

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



Agenda of: January 9, 2014
Item No.: 8
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S13-0005/Hommel Expanded Home Occupation

APPLICANTS: Scott Hommel and Linda Mangino

REQUEST: Expanded home occupation to allow an existing accessory structure to be utilized for custom parts fabrication.

LOCATION: South side of El Bosque Place, approximately 225 feet west of the intersection with Dusty Mine Road, in the Volcanoville area, Supervisorial District 4. (Exhibit A)

APN: 062-560-12 (Exhibit B)

ACREAGE: 5 acres

GENERAL PLAN: Low Density Residential – Platted Land (LDR-PL) (Exhibit C)

ZONING: Estate Residential – 5 acres (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to CEQA Guidelines Section 15301

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

1. Certify the project is Categorically Exempt from CEQA under Section 15301 (Existing Facilities); and
2. Approve S13-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: The applicants are proposing to use an existing 706 square foot workshop on their property to fabricate custom machined parts, primarily from mostly plastic materials. Specialized equipment consisting of mills, lathes, and other various machines would be utilized. A back-up generator would function in times of power outages. No employees are proposed to be utilized. Hours of operation vary between 7 am and 9 pm, depending on workload. Deliveries are received from UPS and FedEx approximately three to five times per week, but not every week, depending on production requirements. The machine shop would be closed to the general public.

Site Description: The site is located in a remote area of Volcanoville at approximately the 3,400 foot elevation above sea level. The area is dominated by conifer trees standing over 75 feet tall, mixed with shorter deciduous trees.

Background: The application was submitted as a result of a code enforcement action under Permit 210115. In addition to operating the expanded home occupation without a special use permit, the workshop structure was also built without a permit. The building permit application was filed on May 13, 2013. The project will be conditioned to require approval of a building permit for final occupancy of the structure before the applicants can resume the operation of their expanded home occupation. The code enforcement file would remain open until such time as proof of final occupancy is submitted to staff.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-PL	Residential/ Single-family dwelling
North	RE-5	LDR-PL	Undeveloped
South	A	NR	Undeveloped/PG&E transmission lines
East	A	NR	Residential/Single-family dwelling
West	RE-5	LDR-PL	Undeveloped

STAFF ANALYSIS

The property is zoned Estate Residential Five-acre (RE-5), which permits single-family dwellings, accessory structures, and certain home occupations. The proposed use is not specifically listed as a home occupation permitted by right under Section 17.28.190.C. The project is proposed to occur outside the residence within an accessory building and therefore requires a Special Use Permit pursuant to Section 17.28.200.G. This section requires that home occupations not listed in subsection C of Section 17.28.190 which require special consideration such as the use of power

tools, accessory building, noise, and will not change the residential character of the premises or adversely affect the other uses permitted in a residential area.

Project Issue: The primary issue with this project is land use compatibility. Policy 2.2.5.21 directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

The use of the accessory structure would not require any physical site improvements or exterior expansion. Water and septic facilities are available on-site. There would be no on-site sales, the business is not open to the public, and no employees are proposed. The project does not propose activities that would occur outside the detached accessory building.

The use of the machining equipment would create noise. Policy 6.5.1.7 states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses. All parts fabrication would occur within the insulated workshop and, as such, machine noise will be contained within the building. Equipment would operate for short periods of time. The applicant would fabricate mostly plastic parts that generally result in lower noise levels than metal parts. The back-up generator may potentially increase noise impacts, but no more than if the applicants used it for their personal residential use during a power outage. The nearest dwelling unit lies approximately 350 feet east of the workshop.

The applicants' dwelling forms a buffer between the workshop and the adjoining neighbor's dwelling unit. In order to assure that excessive noise levels would not occur, the project includes a recommended condition requiring that all doors and windows remain shut when any piece of equipment that makes noise is utilized. That condition also recommends that a noise analysis and possible noise reduction measures be required if valid complaints are received from the surrounding property owners regarding excessive noise.

Access to the site from Wentworth Springs Road is approximately 4.5 miles on Volcanoville Road, a County-maintained road, to Dusty Mine Road approximately 400 feet and then west on El Bosque Place approximately 225 additional feet to the project parcel, through the parcel adjoining to the east. Both Dusty Mine Road and El Bosque Place are privately maintained roads.

Both UPS and FedEx vehicles currently service Volcanoville residents almost daily and stop at the applicants' house two to three times a week, but not every week. The project would continue using those services at the existing levels. Staff has found that the project would not generate traffic beyond what is typical within a remote residential area, where residents do not have easy access to commercial businesses, and many home-based businesses rely on the Internet and delivery services.

General Plan Objective 10.1.7 seeks to promote the establishment and expansion of small businesses and work place alternatives including home occupations. Policy 10.1.7.2 directs that the County assist small business in the County, and 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 approval of the project, as conditioned, supports these policies, as it would promote a home-based business and would be compatible with surrounding RE-5 zoned properties.

There were no comments, concerns, or recommended conditions of approval received from the Transportation Division or the Georgetown Fire Protection District.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from CEQA pursuant to Section 15301. The project is a special use permit for an expanded home occupation to allow an existing workshop on the property to be used for custom parts fabrication. As such, it does not increase the intensity of what could normally be allowed within the structure for the property owners' personal use.

A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Designations Map
Exhibit E	Site Plan
Exhibits F1 and F2	Site Visit Photos
Exhibit G	Aerial Map

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S13-0005/Hommel Expanded Home Occupation
Planning Commission/January 9, 2014

Planning Services

1. **Project Description:** This Special Use Permit is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing exhibit:

Exhibit ESite Plan

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.

Approval of this Special Use Permit allows the following uses to occur on the parcel currently identified by Assessor's Parcel Number 062-560-12:

- a. An expanded home occupation utilizing an existing 706 square foot workshop to fabricate custom machine parts from mostly plastic material;
- b. Use of specialized equipment consisting of mills and lathes and various other machines;
- c. Hours of operation between 7 am and 9 pm depending on workload;
- d. Deliveries from UPS and FedEx to occur a maximum of three to five times per week depending on production requirements; and
- e. Use of a back-up generator in times of power outages.

The use and location of the machine shop structure 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.

2. **Employees:** There shall be no employees on the site.
3. **General Public:** The machine shop shall be closed to the general public.

4. **Building Permit:** Approval of a building permit for final occupancy of the machine shop structure shall be obtained by the applicants before they can resume operation of their expanded home occupation.
5. **Noise:** Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	Daytime (7am-7pm)	Evening (7pm-10pm)
Hourly dB	50	45
Max. dB	60	55

All doors and windows shall remain closed during the operation of any noise-producing piece of equipment. A noise analysis by a qualified professional shall be required if noise complaints regarding the operation of the home occupation are received from the surrounding property owners. If necessary, noise reduction measures shall be required reducing the noise impacts to levels consistent with the table above.

6. **Business License:** Prior to operation, the applicant shall obtain a new and updated business license from the El Dorado County Tax Collector.
7. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.
8. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
9. **Hold Harmless Agreement:** 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.

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

Environmental Health Division

10. If the septic system on this parcel will be impacted in any manner, whether by the installation of a bathroom or by introduction of hazardous waste, the following will be required:
 - a. Have the system evaluated by a certified septic system designer
 - b. If the evaluation indicates that the existing septic system will not be able to handle the increased flow resulting from the shop, the septic system must be expanded under permit from Environmental Management.

Hazardous Materials Division

11. If this facility will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.

Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

ATTACHMENT 2

FINDINGS FOR APPROVAL

Special Use Permit S13-0005/Hommel Expanded Home Occupation Planning Commission/January 9, 2014

1.0 CEQA FINDING

- 1.1 The expanded home occupation is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. The project is a special use permit for an expanded home occupation to allow an existing workshop on the property to be used for custom parts fabrication. As such, it does not significantly increase the intensity of what could normally be allowed in the structure for the property owners' personal use.
- 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

As conditioned, the proposal is consistent with the intent of 2.2.5.21 (compatibility with surroundings), 6.5.1.2 and 6.5.1.7 (noise impacts), 10.1.7, 10.1.7.2, and 10.1.7.4 (promotion of home-based occupations), because the project would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste. The project is conditioned so as not to add excessive noise levels. The project provides machining services to the County residents and provides an opportunity for home-based employment.

3.0 ZONING FINDINGS

- 3.1 The project is zoned Estate Residential Five-Acre which allows home occupations not listed in subsection C of Section 17.28.190, which require special considerations with an approved Special Use Permit and pursuant to Section 17.28.200.G.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because the project would be located entirely within an existing, approved structure.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The applicant's proposal is in compliance with County regulations, addressing environmental issues and health and safety concerns. The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies because the project will occupy an existing building with no exterior improvements, and as conditioned, will not create excessive noise, waste or additional traffic. The project allows an expanded home occupation within an accessory building, carried out by the owners and their family.

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

As conditioned, the use will not conflict with the adjacent uses as it will occur entirely within an existing building. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. After review of the site plan and upon consultations with concerned agencies, it has been determined that the impacts of the project will not have a detrimental affect nor be injurious to the neighborhood. The proposed use would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the Staff Report.

4.3 The proposed use is specifically permitted by Special Use Permit.

Section 17.28.190.C of the County Code requires that home occupations be carried out with the residence. Section G of Section 17.28.200 requires a Special Use Permit for proposed use to be carried out within an accessory building. The project must be found to not change the residential character of the premises or adversely affect the other uses permitted in a residential area. After review of the submitted information and with consultation from concerned agencies, staff has determined that, as proposed, the project is consistent with these requirements and would not affect the existing area in a significant manner.