

Zoning: Planned Agricultural (PA-20 (Exhibit D))

Based on Planning Services review of the request identified below, staff has prepared the following recommendation:

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

1. Find Conditional Use Permit Revision (CUP-R24-0002) to be Categorically Exempt pursuant to Section 15303, Existing Facilities, of the CEQA Guidelines, and
2. Revoke Revised Special Use Permit S85-0070R2 based on the Findings presented, thus terminating it, and denying the privileges granted by the original approval. Uses will be subject to the County Ranch Marketing Ordinance Title 130.44.

Background:

The Zoning Administrator approved S85-10 on October 30, 1985, allowing the applicant to make and sell confections (candy and fudge) and wood cabinets produced on the site in an accessory building as a home occupation. The Planning Commission approved a revision to the original Special Use Permit, S85-0070R2, on January 22, 2009, which added parking stalls, and conditions as to employee count as well as hours of operation. The County changed the naming from Special Use to Conditional Use for these kinds of requests. The names are synonymous and the numbers refer to the approval date.

The cabinet production as a home occupation has ceased operations, therefore, the parcel and uses qualify for Ranch Marketing without the requirement for the Conditional Use Permit. The El Dorado County Agricultural Commission has verified that the site qualifies for Ranch Marketing uses allowed in Chapter 130.44 of the Zoning Ordinance.

Site Characteristics:

The project site is located within the Planned Agricultural 10-acre (PA-10) zone district and is 10.01 acres in size. This zone is intended to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands.

The subject parcel is generally level adjacent to High Hill Road and has been developed with a graded graveled parking lot, horse stable and corral, tractor shed, orchard, single family residence, and candy store. An additional level area for parking is located on the southwest side of the cabinet shop (no longer operational and used for storage). The eastern portion of the property slopes to the east with moderate slopes of 15 to 20 percent.

Analysis:

Environmental Review: Conditional Use Permit Revision CUP-R24-0002 has been found to be Categorically Exempt pursuant to Section 15301 (Existing Facilities), of the CEQA Guidelines. Class One categorical exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use. Specifically, (a) includes “interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.”

Per CEQA Guidelines Section 15062, filing of a Notice of Exemption is required to initiate a 30-day statute of limitations on legal challenges to the County’s decision that the project is exempt from CEQA. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The applicant shall submit the **\$50.00** recording fee to Planning Services for the County Recorder to file the Notice of Exemption **within 48 hours** of any decision-making body approving the project. Checks shall be made payable to El Dorado County. If the fee is not received and the notice is not filed, a 180-day statute of limitations will apply.

Indemnity: In the event of any legal action instituted by a third party challenging the validity of any provision of this revocation, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold the County harmless from any legal fees or costs the County may incur because of such action.

The developer and landowner 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 any action of El Dorado County concerning revocation of the Conditional Use Permit.

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, Zoning Findings.

SUPPORT INFORMATION

Attachments to Staff Memo

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Plat Map
Exhibit C.....	General Plan Land Use Designation Map
Exhibit D.....	Zoning Map
Exhibit E.....	Aerial View Map
Exhibit F.....	Findings / Conditions of Approval (Revised Special Use Permit S85-0070R2)

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