

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



Agenda of: December 11, 2008
Item No.: 9.a
Staff: Michael C. Baron

SPECIAL USE PERMIT REVISION

FILE NUMBER: S85-0070R2

APPLICANT: Jean and Ren Reinders

REQUEST: Special Use Permit Revision to amend Condition #5 as follows:

A minimum of ~~126~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area, ~~and~~ Two employees shall be available to direct vehicles to the parking area that location 11:30 a.m. to 4:00 p.m., weekends and holidays as needed during peak hours.

LOCATION: On the east side of High Hill Road, approximately one-quarter mile north of the intersection of High Hill Road and Carson Road, in the Camino area, Supervisorial District III (Exhibit A).

APN: 048-160-44

ACREAGE: 10.01 acres

GENERAL PLAN: Agricultural lands-Agricultural District (AL-A) (Exhibit B)

ZONING: Select Agricultural 10-acre/Exclusive Agriculture (SA-10/AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from CEQA pursuant to Section 15301

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The project site is located within the Select Agricultural 10 acre (SA-10) and Exclusive Agricultural zone districts, which are designed to allow for the sale, packing, processing, and other related activities associated with the primary agricultural use of the property. The subject parcel is 10.01 acres in size.

The Zoning Administrator approved S85-10 on October 30, 1985, allowing the applicant to make and sell confections (candy and fudge) and wood cabinets produced on the site in an accessory building as a home occupation. A complaint prompted the applicant to request the amendment to the existing Special Use Permit to legitimize the required number of parking spaces. The project was heard by the Planning Commission January 10, 2008 and subsequently continued off calendar to resolve issues relating to the number of available parking spaces and the use of the cabinet shop. Since the hearing the applicant has striped 76 parking places and closed the cabinet shop business, thereby providing more than adequate parking for the fudge factory.

STAFF ANALYSIS

Project Description: The Special Use Permit requires a minimum of 126 parking spaces and two parking attendants to be on-site during hours of operation from 11:30 am to 4:30 pm. The applicant requests to reduce the parking requirements as specified in Condition No. 5. The applicant would provide 76 on-site parking spaces, with two employees to be used for directing vehicles to parking areas from 11:30 AM to 4:30 PM, as needed during peak hours. The applicant has stated that customer traffic is closely tied to the apple harvest season where business can be slow or busy regardless of a weekend or holiday therefore, having parking attendants is not always necessary.

Site Description: The subject parcel is generally level adjacent to High Hill Road and has been developed with a graded graveled parking lot, a large cabinet shop, horse stable and corral, tractor shed, orchard, single family residence, and candy store. An additional level area for parking is located on the southwest side of the cabinet shop. The eastern portion of the property slopes to the east with moderate slopes of 15 to 20 percent.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	SA-10/AE	AL-A	Single Family Residence/Light Industrial/Retail Candy Store/Commercial Agriculture
North	SA-10	AL-A	Single Family Residence/Agriculture
South	SA-10/AE	AL-A	Single Family Residence/ Retail Arts and Crafts/Commercial Agriculture
East	SA-10/AE	AL-A	Vacant
West	SA-10	AL-A	Single Family Residence/Agriculture

General Plan: The General Plan designates the subject site as Agricultural Lands within an Agricultural District. This designation permits a wide range of agricultural endeavors and ranch marketing activities. Typical uses include single family residences, agricultural support structures, and a full range of agricultural production uses.

Discussion: The General Plan does not specifically address the types of special use permits that may be issued in each land use category. Lacking a specific policy either permitting or discouraging such a use, the long-term practice of allowing special uses as identified in the Zoning Ordinance is a practice deemed consistent with the General Plan. However, it can be considered consistent only when the use is found to satisfy the provisions and required findings of Chapter 17.22 of the Zoning Ordinance, and is consistent with applicable General Plan policies.

Zoning: The proposed use is permitted in both the SA-10 and AE Zone Districts, pursuant to Section 17.36.240. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. A reduction in parking stalls would not create a negative impact because the new parking calculation would be consistent with Chapter 17.18 of the Zoning Ordinance requiring 2 spaces for the residence, 3 spaces for the candy shop, and 6 spaces for the picnic area. The applicant is furnishing an additional 65 parking spaces to accommodate a high volume of visitors to the site during apple harvest season. Parking attendants would only be required at peak traffic periods. Based on comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the proposed revisions project not be detrimental to the public health, safety and welfare and not injurious to the neighborhood.

Agency and Public Comments: The following agencies provided conditions of approval for this project:

Department of Transportation: The Department provided conditions for approval, specifically requiring the applicant to widen High Hill Road to a half width of 12 feet along the entire on-site property frontage and required the applicant to enter into a road maintenance entity to maintain all roads not maintained by the County.

El Dorado County Fire Protection District: The fire district reviewed the building permit plans for the barn and determined that with removal of the cabinet shop no additional fire hydrants would be necessary.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's

determination. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the Special Use Permit revision S85-0070R-2 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CAgriculture District
Exhibit DZoning Map
Exhibit EAssessor’s Map
Exhibit FSite Plan

ATTACHMENT 1

CONDITIONS OF APPROVAL

Planning Commission/December 11, 2008
File Number S85-0070-R

CONDITIONS OF APPROVAL

S85-70/S85-70R

Conditions of Approval

1. The following structures & uses shall be allowed under this use permit:
 - a. **The Fudge Factory building (approximately 1,200 square feet);**
 - i. All candies and confections sold on-site must be manufactured on-site.
 - ii. No candies, crafts, or other food items not produced on-site may be offered for sale.
 - iii. The Fudge Factory may have a maximum of 12 seasonal weekend employees at any one time during the peak season hours of operation (September 30 to December 30, each calendar year). The Fudge Factory may have one permanent full-time employee during the peak season (September 30 to December 30, each calendar year) and during the off-peak season (April 1 to September 30, each calendar year).
 - iv. The Fudge Factory hours of operation shall be from 9:00 a.m. to 5:00 p.m., Monday through Sunday during the peak season (September 30 to December 30, each calendar year); and the off-peak season (April 1 to September 30, each calendar year) hours of operation shall be shall be from 9:00 a.m. to 5:00 p.m. on Saturday and Sunday only.
 - b. ~~**Cabinet Shop (4,032 square feet);**~~
 - ~~i. No on site sales shall be allowed from the cabinet shop.~~
 - ~~ii. The Cabinet Shop may have one permanent full time employee in addition to the current resident of the single family residence on the property. The cabinet shop may utilize one part time employee during the off peak season for Apple Hill (April 1 to September 30, each calendar year).~~
 - ~~iii. The Cabinet Shop hours of operation shall be Monday through Friday 7:00 a.m. to 7:00 p.m.~~

~~iv. No deliveries onto or off of the property shall be made on weekends during the peak Apple Hill season (September 30 to December 30, each calendar year).~~

~~e. **Office trailer (500 square feet).**~~

~~i. No on-site sales shall be allowed from the office trailer.~~

~~ii. The office trailer hours of operation shall be the same as those identified for the Cabinet Shop.~~

1. This Special Use Permit Revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit F 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:

Special Use Permit Revision to amend Condition #5 as follows:

A minimum of ~~126~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area. ~~and~~ ~~Two employees shall be available to direct vehicles to the parking area that location~~ 11:30 a.m. to 4:00 p.m., ~~weekends and holidays~~ as needed during peak hours.

2. The preparation of all candies and confections shall be in compliance with the current Uniform Retail Food Facilities Law and all requirements of the El Dorado County Environmental Management division.

3. All structures on the site shall have a permit from the El Dorado County Building Department.

4. The parking area identified on the site plan shall be gravel based and shall be maintained with no obstructions. No materials may be stored, and no permanent or temporary structures may be placed in the parking area.

5. A minimum of ~~126~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install

directional signs identifying the location of the on-site parking area and two employees to shall direct vehicles to the parking area that location 11:30 a.m. to 4:00 p.m., weekends and holidays as needed during peak hours.

- ~~6. The applicant shall be subject to the County Traffic Impact Mitigation (TIM) fee. Pursuant to Resolution 32-98, said fee shall be due upon issuance of this special use permit. If prior to the issuance of the special use permit for said project a revised fee is established, such revised amount shall be paid. (This fee applies only to the 2,300 square foot expansion of the cabinet shop)~~
- ~~7. The applicant shall be subject to the State Infrastructure Traffic Impact Mitigation (TIM) fee. Pursuant to Resolution 31-98, said fee shall be due upon issuance of this special use permit. If prior to the issuance of the special use permit for said project a revised fee is established, such revised amount shall be paid. (This fee applies only to the 2,300 square foot expansion of the cabinet shop).~~
- ~~8. The Cabinet Shop shall submit a Hazardous Materials Management Plan (HMMP) to the El Dorado County Environmental Management department for review and approval. The applicant shall provide information in the HMMP on all hazardous materials utilized in the Cabinet Shop operation.~~
6. The applicant shall provide either permanent restroom facilities or portable restroom facilities on-site for the use of customers during the peak season based on an evaluation from Environmental Management as to what is adequate. Signs shall be placed on-site identifying the location of the restroom facilities. These facilities shall be reviewed and approved by the Environmental Health Department. Additionally, an adequate number of trash receptacles (minimum of 6) shall be placed upon the property.
- ~~10~~ 7. All signs on the property shall conform with the provisions of Chapter 17.16 and Section 17.36.230 (C) of the Zoning Ordinance.
- ~~11~~ 8. The applicant ~~will~~ shall move forward to comply with the County Ranch Marketing Ordinance.
- ~~12. The permit will be reviewed in February 2002, and at that time, the applicant will submit records of employment for the previous Apple Hill Season.~~
- ~~14~~ 9. The applicant shall make the actual and full payment of planning processing fees for the special use permit revision prior to the issuance of an approval letter for the special use permit revision.

~~13-10. The applicant shall widen the High Hill Road to a half width of 12 feet along the entire on-site property frontage, per El Dorado County Standard Plan 101C prior to issuance of the special use permit.~~

~~1416. The applicant shall irrevocably offer to dedicate the onsite 25 foot wide road and public utility easement along the entire property frontage along High Hill Road. This offer will be rejected by the County.~~

~~15-11. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to issuance of the special use permit.~~

~~16-12. Prior to issuance of the special use permit, the applicant shall join and/or form an entity, satisfactory to Department of Transportation, to maintain all roads not maintained by the County.~~

El Dorado County Fire Protection District

~~1713. Site/inspection review fee of \$150.00.~~

~~1820. One new fire hydrant is required. The Fire District shall approve the location of the fire hydrant.~~

ATTACHMENT 2 FINDINGS

Planning Commission/December 11, 2008
File Number S85-0070R

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 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15301 stating that, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2 The documents and other materials, which constitute the record of proceedings upon which the decision is based, are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95567.

2.0 SPECIAL USE PERMIT FINDINGS

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

The Special Use Permit Revision, as conditioned, is consistent with General Plan since the revision is only a modification of existing conditions with no expansion of existing facilities.

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

The El Dorado County Department of Transportation and the El Dorado County Fire Protection District have determined that with the inclusion specific conditions of approval the Special Use Permit Revision would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

2.3 The proposed use is permitted by special use permit pursuant to Chapter 17.14.

Both the Select Agriculture 10-acre and Exclusive Agriculture Zone Districts (SA-10/AE) allow sales of confections made onsite by Special Use Permit. The project is a modification of a previously approved Special Use Permit and the modifications to the conditions of approval do not include an expansion of the existing facilities. It has been determined that the modification is consistent with the intent of the provisions outlined in Chapter 17.14 of the Zoning Ordinance.