

**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
Meeting of 2007**

**AGENDA TITLE:** SPR06-0133/Pacific House Automotive Repair(El Dorado County)

**DEPARTMENT:** Planning Services

**DEPT SIGNOFF:**

**CAO USE ONLY:**

**CONTACT:** Gregory Fuz /Michael Baron

**DATE:** **PHONE:** 5355

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:** Accept the revised findings for denial of the appeal and reverse the Planning Commission decision, as directed by the Board of Supervisors on 1/30/07, with regard to the appeal of a legal non-conforming use determination submitted by the property owner, Gene Long (SPR06-0133). The property identified by Assessor's Parcel Number 009-140-19, consists of 4.19 acres; located on the north side of Peavine Ridge Road approximately 1/3 mile east of the intersection with U.S. Highway 50 in the **Pacific House Area** in Supervisorial District 2.

RECEIVED  
BOARD OF SUPERVISORS  
FEB 21 2007

2007 FEB 21 PM 4:10

**CAO RECOMMENDATIONS:**

Financial impact? ( ) Yes (x) No

Funding Source: ( ) Gen Fund ( ) Other

**BUDGET SUMMARY:**

Total Est. Cost

**Funding**

Budgeted \_\_\_\_\_

New Funding \_\_\_\_\_

Savings \_\_\_\_\_

Other \_\_\_\_\_

Total Funding \_\_\_\_\_

**Change in Net County Cost**

Other:

**CAO Office Use Only:**

4/5's Vote Required ( ) Yes ( ) No

Change in Policy ( ) Yes ( ) No

New Personnel ( ) Yes ( ) No

**CONCURRENCES:**

Risk Management \_\_\_\_\_

County Counsel \_\_\_\_\_

Other \_\_\_\_\_

**\*Explain**

**BOARD ACTIONS:**

**Vote:** Unanimous \_\_\_\_\_ Or

**Ayes:**

**Noes:**

**Abstentions:**

**Absent:**

Rev. 04/05

**I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors**

**Date:** \_\_\_\_\_

**Attest: Cindy Keck, Board of Supervisors Clerk**

**By:** \_\_\_\_\_

**EL DORADO COUNTY  
BOARD OF SUPERVISORS  
AGENDA TRANSMITTAL  
MEETING OF \_\_\_\_\_, 2007**

**Page 2, Appeal – SPR06-0133  
Memo to Board of Supervisors  
Date:**

**DISCUSSION**

On February 13, 2007 the Board of Supervisors heard an appeal, submitted by the property owner, of the Planning Commission's determination that the auto repair business was a legal non-conforming use, and imposition of certain conditions. The Board reversed that determination based on new information received at the appeal hearing. Since the Board has determined that the automotive repair shop is not a legal non-conforming use, the only options available to the property owner are to get rid of all junk cars, lifts, and heavy equipment, and discontinue the automotive repair entirely or submit a complete special use permit application to the County within 30 days. All code enforcement and vehicle abatement issues will need to be resolved regardless of any action taken by the Board of Supervisors as apparent health and safety violations currently exist on the property. The Board directed staff to make findings for denial of the legal non-conforming use status for Pacific House Automotive Repair, which are provided below.

1. Find that the automotive repair facility is not a legal non-conforming use based on prior knowledge of the use of the site by individual board members, testimony, letters, and exhibits provided by adjoining property owners.
2. Findings for denial of legal non-conforming status are as follows:
  - a. At the time (1940's) the Pacific House automotive repair facility and mixed use development came into existence there were no specific policies in the Ordinance that prohibited automotive repair or mixed uses within a commercial zone district. The property was zoned commercial in 1962 by ordinance (No. 536), however that ordinance did not identify those uses which would require a special use permit until the County Zoning Ordinance was amended in 1972. At that time automotive repair was identified as a use requiring a special use permit and the mixed use development would have been considered a legal non-conforming use as it had remained operational without a stoppage of more than one year, which would have ended the legal non-conforming use status of the development. However, in this matter, the non-conforming use determination does not include the timeframe from 1962 to 1972. The non-conforming use determination would need to be made from 1989 to the present because there are discrepancies in the actual timeframe that an automotive repair facility was in business by previous owners and renters as well as the timeframe in which the current owner took title to the property.
  - b. The automotive repair facility has not been a continuous business over the years based on discussion by the Board of Supervisors, public testimony and letters submitted by adjoining property owners.
  - c. Over the years the use has expanded on the site in the form of junk storage and non-operational vehicles as well as heavy equipment.

- d. The use has been considered a nuisance over time with numerous building code, vehicle abatement, and ordinance violations occurring.

GLF:JCB:jcb

**ATTACHMENTS**


Attachment 1 – Minutes from Board of Supervisors hearing on 2/13/07



JoAnn Brillisour/PV/EDC

02/21/2007 03:26 PM

To Cindy L Keck/PV/EDC@TCP  
cc  
bcc  
Subject Pacific House

  
SPR06-133\_BOS\_for\_denial.doc

2007 FEB 21 PM 4:10  
RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY