

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	January 6, 2016
Item No.:	4.a.
Staff:	Jennifer Franich

SPECIAL USE PERMIT

FILE NUMBER: S15-0015/Hooverville Agricultural Employee Housing

APPLICANT: Rachel Detwiler

OWNER: Winston and Rachel Detwiler

REQUEST: Special Use Permit to allow three existing dwelling units to be maintained and used as agricultural employee housing.

LOCATION: The north side of Wallace Road, approximately 1 mile west of the intersection with Highway 49, in the Gold Hill area, Supervisorial District 4. (Exhibit A)

APN: 089-320-11 (Exhibit B)

ACREAGE: 72.24 acres

GENERAL PLAN: Agricultural Lands (AL) (Exhibit C)

ZONING: Exclusive Agricultural (AE) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301; and
2. Approve Special Use Permit S15-0015 based on the Findings and subject to the Conditions of Approval as presented.

PROJECT INFORMATION

Site Description: The site comprises 72.24 acres of orchard, a fruit stand, a bakeshop and storage building, and residential structures. According to the Department of Agriculture, 69 of the 72 acres are being used for permanent crop production, and the land is an agricultural preserve under Williamson Act Contract. Approximately two-thirds of the site contains choice local soils (Exhibit E). Wallace Road, a county-maintained road, provides access to the site. The adjacent land uses to the East and South are primarily agriculture, and are zoned Exclusive Agriculture (AE) and designated Agricultural Lands (AL) in the General Plan. Lands to the North and West have both the AL land use designation and Rural Residential (RR), are zoned Estate Residential Five-Acre (RE-5), and contain both single-family homes and agricultural uses.

Project Description: There are two existing agricultural employee residences and a single-family home on the site (Exhibit F). This special use permit request is for the conversion of the single-family residence to a permanent agricultural employee housing unit, and the continued use of the two existing residential units as agricultural employee housing. Each residence has its own address. The residence at 1095 Wallace Road is a small one-bedroom house. The residence at 1031 Wallace Road is a three-bedroom single family home. The original three-bedroom single family home located at 1100 Wallace Road is proposed to be converted to agricultural housing. A new single-family home and an attached accessory dwelling unit are currently under construction (SPR 14-0001 and SPR 15-0004).

STAFF ANALYSIS

Environmental Review: Staff has prepared a Notice of Exemption. Staff has determined that the proposed project would not have a significant effect on the environment.

General Plan Consistency:

Staff has determined that the proposed project is consistent with the applicable policies and requirements in the El Dorado County General Plan, as discussed below in Section 2.0, General Plan findings.

Zoning Ordinance Consistency:

Staff has determined that the proposed project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, as discussed below in Sections 3.0 and 4.0, Zoning and Special Use Permit findings.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....General Plan Land Use Designation Map

Exhibit D.....Zoning Designation Map

Exhibit E.....Aerial Map

Exhibit F.....Site Plan

Exhibit G.....Agricultural Commission Staff Report; October 28, 2015

FINDINGS

Special Use Permit S15-0015/Hooverville Agricultural Employee Housing Zoning Administrator/January 6, 2016

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As no new structures are proposed and there will be a negligible expansion of an existing use, this project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
- 1.1 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 8.1.4.1.

General Plan Policy 8.1.4.1 requires that the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and

Rationale: The project application was reviewed by the El Dorado County Agricultural Commission for compliance with the General Plan. Although the project would include the addition of housing units in an area designated for agriculture, the commission supports the agricultural housing because it is accessory to the function of the orchard. The amount of acreage used for commercial crop production justifies the need for multiple agricultural workers and the inclusion of multiple housing units. In addition, all of the housing units are located outside of the 200-foot agricultural setback. The Agricultural Commission found that the three existing housing structures will be compatible with agricultural activities both on and off the site (Exhibit G).

- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and

Rationale: The project is located on agricultural land, and no change in land use is proposed. The agricultural employee housing would be an accessory use to the agricultural production and would not create an island effect.

- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: No change in land use is proposed, and the project does not include any changes to the size or configuration of the property. Any buffering effect currently provided by the site would not be affected by the agricultural employee housing.

2.2 **The project is consistent with General Plan Policy 8.2.3.1.**

General Plan Policy 8.2.3.1 requires that a special use permit be required for additional dwellings over and above those allowed by right for permanent and seasonal agricultural employees. The Agricultural Commission shall review the application and make recommendation on the necessity and compatibility of the additional dwelling units with the agricultural activities both on- and off-site. The special use permit shall be subject to the following provisions:

- A. The housing is clearly needed for and incidental to agricultural production and related uses on the site.

Rationale: The project application was reviewed by the El Dorado County Agricultural Commission for compliance with the General Plan on November 4, 2015. Due to the size of the parcel, and because orchard production requires constant and intensive work, the inclusion of three agricultural employee housing units is necessary and appropriate at the site. The Agricultural Commission found that activities on the property satisfy the criteria for agricultural operation and recommended approval of the project.

- B. The housing is constructed and maintained to conform to the minimum standards contained in the Uniform Building Code or as otherwise regulated by the State Department of Housing and Community Development for migrant farm labor housing.

Rationale: The single-family homes that are proposed for Agricultural employee housing are existing. Two of the homes are currently used as agricultural employee housing, and the third is currently the main residence. There is no construction proposed as part of this project. The existing residences were constructed in accordance with the codes and standards in place at the time of construction.

2.3 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by the County Transportation Division, El Dorado County Fire Protection District, El Dorado Irrigation District, and Gold Trail School District for adequate public services capacity. The project involves no construction and will utilize existing electrical facilities and public services. No new or expanded wastewater treatment facilities would be required. The project would not generate a substantial increase in solid waste.

2.4 The project is consistent with General Plan Policy 6.5.1.7.

Policy 6.5.1.7, Noise Standards, requires 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.

Rationale: Noise levels are not expected to change as a result of this project, as the project would not add any new sources of noise beyond those expected from a residential use. The proposed project would not expose people to noise levels in excess of standards established in the General Plan.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.36.

The parcel is zoned Exclusive Agriculture (AE). The project has been analyzed in accordance with Zoning Ordinance Section 130.36.090 (Development Standards) for minimum lot size, dimensions, buffers, and building setbacks.

Rationale: The project, as proposed, is consistent with the Zoning Ordinance because the facility comprises three existing single-family homes that were constructed in accordance with building setbacks and other applicable design standards for residential development. There is no construction proposed as part of this project.

3.2 The project is consistent with Title 130.36.040(L).

Chapter 130.36.040(L) requires a favorable recommendation from the agricultural commission that the activities conducted on the property or contiguous properties under the same ownership satisfy the criteria for an agricultural operation.

Rationale: The project application was reviewed by the El Dorado County Agricultural Commission for compliance with the General Plan on November 4, 2015. The site is located in an agricultural zone, within an agricultural district, contains choice soils, is under Williamson Act Contract, and is currently operating in commercial crop production. The Agricultural Commission found that activities on the property satisfy the criteria for agricultural operation and recommended approval of the project.

4.0 SPECIAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not significantly conflict with surrounding uses. The proposed agricultural employee housing will comply with the Development Standards of the AE zone district. The structures are existing and no changes to the existing structures are proposed. The proposed use is consistent with the surrounding neighborhood which includes agriculture and large-lot single-family residences. The project is not expected to result in any changes to the current use or condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

According to 130.36.040(L) of the El Dorado County Code, a special use permit is required for single-family and multifamily dwellings for agricultural labor housing where the contiguous ownership of properties used for agricultural purposes contain ten acres or more. Applications may be approved only upon a favorable recommendation from the agricultural commission that the activities conducted on the property or contiguous properties under the same ownership satisfy the criteria for an agricultural operation.

Rationale: The proposed agricultural housing is specifically permitted by Special Use Permit pursuant to Section 130.36.040(L). The proposed Special Use Permit, as conditioned, complies with the requirements of Chapter 130.22, Special Use Permits. The Agricultural Commission reviewed the project November 4, 2015 and found that:

- 1) Activities on the property satisfy the criteria for agricultural operation
- 2) All determinations necessary for General Plan Policy 8.1.4.1 can be made
- 3) The agricultural operation on APN: 089-320-11 necessitates agricultural employees and housing, and the existing structures will be compatible with agricultural activities both on and off the site.

Therefore, the agricultural Commission made all of the necessary findings and recommended approval of the special use permit.

CONDITIONS OF APPROVAL

Special Use Permit S15-0015/Hooverville Agricultural Employee Housing Zoning Administrator/January 6, 2016

1. This Special Use Permit is based upon and limited to compliance with the project description 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.

Approval of the Special Use Permit allows the use of three existing homes for permanent agricultural employee within the existing 74.24-acre site identified by Assessor's Parcel Number 089-320-11.

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.

2. Pursuant to County Code Section 130.22.250, 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.
3. 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 developer and land owner 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 special use permit.

4. 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.