



## Legislation Details (With Text)

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**On agenda:** 6/6/2017      **Final action:** 6/6/2017

**Title:** HEARING - To consider a request submitted by Thomas R. Schultz, Willis Nelson, James Peroutka, Jr., and Mark Wynne appealing the Planning Commission's April 27, 2017, approval of Conditional Use Permit S16-0005/Four Directions Farm on property identified by Assessor's Parcel Number 087-021-66, consisting of 56.8 acres in the Latrobe area; and staff recommending the Board take the following actions:  
 1) Adopt the Mitigated Negative Declaration (Attachment E) based on the Initial Study prepared by staff; and  
 2) Deny the appeal, thereby upholding the Planning Commission's April 27, 2017, approval of Conditional Use Permit S16-0005 based on the Findings (Attachment 2B) and subject to the Conditions of Approval (Attachment 2C). (Supervisory District 2) (Est. Time: 1.5 Hrs.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Appeal Form BOS 06-06-17, 2. 2B - Findings BOS 06-06-17, 3. 2C - Conditions of Approval BOS 06-06-17, 4. 2D - Proof of Publication-Mountain Democrat BOS 06-06-17, 5. Public Comment Rcvd 6-6-17 BOS 6-6-17, 6. Public Comment Rcvd 6-5-17 BOS 6-6-17, 7. FINAL Findings, 8. FINAL Conditions of Approval, 9. APPROVED STAMPED Exhibits, 10. ADOPTED Mitigated Negative Declaration, 11. RECEIPT-Notice of Determination, 12. FILED-Notice of Determination, 13. A - Staff Report PC 04-27-17, 14. B - Findings PC 04-27-17, 15. C - Conditions of Approval PC 04-27-17, 16. D - Staff Report Exhibits A-K PC 04-27-17, 17. E - Staff Report Exhibit L-Proposed MND and Initial Study PC 04-27-17, 18. F - Proof of Publication-Mountain Democrat PC 04-27-17, 19. G - Staff Memo 04-26-17 PC 04-27-17, 20. Public Comment Rcvd 04-17-17 PC 04-27-17, 21. Public Comment Rcvd 04-13-17 PC 04-27-17

Date	Ver.	Action By	Action	Result
6/6/2017	2	Board of Supervisors	Approved	Pass
4/27/2017	1	Planning Commission	Approved	Pass

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**BACKGROUND**

Thomas R. Schultz, Willis Nelson, James Peroutka, Jr., and Mark Wynne have filed an appeal to the Planning Commission's April 27, 2017, approval of Conditional Use Permit S16-0005/Four Directions Farm to allow for the phased construction and operation of a private school teaching organic farming

skills, which includes the construction of five single-story structures, paving of the existing driveway, a new parking lot, fire lanes, a new water well and a new septic system. The property, identified by Assessor's Parcel Number 087-021-66, consisting of 56.8 acres, is located on the south side of Brandon Road, approximately 0.5 mile east of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District 2. (County Planner: Evan Mattes) (Mitigated Negative Declaration prepared)

The Planning Commission held a public hearing on April 27, 2017, and conditionally approved the project (5-0 Vote). The site is zoned Rural Lands 20-Acre (RL-20). In order to build the new private school, a Conditional Use Permit is required. The Conditional Use Permit (S16-0005) is required to comply with the California Environmental Quality Act and a Mitigated Negative Declaration was prepared by staff.

The Planning Commission approved the project with Findings, Conditions of Approval, and a Mitigated Negative Declaration on April 27, 2017. Pursuant to the County Zoning Ordinance, there is an appeal period of ten (10) working days after approval. Thomas R. Schultz filed an appeal within 10 working days and submitted the \$239 appeal fee. The Zoning Ordinance provides that the appeal of a Planning Commission decision be decided at a public hearing with the Board of Supervisors.

The following is a summary of the concerns of the appeal (Attachment 2A) with staff responses in italics.

#### 1) Conflicts between Commercial and Residential Uses

*Staff Response: The project site is zoned RL-20 and requires a Conditional Use Permit to allow the construction and operation of a private school. The Conditional Use Permit allows the County to consider the project's impacts on the property and neighboring areas. Staff prepared Conditions of Approval, and the Planning Commission added and amended the Conditions of Approval to minimize impacts on the neighbors. There are over 60 Conditions of Approval, including the following: (a) The requirement for adequate parking on-site; (b) The requirement that new lighting would be shielded; (c) Compliance with the County Zoning Ordinance noise standards; and (d) Driveway improvements (encroachment permit) onto Brandon Road. A concern about the sight distance along Brandon Road has been addressed with Condition of Approval 32, which requires the installation of an Intersection "Warning" sign approximately 350 feet west of the Four Directions Farm driveway location. Schools are not identified as a commercial use in the Zoning Ordinance or General Plan, but as a civic use, and are permitted through the Conditional Use Permit process. The project site would only be made open to members of the public during certain times of the year for the sale of produce grown on site, which is a use allowed by right in the RL-20 zoning designation.*

#### 2) Impacts to Traffic on Brandon Road

*Staff Response: The project was analyzed by the El Dorado County Long Range Planning Traffic Engineers who determined that the project would not generate enough traffic to create a significant impact. The project proposed, and Condition of Approval 1 requires, that farm workers/students would be brought to the property by shuttle van. The installation of the Intersection "Warning" sign would help address any potential safety issues because of the sight distance limitations along Brandon Road.*

### 3) Nighttime Illumination

*Staff Response: The proposed private school would operate Monday through Friday from 8:30 a.m. to 5:00 p.m., with nighttime illumination being associated with rural residential uses due to the on-site caretaker residence. This would be consistent with similar rural residential uses surrounding the project site. Condition of Approval 6 requires any building or parking lot lighting to be shielded from neighboring properties.*

### Conclusion

Staff concludes that the issues raised in the appeal were fully addressed at the Planning Commission Hearing on April 27, 2017. The Planning Commission added or amended the Conditions of Approval to address concerns raised at the Public Hearing. There are no new issues raised in the appeal that were not addressed at the Planning Commission Public Hearing. Staff recommends that the Board deny the appeal, thereby upholding the Planning Commission's April 27, 2017, conditional approval of S16-0005/Four Directions Farm.

### **ALTERNATIVE**

The Board may elect to approve the appeal and reverse the action by the Planning Commission resulting in the denial of Conditional Use Permit S16-0005.

### **CONTACT**

Roger Trout, Interim Director  
Planning and Building Department  
Community Development Services