

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



Agenda of:	September 11, 2008
Item No.:	8.b
Staff:	Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S07-0021/Cozzi Landscaping

APPLICANT: Guy and Cynthia Cozzi

AGENT: Robert A. Laurie, Attorney at Law

REQUEST: Special use permit to allow a landscaping business to operate as an expanded home occupation.

LOCATION: On the south side of Fria Springs Road, approximately 2.9 miles north of the intersection with Green Valley Road and Deer Valley road in the Rescue area. (Exhibit A)

APN: 102-540-09

ACREAGE: 5 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor-Platted Lands (LDR-IBC-PL) (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15270(a) of the CEQA Guidelines.

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

1. Certify that the project is Statutorily Exempt from CEQA pursuant to Section 15270(a) of the CEQA Guidelines; and

2. Deny Special Use Permit S07-0021 as the required findings cannot be made based on the analysis in the staff report and as noted in Attachment 1.
3. If the Planning Commission takes other than the recommended action, the project should be continued to allow staff adequate time to prepare an environmental document, revise findings, and develop conditions.

BACKGROUND: The existing landscape business has operated at the current site since April of 2007. A business license was issued for the project site on April 3, 2007 with the following notes written by Planning Services:

Home occupation, no employees, explained guidelines allowed by zoning

Code enforcement actions were initiated for the zoning violation by a courtesy notice sent to the owner of the subject parcel on May 18, 2007. On June 7, 2007 a Code Enforcement inspector found the following conditions:

1. Operating commercial business in residential (RE-5) zone.
2. Storage of commercial equipment in residential (RE-5) zone.

This was followed by a Notice to Correct recorded on August 15, 2007 citing the above violations. As a result of the notice, the owner submitted a special use permit application on June 26, 2007. The application was deemed complete on July 26, 2007.

STAFF ANALYSIS

Project Description: The request is for a special use permit for an expanded home occupation consisting of a landscape business being conducted in a residential zoning. The project proposal includes:

- Ten employees arriving at the site each day in no more than 4 personal vehicles.
- Storage of 3-4 trucks, 3 small excavating machines, and one trailer.
- Employees will arrive on-site between 6:30 A.M. and 7:00 A.M. and park their vehicles in the designated parking area. The employees will return generally between 3:30 P.M. and 4:30 P.M., park the business vehicles and leave the site.
- No supplies will be stored on-site.
- No clients will visit the site.
- No manufacturing or construction activity relating to the business will take place on-site.

Site Description: The project site is an average elevation of 1,160 feet above mean sea level and is located in the Valley Oak Ranch #2 subdivision. The gently sloped parcel consists mainly of grassland with a riparian corridor at the southern end of the parcel which contains Mormon Ravine,

an intermittent stream. The riparian feature contains valley oak and montane hardwood woodland. Improvements include a single family residence and an accessory garage. A fairly significant portion of the parcel, approximately 5,250 square feet, was graded for parking and storage of vehicles related to the business.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single family residence
North	RE-5	LDR	Single family residence
South	RE-5	LDR	Single family residence
East	RE-5	LDR	Single family residence
West	RE-5	LDR	Single family residence

Discussion: The project area is a mix of Low Density Residential and Rural Residential land use designations. The linear distance to appropriate sites would be 2.5 miles to the closest Industrial land use designated parcels and 2.7 miles to the closest Commercial land use designated parcels.

Traffic: The applicant proposes to have ten employees arrive at the project in no more than four vehicles. Planning staff has determined that if approved this condition, as part of the project description, would not be enforceable as it would rely on neighbors to file complaints to ensure compliance. With this condition not being enforceable there is the possibility of 28 daily trips associated with the business in addition to the nine daily trips associated with the residential use. The 28 daily trips include 10 employees arriving at the site, leaving and returning to the site in four trucks, and again leaving the site in their personal vehicles.

Visual impact: The project site is a very visible parcel as it is almost devoid of tree cover. The storage of business vehicles and equipment, employee’s vehicles, and congregation of ten employees would have a significant visual impact on a rural residential subdivision. A large area on the project parcel adjacent to Fria Springs Road was graded for parking and storage of equipment related to the business and is very visible due to the lack of screening at the site.

General Plan: The General Plan designates the subject site as Low Density Residential (LDR). The LDR land use designation permits single-family residential development in a rural setting. 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.

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 development project is proposed. Development projects that are potentially incompatible with

existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Planning staff has determined that proposed home businesses, with employees, the storage of equipment, and the parking of employee's vehicles would not be compatible with the surrounding residential neighborhood. This would be considered a commercial/industrial operation and should be relocated from the residential neighborhood to a compatible commercial/industrial zone district.

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.*

Staff has determined that the home-based business would be inconsistent with this Policy as it would promote a home-based business within a residential district that would not typically be permitted within the same zone district elsewhere in the County. This is a residential area not intended to be the site of commercial/industrial businesses and is not compatible with surrounding RE-5 and RE-10 zoned properties. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, premises, or the neighborhood. The proposal would generate vehicular traffic measurably in excess of that normally associated with single-family residential uses and would have a significant visual impact.

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 inconsistent with the General Plan. Findings of inconsistency with the General Plan are provided in Attachment 1.

Zoning: The subject parcel is within the Estate Residential Five-acre (RE-5) zone district. The purpose of the RE-5 districts is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and provide for the protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated.

The proposed use is not specifically listed as a home occupation permitted by right under any residential zone district described in The County Code, and therefore can only be evaluated by submitting a special use permit. The following is the language used in the residential zone districts to describe home occupation allowed by right:

Home occupation such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held, and no display of goods is visible from the outside of the property; such use must be carried on in the residence and be incidental to the residential use of the premises and be carried on by a resident thereon.

The following is the language used in the residential zone districts to describe home occupation requiring a special use permit:

...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 also would require a special use permit.

Discussion: Planning Services routinely reviews anywhere from 10 to 30 business license requests per day and the vast majority are for home-based occupations. Because of direction from The County Code, it has been the practice on a consistent basis for many years to deny requests for home-occupation business licenses that requests to have employees, storage of equipment, or more than one commercial vehicle per occupant. The approved business license only allows a home office, no employees, to be carried out by residents on the subject parcel only, not to permit more than one business vehicle and not to allow employees on-site. The approved business license indicated the activity was a home occupation with no employees.

County Code does not permit Planning Services staff to routinely permit businesses of this type to exist on parcels designated by the Zoning Ordinance and the General Plan for residential uses. Many similar home-based occupation applications historically submitted have been told they cannot conduct an enterprise with similar proposals. Planning staff has determined that to approve the subject application request would legitimize a home occupation that would not be permitted by The County Code. Further, it would be contrary to the intent of the establishment of residential districts, especially low-density residential land use districts that are not intended to be areas for commercial businesses. The project proposal is not a home occupation as contemplated by the Zoning Ordinance. This is a commercial use not permitted in a residential zone.

Therefore, Planning staff recommends the Planning Commission deny the subject application request as being contrary to the intent of Zoning Code and General Plan.

Agency and Public Comments: The following agencies provided comments on this application:

Hazardous Material Division of the Environmental Management Department: The Hazardous Materials Division responded to concerns that storage of landscaping materials and repair of equipment may involve the storage of reportable quantities of hazardous materials. If approved they recommend a number of conditions.

Department of Transportation: The DOT also recommended several conditions of approval.

At the time of the preparation of this report, staff had received multiple comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

The Valley Oaks Ranch No. 2 Home Owners Association expressed concern that the added traffic would increase the exposure to liability should traffic accidents occur. The subdivision has only 10 lots with 12 residences and the potential additional daily trips the project has the potential of generating could increase the subdivisions daily trips by 20 percent. This would in turn accelerate the maintenance needs of the streets paid for by the HOA. Further they expressed concern with the potential of hazardous materials being stored at the project site and spills related to the equipment.

Numerous letters and phone calls were received from concerned neighbors that all stated that the project proposal is a commercial/industrial use that is not consistent with the residential zoning of the area. Concerns ranged from traffic impacts, safety impacts, and especially visual impacts the business would have on the subdivision and surrounding area.

ENVIRONMENTAL REVIEW

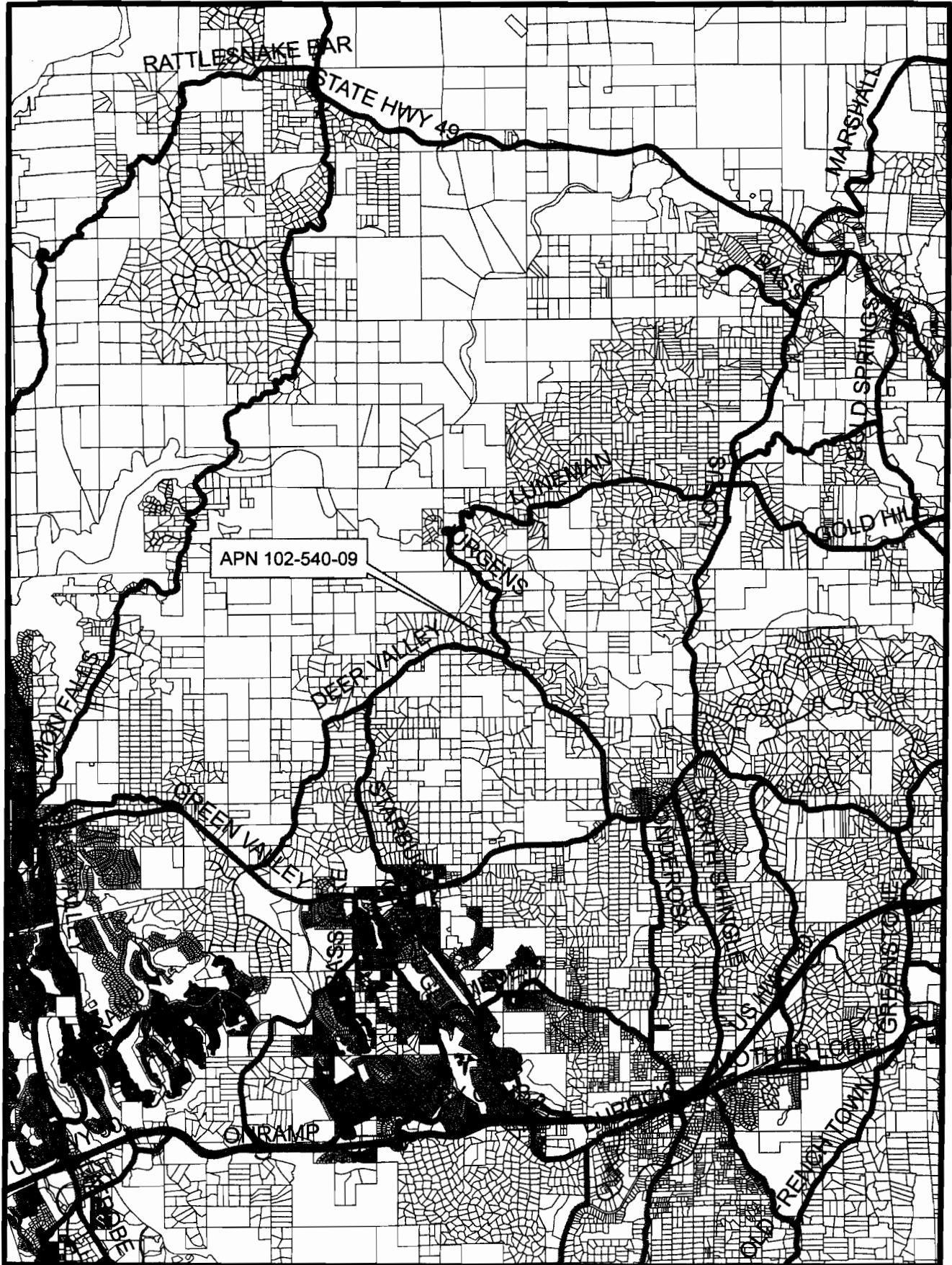
This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(a) of the CEQA Guidelines stating that CEQA does not apply to projects which a public agency rejects or disapproves. In this case the project is inconsistent with a number of General Plan policies and the Zoning Ordinance, thus necessitating the recommendation for denial. 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	Findings for Denial
Exhibit A.....	Vicinity Map
Exhibit B.....	General Plan Land Use Map
Exhibit C.....	Zoning Map
Exhibit D.....	Site Plan
Exhibit E.....	Business License 034074
Exhibit F.....	Site photos
Exhibit G.....	Aerial Photo
Exhibit H.....	Letters From Adjacent Land Owners

EXHIBIT A: VICINITY MAP



PERMIT # S07-0021
PREPARED BY AARON MOUNT

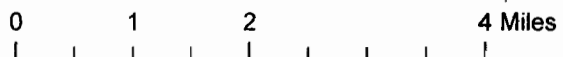


EXHIBIT B: GENERAL PLAN MAP

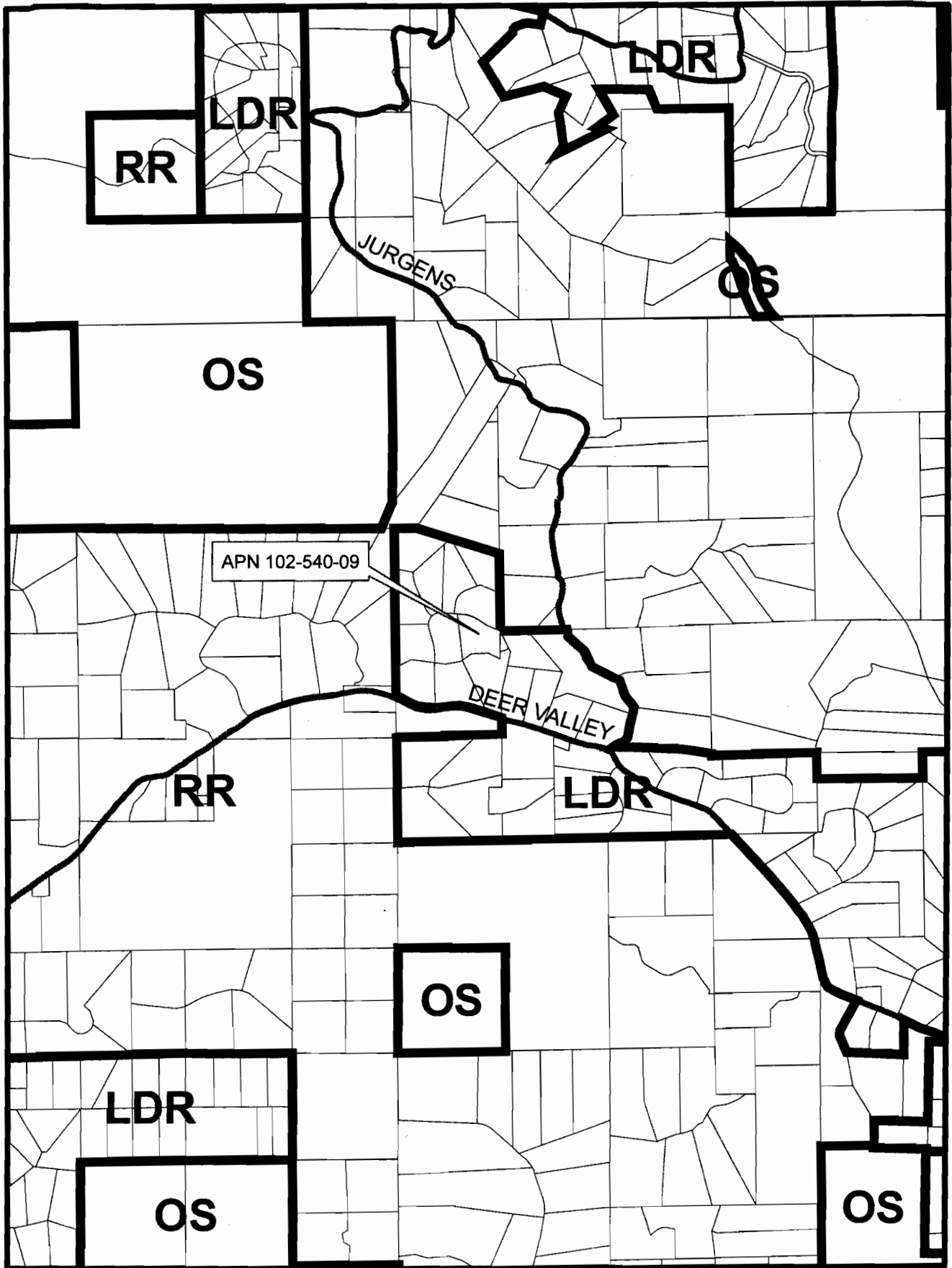
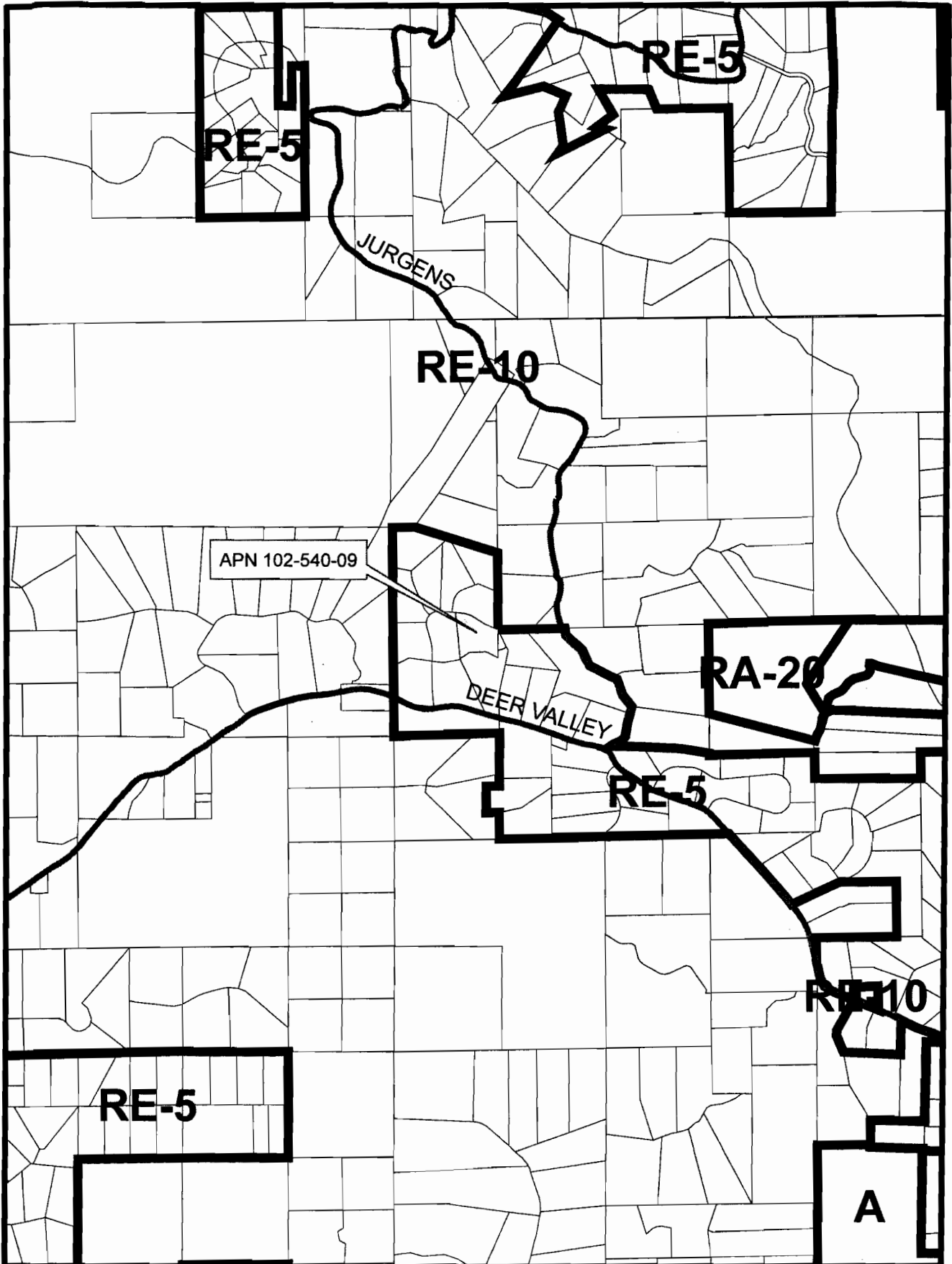


EXHIBIT C: ZONING MAP



PERMIT # S07-0021
PREPARED BY AARON MOUNT

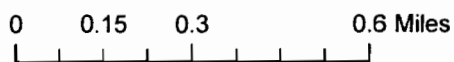
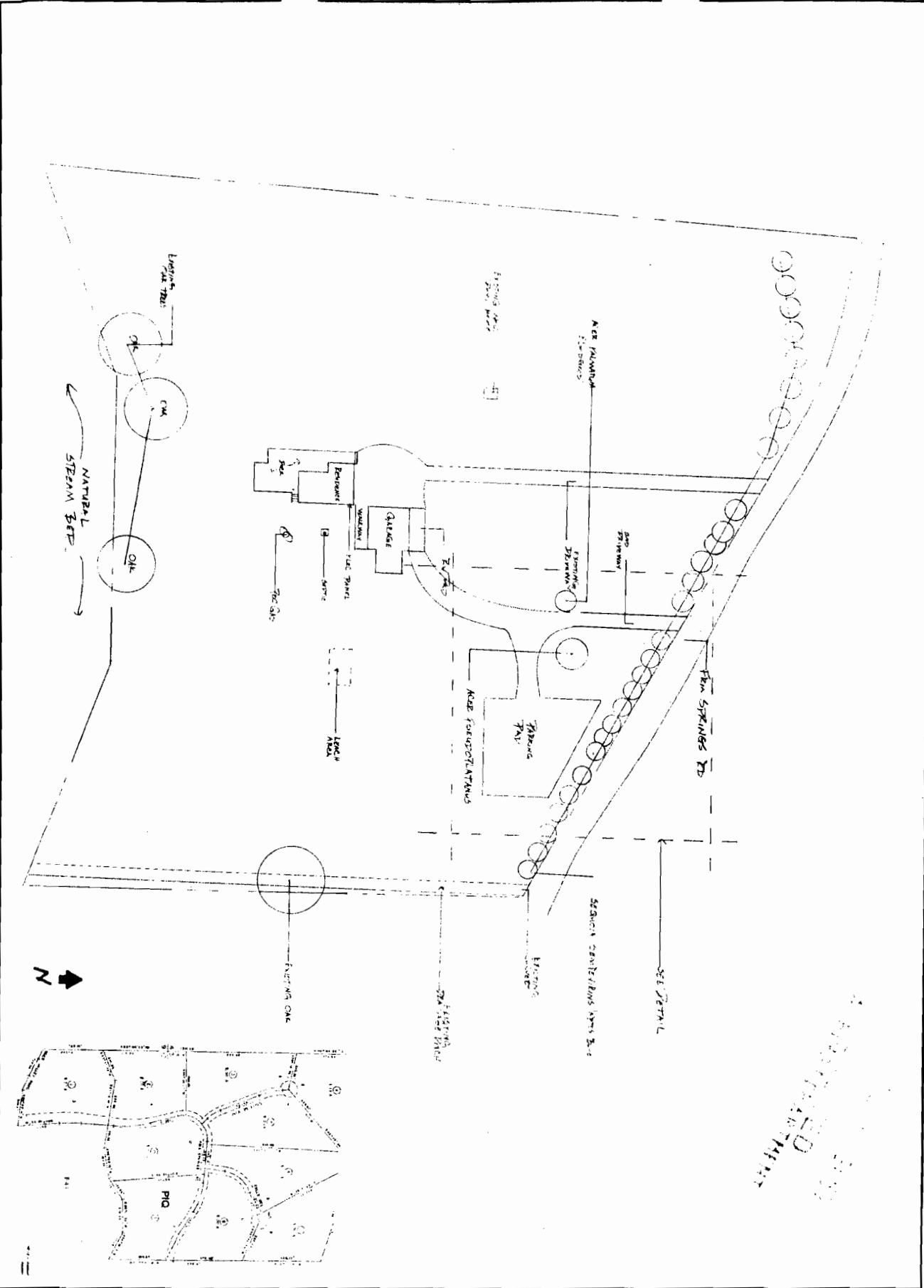


EXHIBIT D-1

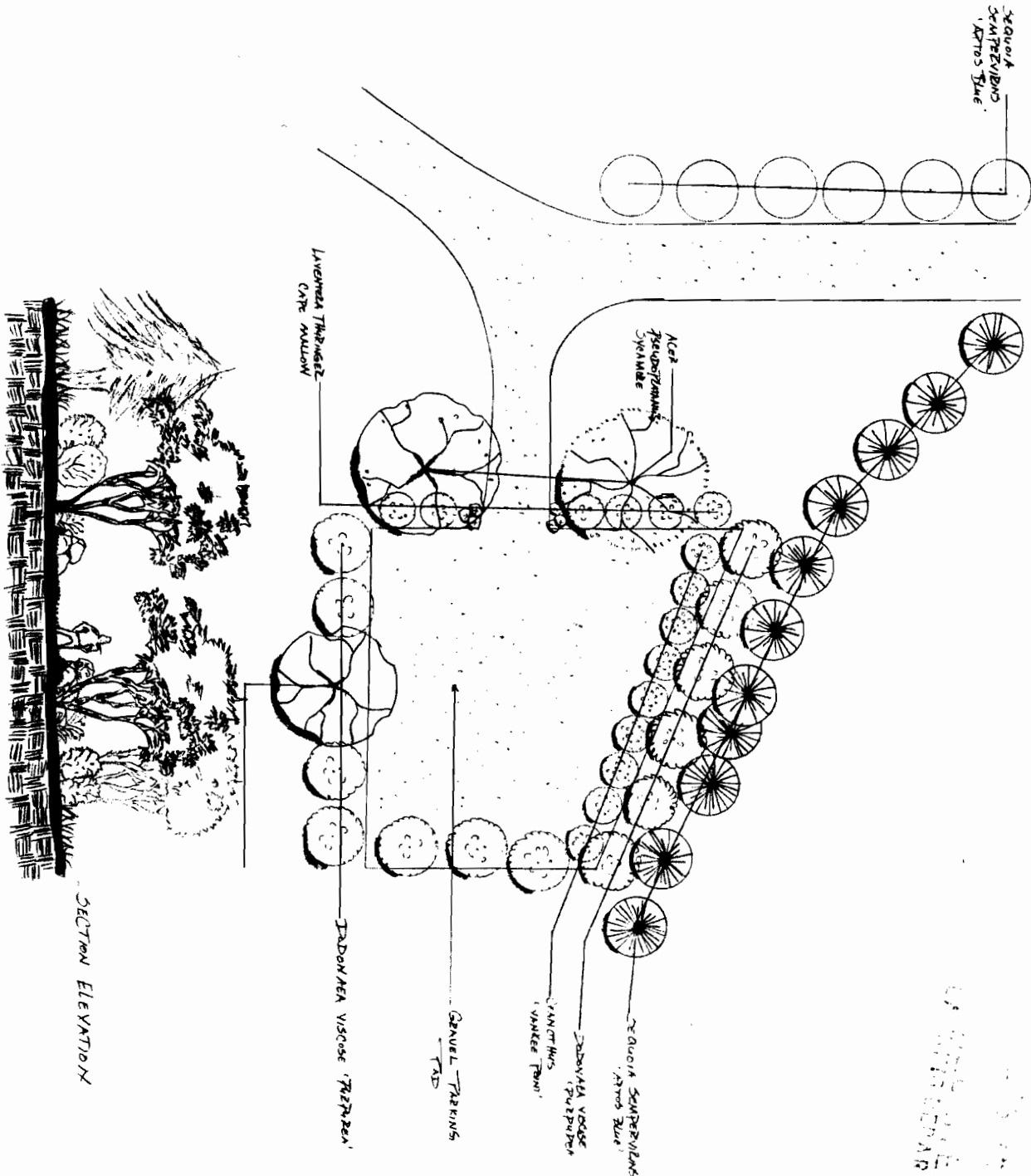


APPROVED
DATE: 10/25/07
BY: [Signature]

S 07-0021

SHEET # 1 of 5	SCALE 1" = 50'-0"	COZZI LANDSCAPE AND DESIGN COZZI LANDSCAPE, INC. 1075 E. 10th St. Suite 100 Escondido, CA 92026 (916) 989-8600 Tel (530) 677-6500 Tel (530) 677-6505 Fax Customer: Phyllis, CA 92026 Project: [unclear] spec: [unclear] www.cozzilandscapedesign.com	LANDSCAPE CONCEPT FOR: 3720 RESIDENCE 3740 FINE SPRINGS RD REDDING CA 96002 530 677-6500
	DATE 10/25/07		DATE 10/25/07

EXHIBIT D-2



UNAPPROVED
 11/13/07

S 07-0021

<p>SCALE 1" = 10'-0"</p> <p>DATE 5-17-07</p> <p>SHEET # 2002</p>	<p>COZZI LANDSCAPE AND DESIGN COZZI LANDSCAPE, INC.</p> <p>(916) 989-8000 Tel (530) 677-6500 Tel (530) 677-6505 Fax Cameron Park, CA 95922 office@cozzilandscapes.com www.cozzilandscapes.com © 2007</p>	<p>LANDSCAPE CONCEPT FOR:</p>
		<p>COZZI RESIDENCE 2740 FRIA SPRINGS RD RESCUE CA 95672</p>

Change location
p.1
034074

EXHIBIT E

EL DORADO COUNTY

Treasurer and Tax Collector

C. L. Raffety, C.P.A.



360 Fair Lane, Placerville, Calif. 95667
Tax Collector (530) 621-5800

BUSINESS LICENSE APPLICATION

ORDINANCE 5.08.010

BUSINESS LICENSE # 034074 (Tax Collector's Use Only)

CHECK ONE:

INDIVIDUAL	PARTNERSHIP	CORPORATION
		<input checked="" type="checkbox"/>

Business Name (DBA) COZZI LANDSCAPE & DESIGN Phone # 530 677-6500

Individual/Corporation/Partnership Name (If different from above) _____

X Mailing Address 2740 FRIA SPRINGS RD RESCUE CA 95672
Street or P.O. Box # City, State Zip Code

X Business Street Location 2740 FRIA SPRINGS RD RESCUE CA 95672
Business Street Location is in: Residential Zone Commercial/Industrial Zone

Business Description(s) LANDSCAPE CONST & DESIGN PRESIDENT
(If more than one, list each)

Business Type Code _____ (Tax Collector's Use Only)

Business Owner's Names, Titles, and Addresses: (List all owners/partners/officers; if more space is needed, attach list)

NAME	TITLE	ADDRESS
CYNTHIA COZZI	V.P / SEC	SAME AS ABOVE
GILLY COZZI	FRES	SAME AS ABOVE

Assessor's Parcel # 102-540-09-100 Contractor's License # _____
(Obtain from Assessor's Office) RE-5/LDR (Required by State Law)

Clearance (if applicable):

PLANNING 4/3/07	BUILDING 4/3/07	ENVIRON. HEALTH	FIRE DISTRICT	SHERIFF
<u>opening</u>	<u>opening</u>	<u>/</u>	<u>/</u>	<u>/</u>

Comments Home occupation, no employees, explained guidelines allowed by zoning
(County use only)

X Print Applicant's Name CYNTHIA COZZI Title V.P / SEC

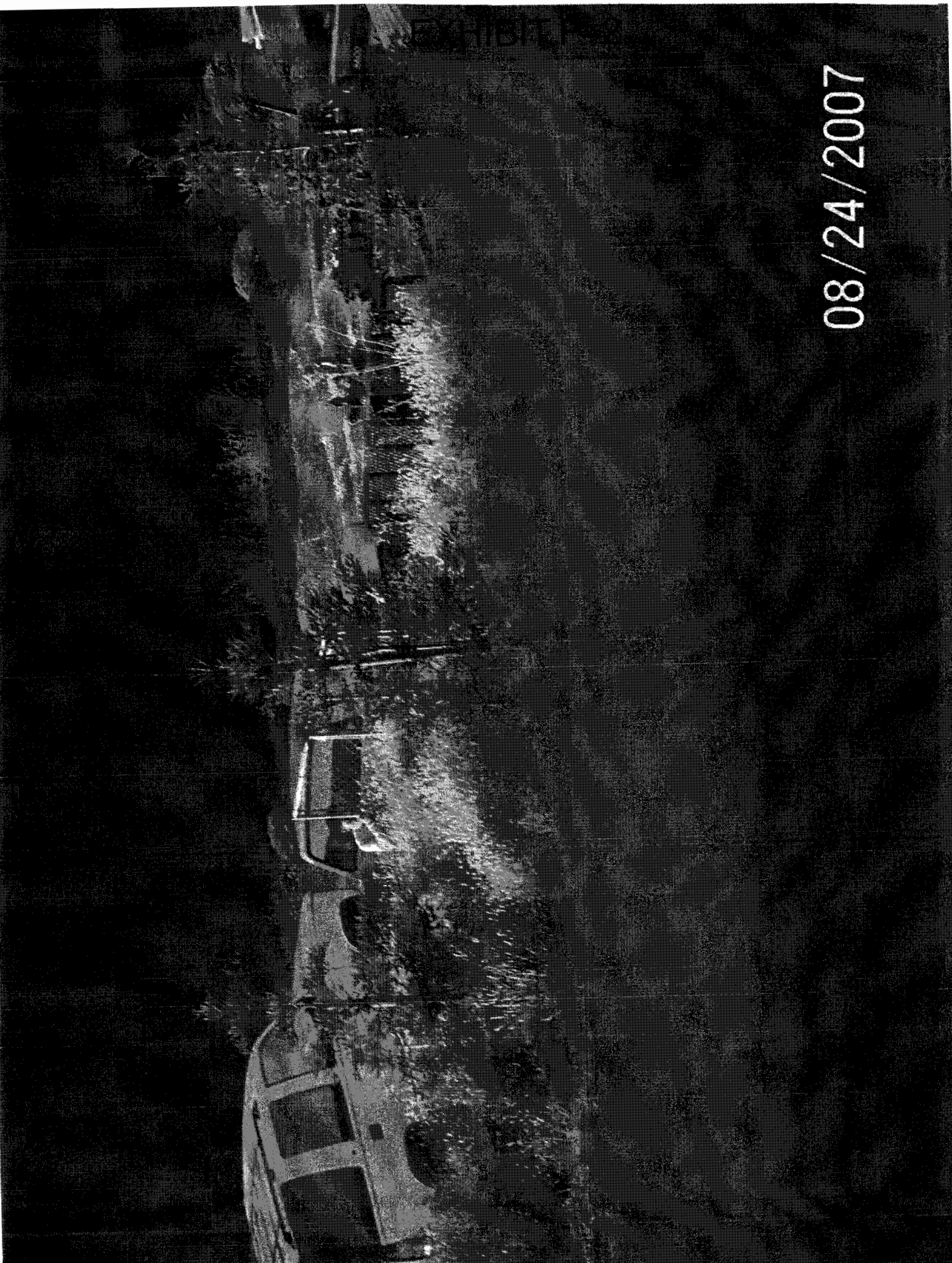
X Applicant's Signature Cynthia Cozzi Date 2-14-07 Phone # 530 677-6500

MAKE CHECKS PAYABLE TO: **C. L. Raffety, C.P.A.**
Treasurer/Tax Collector
360 Fair Lane, Placerville CA 95667-4197

EXHIBIT F-1

08/06/2007

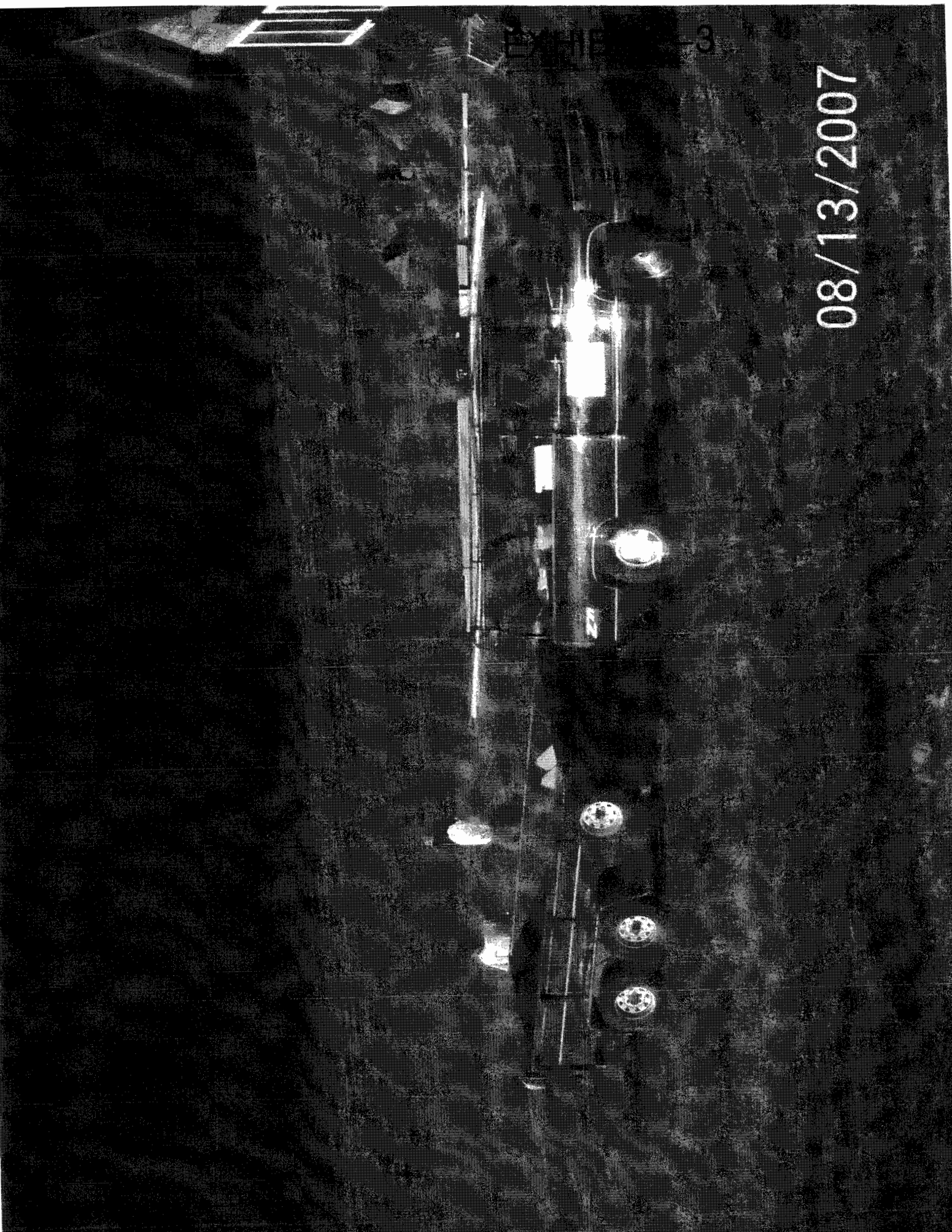


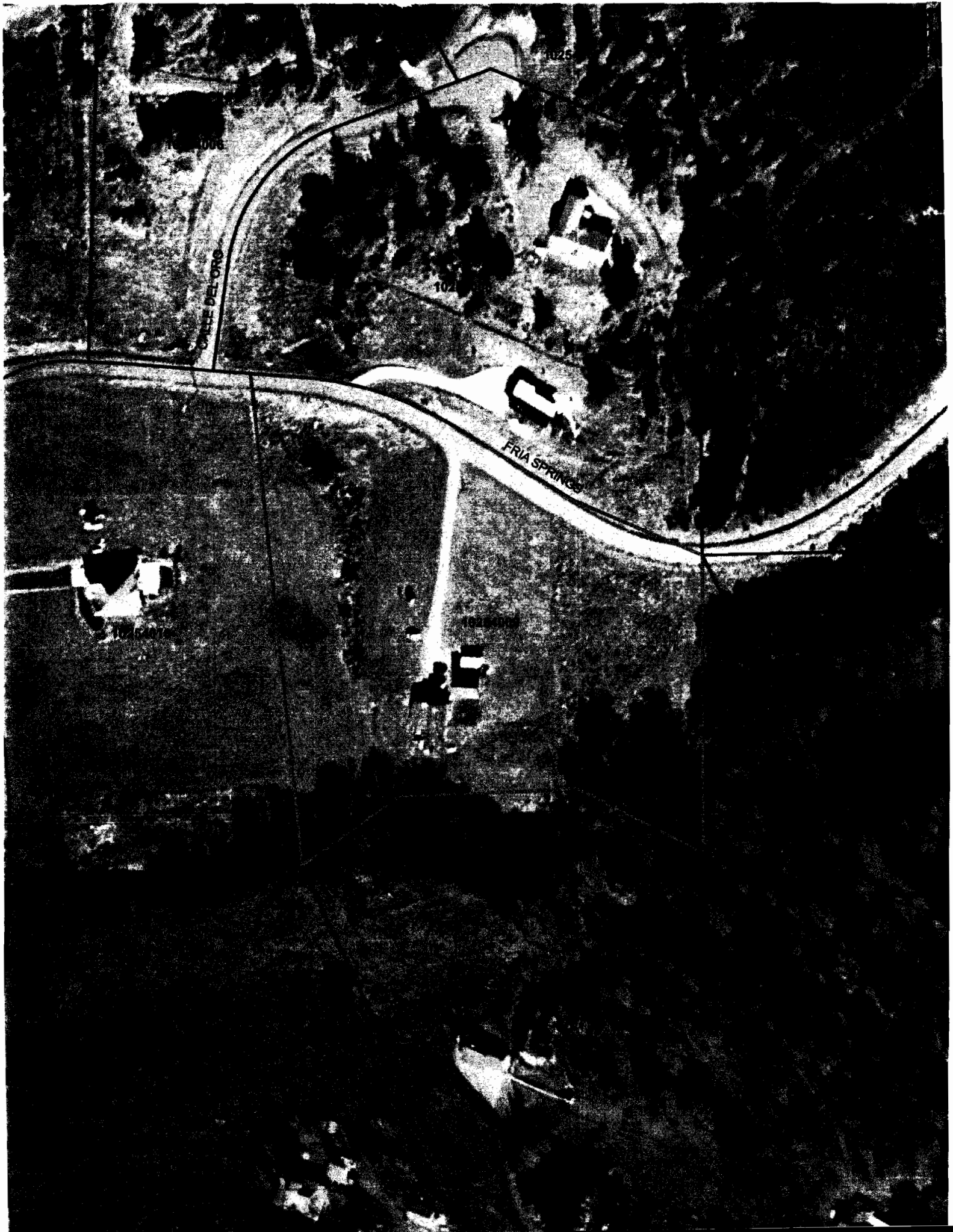


08/24/2007

08/13/2007

EXHIBIT 13





1025

1020

CALLE DEL ORO

1021

FRIA SPRINGS

1022

1023

EXHIBIT H



"Ken" <kenee@d-web.com>
08/10/2007 12:27 AM

To <amount@co.el-dorado.ca.us>
cc
bcc
Subject Special Use Permit opposition, help needed

Dear Mr. Mount,

Please read my correspondence to Mr. Appel, which appears below.

If this project is allowed in my neighborhood, it will be the beginning of the end to our chosen way of life. I would never have built my home in this neighborhood if I thought this were even possible. What is the point of zoning if not to protect us from exactly this type of disturbance? I trusted that if the County wished my neighborhood to harbor a commercial or industrial operation, it would have designated that in the General Plan and zoned it as such, and I could, and would, have anticipated this type of demise. This project is not an appropriate land use. It is unequivocally unfair for an existing community to shoulder the burden of this type of intrusion into our way of life. Whether it is because my small children will no longer be able to ride their bikes on our road, or because no one wants to watch their home values plummet, just so a business entity can get an edge on their competitors. There are many other landscape contracting companies that are forced to rent yards for their employees and equipment; I'm sure they would all prefer to operate their businesses out of their garages. Point in fact, this business, prior to the owners recently moving to our neighborhood, rented a yard for their business on Starbuck Road; it was an eye soar, but I digress.

If this permit is actually being given serious consideration, this community will need ample warning and time to mount its opposition. I moved into this county in 1976 and have never asked of it anything other than for a specific quality of life.

I am asking for as much information as possible. At what point can our Board of Supervisors intervene?

If we need time to get a community forum together or we require securing legal counsel, we need to know now.

Thank you.
Ken Eldridge
(530) 676-2260

----- Original Message -----

From: larry.appel@cedegov.us

To: Ken

Sent: Thursday, August 09, 2007 4:27 PM



"Bob Barrett"
<rbarrett@directcon.net>
09/06/2007 08:45 AM

To <amount@co.el-dorado.ca.us>
cc "Ken Eldridge" <kenee@d-web.com>
bcc

Subject Special Use Permit application: S 07-002

Mr. Mount,

Ken Eldridge forwarded your response to him regarding the agent's assertion that the Cozzis were pursuing the SUP with the purpose of actually operating their business. This information troubles me greatly. shortly after our initial meetings with the Cozzis to discuss the HOA concerns about operating within our residential area I met with the Cozzis and talked about the issue. This was well before their submittal of the application for SUP. At this meeting they informed me that the concerns of the HOA were being addressed by them by obtaining a property on Green Valley Road where they would store their equipment and supplies. They said that this would actually help them because they could advertise their business. They reiterated that they would be using their home to operate the business while finalizing the issues on the new property and resolving their issues with the seller of their home site. I had no further contact with them until I talked to them on the phone regarding our meeting to discuss their application.

During that telephone call Cynthia Cozzi stated clearly that they were pursuing the SUP because they were required to do so to prove damages as part of their claim against the previous owner of their property. Cynthia requested that I relay this information to the HOA if they did not attend the meeting. Since they did not attend the meeting, I shared the essence of the telephone call with the others. This was noted in the minutes.

I am now deeply troubled by their agent stating that this latter information is not true.

I have been attempting to work with them to let them resolve their issues with the agent who sold them their property. No that they are giving me erroneous information I wish to go on record strongly opposing the request. To date nothing they have done has been in accordance with County requirements.

1. They made a structural addition to their garage with no building permit.
2. They moved their landscaping equipment onto their residential property. They did not request a DUP until the neighbors advised them of the zoning restrictions about operating a business in a residential zone.
3. They inform me, as president of the HOA, that they are resolving the concerns of the neighbors by obtaining property offsite to operate their business.
4. They proceed to apply for a SUP without informing their neighbors that they were proceeding with a different course of action than their last communication.
5. They inform me, again as president of the HOA, that they are proceeding with the SUP in order to prove damages against the agent who sold them their property. Their current agent states that this is not true.
6. They have continued to operate their business from their property during this time.

My question to you is this. If it requires a Special Use Permit to operate a business such as a landscaping business from your residential zoned

property, why are you allowing them to continue with this in violation with the County zoning code? All the reasons listed in the HOA letter provided to you exist currently under their operations today. How can you permit them to continue their operations?

Robert E. Barrett C.E., T.E.
President, Valley Oaks Ranch No. 2 HOA
P.O. Box 52
Rescue, CA 95672
T 530.701.3061
F 530.672.0348

This message is intended for the sole use of the individual to whom it is addressed. It may contain information that is privileged, confidential or exempt from disclosure under applicable laws. If you are not the intended addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone this message or any information contained within this message. If you have received this message in error, please immediately advise the sender by replying to this email and delete this message.



Roy Laughlin
<royrescue@yahoo.com>

08/22/2007 08:11 AM

To amount@co.el-dorado.ca.us

cc

bcc

Subject SUP Cozzi's / S 07-0021 (file number)

Dear Mr. A. Mount,

I live at 2805 Calle De Vino in the Valley Oaks Ranch #2 association and I'm very concerned over what has been happening and might continue to happen. My husband and myself moved to this wonderful area, where peace and quite were just what we were looking for. We moved from a very congested area. I have a lot of concerns about the SUP. The impact in our little community will be devastating. Home values will drop even more and will never recovery if the SUP is allowed. We purchased this property looking for an investment for a future for ourselves. But, it has become the most wonderful place to live. Our neighbors are great, we look out for each other. We keep tabs on cars coming and going and it has picked up significantly in the last couple of months. I thought we were zoned R5 for residential and how could a business be run out of their property. It just doesn't seem right that we will suffer from something that shouldn't of happen in the first place. Our quality of live just took a nose dive. I will be writing again, as I learn more about SUP. Thanks, again for listening.

Carol A. Laughlin
2805 Calle De Vino Ct.
Rescue, CA 95672
530-676-4563
(Valley Oaks Ranch #2 Association)
Parcel # 102-540-05-100

Moody friends. Drama queens. Your life? Nope! - their life, your story.
[Play Sims Stories at Yahoo! Games.](#)

Valley Oaks Ranch No. 2
Home Owners Association

August 24, 2007

Mr. Aaron Mount
Development Services Department
El Dorado County
2850 Fairlane Drive
Placerville, CA 95667

RE: S 07-0021 Cozzi Landscaping

Dear Mr. Mount:

I appreciate the opportunity to respond to the subject Special Use Permit request as outlined in your letter of August 8, 2007. As you are aware we are a small (10 lots) estates residential subdivision located in the Rescue area. The only current purpose of the HOA is to oversee the maintenance of all the private streets within the subdivision. As you know all the streets are private.

The request is the subject SUP is for a landscaping business as a home occupation in the estates residential area. This would entail keeping their equipment on site (to date it is mostly pickup type trucks) and having up to 10 employees go to and from the site. I will confine the remarks in this letter to concerns that the HOA has in its responsibility to maintain the streets.

We have the following concerns and potential concerns:

- Adding traffic to the streets, especially regular, non-resident traffic, increases the HOA's exposure to liability should some traffic accident occur. Considering that there are only 10 lots with 12 residences, the additional trips are a significant increase. Using standard traffic engineering criteria, the existing homes should generate a total of 120 trips per day. Adding 10 employees coming into the subdivision daily, picking up equipment and leaving, returning the equipment and then leaving the subdivision has the potential to add up to 28 trips per day for an increase of over 20%.
- Adding traffic similar to that calculated above will accelerate the maintenance needs of the streets at an added expense to all the property owners. FYI the HOA just expended about \$14,000 for a slurry seal of the streets. They are currently in much better repair than any nearby County roads.
- Adding traffic similar to that calculated above will also increase safety issues on narrow streets without sidewalks. Currently we have few children in the subdivision, but that is always subject to change. I have often observed residents walking along the streets with children and animals.

- There is also the potential for a hazardous material spill. As estates residential we all have some equipment to help up maintain our property. However, no one has three excavating machines and four trucks. A diesel spill on one of the streets will cause significant damage to the surface, creating the potential for additional expense.
- One additional concern that does not directly impact the maintenance of the private streets is traffic safety at the intersection of Fria Springs Road and Deer Valley Road. Deer Valley Road at the intersection is in both a sag vertical curve and a horizontal curve. This combination along with the growth along Deer Valley Road serves to significantly restrict sight distance for drivers exiting Fria Springs Road. Anyone turning left onto Deer Valley Road must deal with the restricted sight distance to the right as well as the speed of downhill traffic. I have concerns every time I make the left turn in my vehicles, none of which are trucks pulling trailers. To add these slower moving vehicles exiting this intersection on a daily basis is increasing the possibility of a traffic collision.

The above issues were discussed at a recent meeting of members of the HOA. While some of the issues have potential mitigations (for example the additional costs of ongoing maintenance could be mitigated by additional assessments against the business) the biggest concern is the potential liability created by adding additional traffic that is non-residential in character to the streets. We are unaware of any mitigation for this additional potential liability and therefore suggest that developing mitigation measures for the other issues is a moot exercise. The consensus of the 10 of 12 residences represented at the meeting was that they were opposed to the Special Use Permit because of the concerns listed above.

Members of the HOA will be responding directly to you with their input on the concept of a business in the estates residential zoning. It was my intent to limit the HOA response to the issues concerning the private streets.

If you need any additional information on our concerns on the streets, please do not hesitate to contact me. As a point of information for you to consider in the comments on the impact of additional traffic, I am a licensed Civil and Traffic Engineer in California and prior to retirement was Public Works Director, County Engineer and County Traffic Engineer in Sutter County.

Sincerely,



Robert E. Barrett, C.E., T.E.
President

CC Walter Mathews, Planning Commissioner District #4
Ron Briggs, Supervisor District #4
Guy and Cynthia Cozzi

Re: Special Use Permit application: S 07-002, Cozzi Landscaping and Design
Zoning Administrator
Development Services Department
2850 Fairlane Court , Building "C"
Placerville, CA 95667

Dear Administrator,

It has been a very long time that the Cozzi Landscaping business has been allowed to run their business on property that was zoned for residential. I have been patiently waiting on a response from someone when the Special Use Permit would come up for review. Cozzi Landscaping continue to have employees and their vehicles come onto the associations property. The only persons put out by the Special Use Permit has been the other people in the association. It has seemed that our concerns for our families safety, property values, traffic and general noise have gone to deaf ears. My husband and myself have had two incidents where the employees have gone zooming by and nearly missing us. The Cozzi Landscaping owners have been non approachable. I can not let my grandson ride his bike on the lower park of my property because of the Special Use Permit. His area where he can ride has been limited. Our quality life has changed, we cannot enjoy our retirement as before the Special Use Permit was issued. We are kept busy checking on cars coming and going (which have increase due to the SUP).

Carol A. Laughlin
2805 Calle De Vino Rd
Rescue, Ca 95672

3-20-08

Carol A. Laughlin

PO Box 193
Rescue, CA 95672

September 4, 2007

Aaron Mount, Project Planner
Planning Services
Development Services Department
2850 Fairlane Court
Placerville, CA 95667

Re: Special Use Permit application / S 07-0021 Cozzi Landscaping

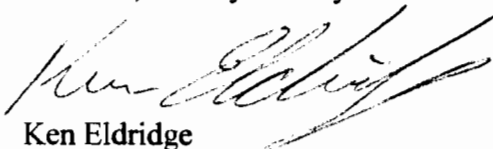
Dear Aaron Mount:

Hopefully, here is some new information that will preserve valuable County resources:

On 8/20/2007, the Valley Oaks Ranch #2 Homeowner's Association called a meeting to respond to the planning commission's request for a response to the Cozzi's application for a Special Use Permit. It was reported by the president of the homeowner's association, Bob Barrett, that when he contacted Cozzi's to notify them of the meeting, he was advised by Cozzi's that they had made application for the Special Use Permit actually seeking a denial by the County. They require this denial to support damages in a lawsuit they are pursuing against the previous owners of their residence. [See attached copy of homeowner's association meeting minutes.] This seemed to put some of the homeowners at ease now since it is now believed that Cozzi's would not be pursuing this application with any fervor.

The current situation is a win-win for all parties involved. The County, by denying the application for Special Use, satisfies the Cozzi's desire to overcome the first hurdle of the pending litigation. And this denial satisfies the objections to this Special use Permit by the impacted residents. Since the Cozzi's do not really desire to operate a business from their residence based on their representations to Barrett, a lot of County resources can be diverted from this project to other matters.

As usual, thank you for your time.



Ken Eldridge
2929 Calle de Oro Court
Rescue, CA 95672
(530) 676-2260

Enc. HOA Minutes

RECEIVED
PLANNING DEPARTMENT

August 25, 2007

El Dorado County Planning Services
Placerville Office
2850 Fairlane Court
Placerville, California 95667

Attn: Mr. Aaron Mount, Project Planner
Reference: S07-0021 COZZI LANDSCAPING

Dear Sir:

Having attended a Homeowners meeting last week re: Cozzie Landscaping -S07-0020, we have given much thought to the possibility of issuing a special use permit to allow the Cozzis' to run a Landscaping business out of their 5 acre parcel.

We feel this would hinder the idea we had of moving to a quiet residential area over 6 years ago. Therefore we are against this permit being issued and feel this would open the door for others to do the same as well as decrease the value of our property.

We also feel that a variance of this type will allow heavier use of our private road along with the noise of cars, trucks and landscaping equipment which is not acceptable to a residential area.

Thank you,



Robert and Carol Fitchett
2681 Fria Springs Road
Rescue, California 95672

Cc: Walter Mathews, Planning Commissioner District #4
Ron Briggs, Supervisor District #4
files

Zoning Administrator
Development Services Department
2850 Fairlane Court, Building "C"
Placerville, CA. 95667

March 21, 2008

Re: Special Use Permit: S07-002, Cozzi Landscaping and Design

Dear Administrator,

We are writing to you to voice our opposition to the Special Use Permit filed by our neighbors Mr. and Mrs. Cozzi. We are a very small community but we are very strong in our beliefs. We share in the belief of looking out for one another, family, neighbors, and to be able to walk our dogs and watch our children play freely and safely.

We have lived in our home for 4 years and have enjoyed the neighbors of our community. The peace, quiet and the serenity of living in the country. There is very little traffic on our road, a road that is NOT county maintained. We like that everyone knows the cars we drive and will look out for us. If the Cozzi's are granted this permit, who knows the cars, trucks and people that will come in and out of our community.

The Cozzi's appear to be intelligent people; they had to know the property was residential not zoned for business. Did they not look into it before they bought their home? Or are they trying to pull a fast one (i.e. not getting a permit for the addition they added to their property)? There are plenty of industrial spaces to rent for their business equipment. That's what industrial is used for, not a residential area.

I am confused, I would like to ask a question; why do you zone any area, if it can be changed to suit any property owner? Why not just let everyone do what they want. Is there money involved for the county, to have these requests approved?

If the Cozzi's are granted this permit, I do fear for our community's life style. What's next a pool company, or a construction company? If you grant the Cozzi's permit you are setting a precedents for our community, and that is wrong!

We trusted in you! You zoned our area residential. There should be no need or reason to second guess your decision.

I quote: In the boards Resolution of Intention 44-2008, the goal of the Residential Zoning is to:

3. Provide development standards that maintain and enhance the existing community identity, scale and character of rural and urban communities, emphasizing both natural setting and built design elements which contribute to the quality of life, economic health, and community pride of county residents.

Look at what you will be taking from us!

cc: Ron Briggs, Supervisor, District4

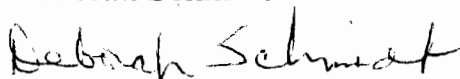
Aaron Mount

Thank you,

Jack Schmidt

A handwritten signature in black ink that reads "Jack Schmidt". The signature is written in a cursive style with a large, looping initial "J".

Deborah Schmidt

A handwritten signature in black ink that reads "Deborah Schmidt". The signature is written in a cursive style with a large, looping initial "D".

2800 Calle De Vino

Rescue, CA. 95672

530-676-7986



"Wayne Holloway"
<wayneholloway@wildblue.net>

07/08/2008 02:55 PM

To <amount@co.el-dorado.ca.us>

cc "Bob Barrett" <rbarrett@directcon.net>

bcc

Subject Re: Cozzi Landscaping Special Use Permit S07-0021

History: This message has been replied to.

Mr. Mount,

My wife and I reside at 2687 Fria Springs Road in Rescue, and have an interest in Mr. Cozzi's Use Permit Application.

We hope to attend the hearing, but wish to express our concern in advance. We are worried about the future impact that approval of the application will have, as already their unapproved business use of the property has disturbed our reason for moving out here. The traffic on this private road has increased significantly with the Cozzi's arrival and opening of his business. It is disturbing to have cars and trucks coming and going early in the morning and again in the evening, compounded by unknown vehicle traffic throughout the day. We don't know if they belong or not.

Please accept our objection to Mr. Cozzi's application for a use permit, and help us maintain this residential plot.

Sincerely,

Grace and Wayne Holloway
2687 Fria Springs Road
Rescue, CA 95672
530 676-4203

From: Aaron D Mount [mailto:amount@co.el-dorado.ca.us]
Sent: Tuesday, July 08, 2008 1:53 PM
To: Bob Barrett
Subject: Re: Cozzi Landscaping Special Use Permit S07-0021

Mr Barrett,

The hearing date has not been scheduled at this time. When a hearing date has been set notification of the hearing will be sent out. The hearing will probably be August 14 or 28 at the Planning Commission.

Aaron Mount
Associate Planner
El Dorado County

PO Box 193
Rescue, CA 95672

March 18, 2008

Re: Special Use Permit application: S 07-002, Cozzi Landscaping and Design

Zoning Administrator
Development Services Department
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Dear Administrator,

I am sorry to again reiterate my opposition to a Special Use Permit application in my neighborhood, but I was once told, "To preserve your community, you don't invest in lawyers, you entrust your community." So I am entrusting in you. I understand that you represent my neighbors and I as well as the applicant, but at some point you will have to evaluate this issue and come down on one side or the other. I hope you understand the distinction between a single entity padding their profit margin and the detriment of a community. I grew-up in Shingle Springs and clearly understand the quality of life in El Dorado County. The applicant recently moved into my residential neighborhood and immediately setup his landscape contracting corporation (with daily employee traffic and equipment); he has requested the County sanctify this development with a Special Use Permit. I am not unreasonable but there is no means by which anyone can mitigate the physical, social, or aesthetic impact, this land use conversion would create. In addition, from a purely risk adverse prospective, there is no manner by which the applicant can mitigate the additional liability all neighbors share due to the private easements and road that provide access to the applicant's property. This is also before we consider the blight and property value losses that inevitably come from most of this type of zone mixing. This is a RE-ZONING, no matter how it is dressed-up. Any special use permit attaches to the parcel, not the applicant. So if the business fails, the property is sold with the special use still in effect, and that special use is perpetual; that's re-zoning. Additionally, I have been advised that the fundamental question is the impact such a land use would have on the "character" of my neighborhood. I am befuddled to understand how either the applicant or any representative they employ could have the audacity to define the character of someone else's neighborhood...

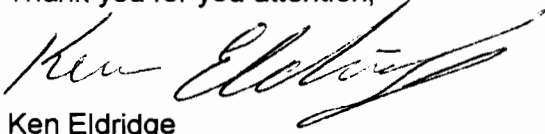
The applicant's absolute lack of due diligence in securing this residential property for his company headquarters and attempting to convert his property into his corporate yard is akin to buying a property at the end of the runway at Sacramento Metro Airport, then complaining about the noise from the airplanes. The fact that my house is on RE-5 zoning, does not make it any less of a home than a Serrano house. In fact, the acreage on which my house sits is an integral part of my "homestead." There are ample opportunities in this county for the applicant to appropriately establish and house this industrial/commercial concern, all of which comply with the County's General Plan, zoning, environmental, traffic, and quality of life objectives.

It is intrinsically wrong to demand that the community shoulder this entities cost of doing business, because it's not solely a fiscal cost, but a social cost. The people who bought and built in this neighborhood did so based on a very specific representation from you,

our county, our representatives: "RE-5," Residential Estates. My neighbors and I did our due diligence, that's why none of use built our homes at the intersection of Coach Lane and Cameron Park Drive; though a fine location for a gas station, clearly an inappropriate site for a home. I would surely miss the inability to be familiar with the traffic in my neighborhood or have to curtail the neighborhood activities of my small children.

If the applicant considers it appropriate to reside and raise children within a corporate yard, then that is his choice, not a choice he should be allowed to force upon me or my community. This company has been allowed to operate in my neighborhood with impunity throughout the course of this process, a more than ample amount of time to allow for them to secure an appropriate corporate site.

Thank you for you attention,



Ken Eldridge
(530) 676-2260

cc: Ron Briggs, Supervisor, District 4
Aaron Mount

P.S. In the Board's Resolution of Intention 44-2008, the goal of the Residential Zoning is to:
3. Provide development standards that maintain and ENHANCE the existing community identity, scale and character of rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.

ROBERT E. BARRETT. P.E.

P.O. Box 52
Rescue, CA 95672
(530) 701-3061

August 7, 2008

Planning Commission
El Dorado County
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Subject: S 07-0021 Cozzi Landscaping

Planning Commissioners

I am a resident of Valley Oaks No 2 subdivision, in which the subject Special Use Permit is being requested. My wife and I search in El Dorado County for a long time to find our home site in which to build our home and eventually retire. We have that home and are very content here. We are opposed to permitting a special use permit to operate a home occupation in our residential area, particularly one that would change the residential character of the neighborhood. We understand that there are home occupations permitted by right in residential areas that do not change the character of a residential area. In point of fact I do some engineering consulting work from my home but have no employees, no equipment and no clients that visit my home.

During the year in which the Cozzi's have lived in our neighborhood we have found them to be fine neighbors. We do, however, object to having their employees come into the neighborhood to obtain their equipment to perform their landscaping work. This equipment should be located in a yard in some appropriate zoning. The Cozzi's could continue to use their home to do their bookkeeping and landscape design and it would have no impact on our residential character.

My wife and I have expended a great deal of money to construct our dream home under the assumption that our neighborhood would remain residential in character. I have no desire to live in a mixed use neighborhood such as Durock Road with its mixture of commercial and residential uses. I am very concerned, given the tenuous nature of the real estate market that approving a landscaping yard near my home would cause the value of my home to decline.

While I have always detested those persons crying "not in my backyard" whenever development proposal are put forth, this is an instance where the area was approved for residential and residences were constructed with the understanding that the subdivision was and would be residential.

I am sorry that the Cozzis purchased a home from someone who lied to them about what could be done with the property. However, the fact that a realtor lied to them during the acquisition of their home is no reason why my neighbors and I should bear the burden of a non compatible land use that would normally be required to be located in a commercial area.

In addition to the above concerns I would like to raise the issues of the increase in traffic on private streets for which I have shared maintenance responsibility and potential liability involvement. If the Cozzis property were located on public roads much of the traffic concerns would go away for me. However their property is at the end of one of our private streets and impacts all residents of the subdivision.

August 7, 2008

I have for over 30 years worked for public agencies in public works capacities. During many of those years it was my responsibility to respond on behalf of the agency for which I worked to lawsuits arising from traffic accidents on public roads. The increased traffic on our private streets (potentially over 25% additional vehicles) increases the risk of accidents and liability to me as one of the homeowners responsible for the private streets. Again, why should I be exposed to additional liability because a real estate agent lied to a potential home buyer?

The Cozzis have legal options to pursue with the agent who sold them their property. The residents of our subdivision were not involved in the transactions and thus should not have to bear any burden for any inconvenience and possible additional expenses caused them.

I wish the Cozzis well in their business pursuits and hope that they remain neighbors of ours. However, I am strongly opposed to approving a Special Use Permit for them to operate their business from our residential subdivision. Please deny S 07-0021 Cozzi Landscaping.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Barrett". The signature is written in a cursive style with a large, stylized initial "R".

Robert E Barrett, P.E.

Valley Oaks Ranch No. 2 Home Owners Association

Planning Commission
El Dorado County
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Subject: S 07-0021 Cozzi Landscaping

Planning Commissioners

I appreciate the opportunity to comment on the subject Special Use Permit. Our Homeowners Association (HOA) is for a small (10 lots) estates residential subdivision located in the Rescue area. The only current purpose of the HOA is to oversee the maintenance of all the private streets within the subdivision. All the streets within the subdivision are private.

The request for the subject SUP is for a landscaping business as a home occupation in the estates residential area to legitimize their current activities. This would entail keeping their equipment on site (to date it is mostly pickup type trucks) and having up to 10 employees go to and from the site. I will confine the remarks in this letter to concerns that the HOA has in its responsibility to maintain the streets.

We have the following concerns and potential concerns:

- Adding traffic to the streets, especially regular, non-resident traffic, increases the HOA's exposure to liability should some traffic accident occur. Considering that there are only 10 lots with 12 residences, the additional trips are a significant increase. Using standard traffic engineering criteria, the existing homes should generate a total of 120 trips per day. Adding 10 employees coming into the subdivision daily, picking up equipment and leaving, returning the equipment and then leaving the subdivision has the potential to add up to 28 trips per day for an increase of over 20%.
- Adding traffic similar to that calculated above will accelerate the maintenance needs of the streets at an added expense to all the property owners. FYI the HOA just expended about \$14,000 for a slurry seal of the streets. They are currently in much better repair than any nearby County roads.
- Adding traffic similar to that calculated above will also increase safety issues on narrow streets without sidewalks. Currently we have few children in the subdivision, but that is always subject to change. I have often observed residents walking along the streets with children and animals.
- There is also the potential for a hazardous material spill. As estates residential we all have some equipment to help up maintain our property. However, no one has three excavating machines and four trucks. A diesel spill on one of the streets will cause significant damage to the surface, creating the potential for additional expense.

The above issues were discussed at a recent meeting of members of the HOA. While some of the issues have potential mitigations (for example the additional costs of ongoing maintenance could be mitigated by additional assessments against the business) the biggest concern is the potential liability created by adding additional traffic that is non-residential in character to the streets. We are unaware of any mitigation for this additional potential liability and therefore suggest that developing mitigation measures for the other issues is a moot exercise.

Members of the HOA will be responding directly to you with their input on the concept of a business in the estates residential zoning. It was my intent to limit the HOA response to the issues concerning the private streets.

If you need any additional information on our concerns on the streets, please do not hesitate to contact me. As a point of information for you to consider in the comments on the impact of additional traffic, I am a licensed Civil and Traffic Engineer in California and prior to retirement was County Engineer and County Traffic Engineer in Sutter County.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Barrett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Robert E. Barrett, C.E., T.E.
President