot metal storage/retail building as an expansion to the existing commercial structure, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to County Code Sections 17.28.200 A and 17.28.200.G.**