

## **FINDINGS**

### **Conditional Use Permit S16-0005/4 Directions Farm Planning Commission/April 27, 2017**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 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 Division at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

The Rural Residential (RR) land use designation establishes areas for residential and agricultural development. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres.

Rationale: The El Dorado County General Plan designates the subject site as Rural Residential. The site is proposed for use as a private school with additional uses including, agricultural production, value-added agriculture, animal raising and keeping, employee housing, and season sales. These uses are consistent with the intent of the Rural Residential land use designation.

##### **2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The site contains currently contains a small shed and several fenced in animal enclosures. The majority of the site lies vacant in a natural state. The site plan (Exhibit F) shows existing and proposed buildings complying with setbacks, with the majority of the developable area occurring near the entrance to the site and away from the properties to the west and south. Conditions of approval limiting the times of day for use of the outdoor areas of the facility are included to reduce potential noise, light, and traffic impacts to neighboring residents. As conditioned, the project would be compatible with the adjoining land uses.

**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 site is currently served by a private well. The construction of a new private wastewater system is proposed as part of the project. The project would generate an increase in solid waste, and would be required to comply with county recycling standards and follow CalGreen requirements during operation.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The site is currently served by El Dorado Hills County Water District for fire protection. The El Dorado Hills Fire Department (EDHFD) reviewed the application for this use and submitted comments and proposed conditions of approval. EDHFD determined that the project would need to install a fire hydrant, which would provide adequate water for fire protection. The exact location of the fire hydrant would be determined after consultation with the EDHFD. A private well and a proposed septic system would serve the project site.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The El Dorado Hills Fire Department and the Transportation Division reviewed the application materials and site plan for adequate access for emergencies. It was determined that a traffic study was not required, since the proposed use would generate minimal trips. Also, the roads serving the development have sufficient capacity to accommodate any added traffic without resulting in unacceptable levels of service. On-site circulation was approved through review of the site plan, which allows for sufficient access, parking, and maneuvering space. An encroachment permit is required for access to Brandon Road. The EDHFD determined that gate placement and access would need to comply with the standards and specifications of the EDHFD. Additionally a Fuel Hazard Reduction Zone, in accordance with the Wild Fire Safe Plan, would need to be established along access roads and paths. The project is in compliance with the General Plan Policy.

**2.6 The project is consistent with General Plan Policy 8.1.4.1.**

Policy 8.1.4.1, The county Agricultural Commission shall 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.

Rationale: The project site is located adjacent to agriculture-zoned lands, which requires review by the Agriculture Commission. The project application was forwarded to the El Dorado County Agricultural Commission for review. The Agricultural Commission found that the project is in compliance with the General Plan. The project site is currently adjacent to existing residential and agricultural land uses. The proposed conditional use permit will be consistent with civic, residential, and agricultural uses. The required agricultural setbacks and 10-Acre minimum lot size is proposed as required by the General Plan.

**2.7 The project is consistent with General Plan Policy 8.1.4.2.**

Policy 8.1.4.2, The Agricultural Commission shall review all school site development applications involving agricultural lands and lands within Agricultural Districts, or lands adjacent to agricultural lands and lands adjacent to Agricultural Districts, and shall make recommendations to the approving authority. To determine consistency with the General Plan, the approving authority shall find that the school site development is “in the public interest.”

Rationale: The project site is located adjacent to agriculture-zoned lands, which requires review by the Agriculture Commission. The proposed conditional use permit will be consistent with civic, residential, and agricultural uses. The project application was forwarded to the El Dorado County Agricultural Commission for review (Exhibit K). The Agricultural Commission found that the project is in compliance with the General Plan and that the project is not incompatible with agricultural operations on adjacent or proximate agricultural lands.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.**

The Rural Lands (RL) zone is intended to for those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone.

Rationale: The parcel is zoned Rural Lands Twenty-Acre (RL-20). The Agricultural, Rural Lands and Resource Zone Districts Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RL zone district. The matrix includes Agricultural uses such as animal raising and keeping, crop production, on-site produce sales and grazing, Agricultural Support Service uses such as value added processing, Civic uses such as private schools, and Residential-type uses including employee housing, which are specifically permitted by Conditional Use Permit pursuant to Section 130.21.020.

The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. Setbacks for non-agricultural structures must be a minimum of 30 feet, with a maximum height of 45 feet. Agricultural structures cannot exceed 50 feet in height and must be set back a minimum of 50 feet from the property lines. According to the proposed site plan, all proposed and existing structures meet these requirements. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. Parking and loading were analyzed according to the use type, and the proposed parking would be sufficient for the proposed uses (see Finding 3.3).

**3.2 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.**

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements for businesses,

Rationale: This Conditional Use Permit request proposes buildings that consist of several uses. For this reason, parking requirements are calculated based upon each individual buildings use. Specialized Education is required to have at least one spot for every 75 sf of ground floor area in addition to one spot for every staff member. Two buildings identified as this use would generate a need for 28 parking spaces. Buildings consisting of Agricultural – Produce, Seasonal Sales (one space per 300 sf of OUA), Residential – Caretaker, Employee Housing (one space per unit), and Agricultural – Packing Shed (one space per 1,500 sf of OUA), would require 6 spaces. Christmas Tree Farm U-Cut (five per acre of crop) requires a total of 1 space. Parking requirements for the project requires a total of 35 parking spaces. The project proposes 26 paved parking stalls and identifies 32 spaces of overflow parking. Additionally, the site would primarily be accessed through shuttle vans which would reduce the need for parking. The amount of proposed parking exceeds the parking requirements and is consistent with the parking standards established in the Zoning Ordinance.

**3.3 The project is consistent with Chapter 130.36: Signs.**

Section 130.36 of the Zoning Ordinance establishes sign regulations that are consistent with the goals, objectives and policies of the El Dorado County General Plan and the County’s visual and aesthetic goals, and provide adequate identification for establishments.

Rationale: The project is proposing an unilluminated monument sign and an unilluminated wall mounted sign within a rural region. In accordance with subsection 130.16.080 of the Zoning Ordinance, a sign permit will be required for the sign. The design would be reviewed for compliance with all regulations for wall mounted signs within a rural region, including those for compatibility with colors of on-site structures, sign size and placement.

**3.4 The project is consistent with Chapter 130.37: Noise Standards.**

Chapter 130.37, 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 130.37.060.1 for noise-sensitive uses.

Rationale: Noise levels are not expected to exceed maximum levels as a result of the project, as there is no outdoor amplified noise proposed. Noises associated

with the project would consist of typical agriculture and residential noise. The nearest residence is located along Brandon Road, approximately 450 feet to the west of the proposed project site. The next-nearest noise-sensitive receptors are more than 1,000 feet from the proposed project site. Noise generated during operation and any potential future construction will be required to comply with the noise standards established in the Zoning Ordinance.

#### **4.0 CONDITIONAL 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 Conditional 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 use will comply with the Development Standards of the RL-20 zone district. The proposed use is consistent with the surrounding land uses which include large lot single family residences, agriculture, and vacant land. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

##### **4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Private schools are specifically permitted in the RL-20 (Rural Lands 20-Acre) Zone with a Special or Conditional Use permit pursuant to Section 130.21.020. The subject property is located in the RL-20 zone district. The Agricultural, Rural Lands and Resource Zone Districts matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RL zone districts. The matrix includes commercial and recreational uses, specifically private schools, which are allowed with a Conditional Use Permit in the RL zones.