



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

MEMORANDUM

DATE: March 10, 2009
TO: Honorable Board of Supervisors
FROM: Michael Johnson, Director of Planning
SUBJECT: **THIRD PARTY APPEAL – PLANNING COMMISSION'S APPROVAL OF AN EXTENSION OF TIME FOR A MINOR USE PERMIT – "MARTINEZ HAY AND FEED" (PMPB 20060557)**

ACTION REQUESTED

The Board of Supervisors is being asked to consider a third-party appeal of the Planning Commission's decision to deny an appeal and to approve an Extension of Time for the Martinez Hay and Feed Minor Use Permit.

BACKGROUND

Project Site

The project site is located at 1788 McCourtney Road in the Lincoln area (APN: 021-220-066). The subject parcel consists of approximately 5.8 acres of relatively level land and accommodates both the primary residence and the hay and feed business. The parcel is zoned Farm with a 4.6-acre minimum, and is surrounded by farmland and ranchettes.

Project History

A business license was issued to Veronica and Roberto Martinez on March 1, 2004 to operate a hay and feed home occupation business on the premises. It was later noted that the business license had been issued without the needed Minor Use Permit for a farm equipment and supplies sales business, and code enforcement action was initiated in July 2005. The applicants subsequently participated in a Pre-Development meeting with County staff in December 2005, and submitted an application for a Minor Use Permit on July 20, 2006. The applicants are currently operating Martinez Hay and Feed under Business License Number 94603.

A Minor Use Permit was approved by the Zoning Administrator in October 2006 which authorized the operation of the hay and feed business and the construction of an 80-foot by 100-foot pole barn to house hay and feed. The applicants have continued to utilize the existing office as an office and additional supply area. Hay is currently stored in a small barn, as well as stacked outside near the barn. Hours of operation are Monday through Friday, 9 a.m. to 6 p.m., Saturday from 8 a.m. to 6 p.m. and Sunday 8 a.m. to 2 p.m.

The applicants filed for an Extension of Time on August 5, 2008 since they had not yet completed all of the Conditions of Approval. Due to the effort shown by the applicants to comply with their Conditions of Approval, staff supported a one-year Extension of Time in order to receive approval of Improvement Plans, construct the required improvements, and exercise the Minor Use Permit. No

changes in the Conditions of Approval were recommended. On October 16, 2008, the Zoning Administrator approved a two-year extension of time for the Martinez Hay and Feed business. On October 24, 2008, an appeal of the Zoning Administrator's approval of the Extension of Time for the Minor Use Permit for Martinez Hay and Feed was filed by Louis Cretaro.

ACTION OF PLANNING COMMISSION

On January 8, 2009, the Planning Commission heard reports from Development Review Committee staff and received public testimony from the appellant, and from the applicants' representative. Topics that were brought up at the hearing by the appellant included questions related to the appropriateness of the site for a hay and feed business, the appellant's perceived opinion that the use undermines his property values and quality of life, that the use is a risk to public safety and that the applicants have not complied with the Conditions of Approval for the Minor Use Permit. The applicants' representative discussed an accident report from the California Highway Patrol's office which showed that there had been no accidents in the area of the hay and feed business since its opening. The Planning Commission did not find merit in any of the appellant's arguments, and voted unanimously to reject the appeal and uphold the decision of the Zoning Administrator to approve and Extension of Time for the hay and feed business.

The Planning Commission unanimously found that the applicants had been diligent in pursuing implementation of the project by undertaking reasonable effort to satisfy the Conditions of Approval, and also found that an extension of time for the project is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and would not be detrimental to the orderly development of the County or to the general public health, safety or welfare.

LETTER OF APPEAL

On January 16, 2009, Louis Cretaro filed a third-party appeal challenging the Planning Commission's decision to deny the appeal and uphold the Zoning Administrator's decision to approve the Extension of Time for the Martinez Hay and Feed Minor Use Permit. In preparation for a substantive discussion of the appeal on the merits, staff has provided a response to each issue raised by the appellant.

Issue 1 – The appellant states that the project is non-compliant with its Conditions of Approval.

Since approval of the Minor Use Permit in 2006, the Improvement Plans have been through the County's review process, and are currently ready for approval, pending submittal of fees. Along with the Improvement Plans, the applicants also submitted a sight distance exhibit, engineered cost estimates, and drainage report for the County's review and approval. In addition, the applicants have applied for a commercial business license, conducted the required well test, pumped the septic tank and installed fast-growing evergreen bushes on the north and south portions of the property in order to provide visual screening for the neighbors. The Planning Commission unanimously found that the applicants have been diligent in pursuing implementation of the project by undertaking reasonable efforts to satisfy the Conditions of Approval.

Issue 2 –The appellant states that the business has been operating without a Commercial Business License.

Two days after the October 16, 2008 Zoning Administrator's hearing where the approval for the Minor Use Permit was given, the applicants filed an application for a Commercial Business License and paid the associated fees. The County put the Commercial Business License approval on hold pending completion of the Minor Use Permit conditions.

Issue 3 – The appellant states that the applicants have not paid for, nor received permits.

Contrary to the appellant's assertion, the applicants did in fact pay for their Minor Use Permit application, as well as for their Extension of Time application. The applicants have also paid plan check fees for the County's review of the Improvement Plans.

Issue 4 – The appellant asserts that the use conflicts with future planning.

The appellant contends that because the project site is located within an area proposed for annexation into the City of Lincoln, that the use will conflict with future uses in the area. The Planning Commission concluded that the possibility of future annexation into the City of Lincoln has no bearing as to the current County zoning and the current use of the property. The Planning Commission concluded that the proposed use was in fact appropriate for the site and perpetuated the agricultural uses in the project area.

Issue 5 – The appellant asserts that the project devalues his property.

Although the appellant believes the use will devalue his property, the appellant has submitted no evidence that shows that the hay and feed business devalues his property. In his closing statement, Commissioner Brentnall informed the appellant that there are many other uses that could have been considered for the project site, many which would have been more disruptive than a hay and feed business, and emphasized that this is a permitted use for this zone district.

Issue 6 – The appellant states that the removal of the oak tree should not be allowed due to circumstances cited.

There is a large oak tree near the current entrance to the project site which is due to be removed as part of the proposed project. The appellant states that the removal of the oak tree should not be allowed due to circumstances cited. It is not clear what "circumstances" the appellant was referring to in this instance. A sight distance report based upon the proposed site plan was submitted along with the Improvement Plans. This report indicated that based upon the new entrance location and the design speed and curvature of the road, the oak tree at the front of the property needs to be removed for proper sight distance. This report was reviewed and approved by the County Engineering and Surveying Department.

CONCLUSION

As discussed above, the Planning Commission concluded that there are no merits to the issues raised by the appellant. The Planning Commission considered these same issues and voted unanimously to deny Mr. Cretaro's appeal and approve the Extension of Time for the Martinez Hay and Feed Minor Use Permit. No new information is provided in the appeal that would necessitate reversing the Planning Commission's action.

RECOMMENDATION

Staff brings forward the Planning Commission's action to deny the appeal and approve the Extension of Time for the Martinez Hay and Feed Minor Use Permit.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Community Development Resource Agency Director

EXHIBITS:

- Exhibit A – Findings and Conditions Adopted by the Planning Commission
- Exhibit B – Vicinity Map/Zoning/Aerial Photo
- Exhibit C – Appeal to BOS/ Appeal to PC
- Exhibit D – Site Plan
- Exhibit E – Planning Commission staff report
- Exhibit F – ZA Staff Report

cc: Louis Cretaro – Appellant
Roberto and Veronica Martinez – Property Owners and Applicants

Copies Sent by Planning:

- Michael Johnson – Community Development Resource Agency Director
- Paul Thompson – Deputy Planning Director
- Karin Schwab - County Counsel
- Phil Frantz - Engineering and Surveying Division
- Vicki Ramsey - Environmental Health Services
- Andy Fisher - Parks Department
- Yu-Shuo Chang - Air Pollution Control District
- Jim Owens – Nearby neighbor
- Subject/chrono files

CEQA AND MINOR USE PERMIT FINDINGS:

CEQA Findings

The project is categorically exempt from environmental review pursuant to provisions of Section 15303 of the CEQA Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3, New Construction). No changes have occurred in the project or to existing circumstances that would warrant additional environmental analysis for the Extension of Time request. Extensions of Time are Categorically exempt from environmental review pursuant to Section 18.36.030 of the Placer County Environmental Review Ordinance (Section 15301 of the California Environmental Quality Act).

Minor Use Permit Extension of Time Findings

Having considered the staff report, supporting documents and public testimony, the Board of Supervisors hereby finds that:

1. An extension of the expiration date for the Minor Use Permit (MUP 20060557) for the Martinez Hay and Feed business is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and will not be detrimental to the orderly development of the County or to the general public health, safety or welfare.
2. To the extent applicable and necessary, the Conditions of Approval for the Martinez Hay and Feed business have been modified to reflect current standards and ordinance requirements.
3. The applicants have been diligent in pursuing implementation of the Project by undertaking reasonable efforts to satisfy the Conditions of Approval by submitting Improvement Plans, completing planting for visual screening, and conducting well and septic tests.

MINOR USE PERMIT CONDITIONS OF APPROVAL:

1. This Minor Use Permit (PMPB T20060557) authorizes construction of an 80 foot by 100 foot pole barn and operation of a Hay and Feed business.
2. The setbacks and construction of the circulation area, parking area and height limit of the pole barn shall adhere to the requirements set forth in Chapter 17 of the Zoning Ordinance.
3. Seven parking stalls, plus one disabled parking stall, shall be created in accordance with section 17.54.070 of the Zoning Ordinance.
4. The barn shall be painted an earth-tone color in order to blend with the surrounding environment. The current metal barn shall be removed from the premises upon construction of the pole barn.
5. In order to provide visual screening for the adjacent properties to the north (1850 McCourtney Road), fast-growing evergreen bushes shall be planted every 4 feet on center, 5 feet from the property line on the north side of the property, starting at 20 feet

- from the entrance to McCourtney, and continuing 25 feet past where the new pole barn will be situated. This shall be done within 30 days of MUP approval. On October 16, 2008, the Zoning Administrator added the condition that the landscaping plan submitted with the Improvement Plans shall indicate that 15 gallon evergreen trees (i.e. Deodor Cedars) shall be planted in place of any dead or dying Eucalyptus tree or in vacant spaces within the area of the Eucalyptus trees along the north side of the property in order to increase the visual screening for the neighbor to the north.
6. In order to provide visual screening for the neighbor to the south, fast-growing evergreen bushes shall be planted every 4 feet on center, 5 feet from the easement line on the south side of the property, starting at the rear of the Martinez residence, and continuing 25 feet past the new pole barn. The applicant shall provide a landscape detail. This shall be done within 30 days of MUP approval.
 7. Within 30 days of MUP approval, the large oak tree on the west portion of the property (near McCourtney Road) shall be removed.
 8. The applicant shall exercise the MUP within 1 year. If the Development Review Committee can determine that the applicant is making sufficient progress with regards to the required conditions of approval, the DRC may grant a one year's extension for the required building permits.
 9. Prior to issuance of a building permit for the barn, the applicant shall submit a detailed site plan for review and approval by the Development Review Committee that includes parking, circulation, location and description of barn and, if applicable, proposed lighting.
 10. A site distance exhibit shall also be submitted with the site plan. If it is determined that the large oak tree at the entrance to the business needs to be removed due to impaired site distance, a tree permit shall be obtained before removal of the tree, and mitigation for the oak tree will be required on site. Three 15-gallon, in-kind species of oak shall be planted on the property.
 11. In order to verify the installation of the improvements, the Planning Department shall conduct a field review prior to issuance of a Building Permit Final approval.
 12. The business license issued to the Martinez Hay and Feed beginning March of 2004 classified the business as a Home Occupation. If the current business is not operating within the parameters listed under Home Occupations in the Zoning Ordinance, it will be necessary for the applicant to apply for a Commercial Business License within 10 days of approval of this MUP.
 13. Hours of operation shall be restricted to Monday through Friday 9 a.m. to 6 p.m., Saturday 8 a.m. to 6 p.m. and Sunday from 8 a.m. to 2 p.m. No equipment shall be operated before the hours of 7 a.m. or after 7 p.m., Monday through Friday, or before 8 a.m. or after 6:30 p.m. on Saturdays and Sundays.

14. The applicant will not be allowed to utilize his property as a transfer station for his agricultural trucking business.
15. The equipment used for the operation shall be limited to the following: 2 semi-trucks with flatbeds, two 1-ton trucks, 1 small truck, 1 forklift and 1 squeeze.
16. The applicant shall prepare and submit Improvement Plans, specifications, and cost estimates (per the requirements of Section 2 of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval for all work affecting any facilities dedicated or offered for dedication to Placer County or facilities maintained by the County. The plans shall show all conditions affecting those County facilities as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to those facilities, which may be affected by planned construction, shall be shown on the plans. The applicant shall pay plan check and inspection fees (NOTE: Prior to plan approval, all applicable reproduction costs shall be paid). It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record Drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.
17. All proposed grading, drainage improvements, vegetation, tree impacts and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. The applicant shall pay plan check fees and inspection fees. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and any required temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

All facilities and/or easements dedicated or offered for dedication to Placer county or to other public agencies which encroach on the project site or within any area to be disturbed by the project construction shall be accurately located on the Improvement Plans. The intent of this requirement is to allow review by concerned agencies of any work that may affect their facilities. The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper

grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

ADVISORY COMMENT: Any work affecting facilities maintained by, or easements dedicated or offered for dedication, to Placer County or other public agency may require the submittal and review of appropriate Improvement Plans by ESD or the other agency.

18. Prepare and submit with the project Improvement Plan, a limited drainage report to the ESD for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements. The report shall propose "Best Management Practice" (BMP) measures to reduce erosion, water quality degradation, etc.
19. Storm drainage from on and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catchbasins, vaults, filters, etc. for entrapment of sediment, debris and oils/greases as approved by ESD. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catchbasin cleaning program shall be provided to ESD upon request. Failure to do so will be grounds for discretionary Permit revocation. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.
20. Water quality treatment facilities (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the DPW). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to DPW upon request.

21. Provide the ESD with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of the Improvement Plans.
22. Construct/reconstruct public road entrances/driveways onto McCourtney Road to a Plate R-17, LDM standard for the business entrance and the existing access road at the south end of the property frontage. The design speed of McCourtney Road shall be 45 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the Engineering and Surveying Department (ESD). An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. The Plate R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the ESD.
23. Remove and revegetate the existing encroachment adjacent to the south access easement.
24. All on-site parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings.

ADVISORY COMMENT: It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2" AC over 4" Class 2 AB, or the equivalent.

25. This project will be subject to the payment of traffic impact fees that are in effect in this area (Placer Central Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to improvement plan approval for the project:
 - A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
 - B) South Placer Regional Transportation Authority (SPARTA).
 - C) Placer County/City of Roseville Joint Fee (PC/CR)

The current estimated fee is \$4,260.82 per DUE. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.

26. Dedicate to Placer County one-half of a 60'-wide highway easement (Ref. Chapter 12, Article 12.08, Placer County Code) where the project fronts McCourtney Road, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the Transportation Division of DPW.
27. Handicapped parking spaces, ramps, and access ways shall meet UBC and ADA standards.
28. The first parking space adjacent to McCourtney Road shall be set back a minimum of 40 feet from the edge of traveled way. In addition, the minimum width of an aisle providing access to parking spaces shall be 25'. All parking spaces and circulation areas shall be designed in accordance with the requirements of the County Zoning Ordinance (Article

17.54.070 of the Placer County Code).

29. The project shall be limited to the usage statement/project description dated 10/3/06 and on file with Environmental Health Services.
30. The existing hay storage barn shall be moved so that it meets all required setbacks to the onsite sewage disposal system and 100% repair. This shall be completed within 120 days of Minor Use Permit approval.
31. The approved on-site sewage disposal system area and the 100% replacement area must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification. A barrier must be constructed to prohibit vehicular access to onsite sewage disposal system and 100% repair area. The barrier shall be constructed within 120 days of Minor Use Permit approval.
32. Submit to Environmental Health Services, for review and approval, a water quality analysis report on water from the existing well. The report must be prepared by a State Certified laboratory and include at minimum:
Bacteriology: Total coliform, fecal coliform and chlorine residual
33. Contact Environmental Health Services, pay required fees, and obtain an authorization notice to connect the office plumbing to the existing on-site sewage disposal system.
34. The septic tank serving the existing home shall be evaluated by a licensed septic tank pumper, who shall submit to Environmental Health Services for review and approval, a report of its capacity, structural condition, materials (e.g., concrete, redwood, metal, fiberglass, etc.) and the necessity for pumping.
In lieu of having the tank evaluated at this time, the applicant may submit proof that the septic tank has been pumped within the last three (3) years. Other report information listed above is still required.
35. Contact Environmental Health Services, pay required fees and obtain an approved construction permit, and as approved, install a septic tank and pump tank to serve the plumbing in the office and connect to the existing onsite sewage disposal system.
36. "Hazardous" materials as defined in Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2 shall not be allowed on any premises in regulated quantities without notification to Environmental Health Services.
Within 30 days of the Zoning Administrator hearing the property owner shall submit a Hazardous Materials Project/Business Activities Screening Form to the Environmental Health Services Technician, for review and approval.
37. Noise from the project shall not exceed the standards contained in the Placer County General Plan, Noise Element (65 decibels (dba) at adjoining property lines).
38. Within 60 days obtain a Building Permit for the existing office including restroom facilities.

MUP- Martinez Hay and Feed

PMPB T20060557

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39. This Minor Use Permit is valid for two years and will expire on October 5, 2008, unless previously exercised. On October 16, 2008, the Zoning Administrator approved a two-year Extension of Time for this Minor Use Permit, resulting in a new expiration date of October 5, 2010.



Planning Appeals Staff Report Due
February 5, 09



PLACER COUNTY PLANNING DEPARTMENT
AUBURN OFFICE
 3091 County Center Dr
 Auburn, CA 95603
 530-886-3000/FAX 530-886-3080
 Web page: www.placer.ca.gov/planning

TAHOE OFFICE
 565 W. Lake Blvd./P. O. Box 1909
 Tahoe City CA 96145
 530-581-6280/FAX 530-581-6282
 E-Mail: planning@placer.ca.gov

Reserved for Date Stamp

RECEIVED
 JAN 16 2009
 CDRA

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

-----OFFICE USE ONLY-----

Last Day to Appeal 1/16/09 (5 pm) Appeal Fee \$ 495
 Letter _____ Date Appeal Filed 1/16/09
 Oral Testimony _____ Receipt # 09-0050331
 Zoning F Received by B. Jones
 Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area West

-----TO BE COMPLETED BY THE APPLICANT-----

1. Project name Minor Use Permit - Extension of Time MARTINEZ Highway Front
 2. Appellant(s) Louis Crestone Jr 916 835-6293 916-434-0670
 Telephone Number Fax Number
 Address 1850 McCourtney Rd Benicia CA 95648
 City State Zip Code
 3. Assessor's Parcel Number(s): 021-220-066-000

4. Application being appealed (check all those that apply):
 Administrative Approval (AA-_____) Tentative Map (SUB-_____)
 Use Permit (CUP/MUP-_____) Variance (VAA-_____)
 Parcel Map (P-_____) Design Review (DSA-_____)
 General Plan Amendment (GPA-_____) Rezoning (REA-_____)
 Specific Plan (SPA-_____) Rafting Permit (RPA-_____)
 Planning Director Interpretation _____ (date) Env. Review (EIAQ-_____)
 Minor Boundary Line Adj. (MBR-_____) Other: _____

5. Whose decision is being appealed: Planning Commission 1/05/2008
 (see reverse)
 6. Appeal to be heard by: Board of Supervisors
 (see reverse)

7. Reason for appeal (attach additional sheet if necessary and be specific):
Non-Compliance of Operating without a Commercial Business License. No permits, hazardous
lines, conflicts with future planning, devalues my property, removal of oak tree (should
 (If you are appealing a project condition only, please state the condition number) not be allowed due to
circumstances cited)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) Louis Crestone Jr

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 EXHIBIT C

Subject: Martinez Feed and Hay

Ms Carnahan

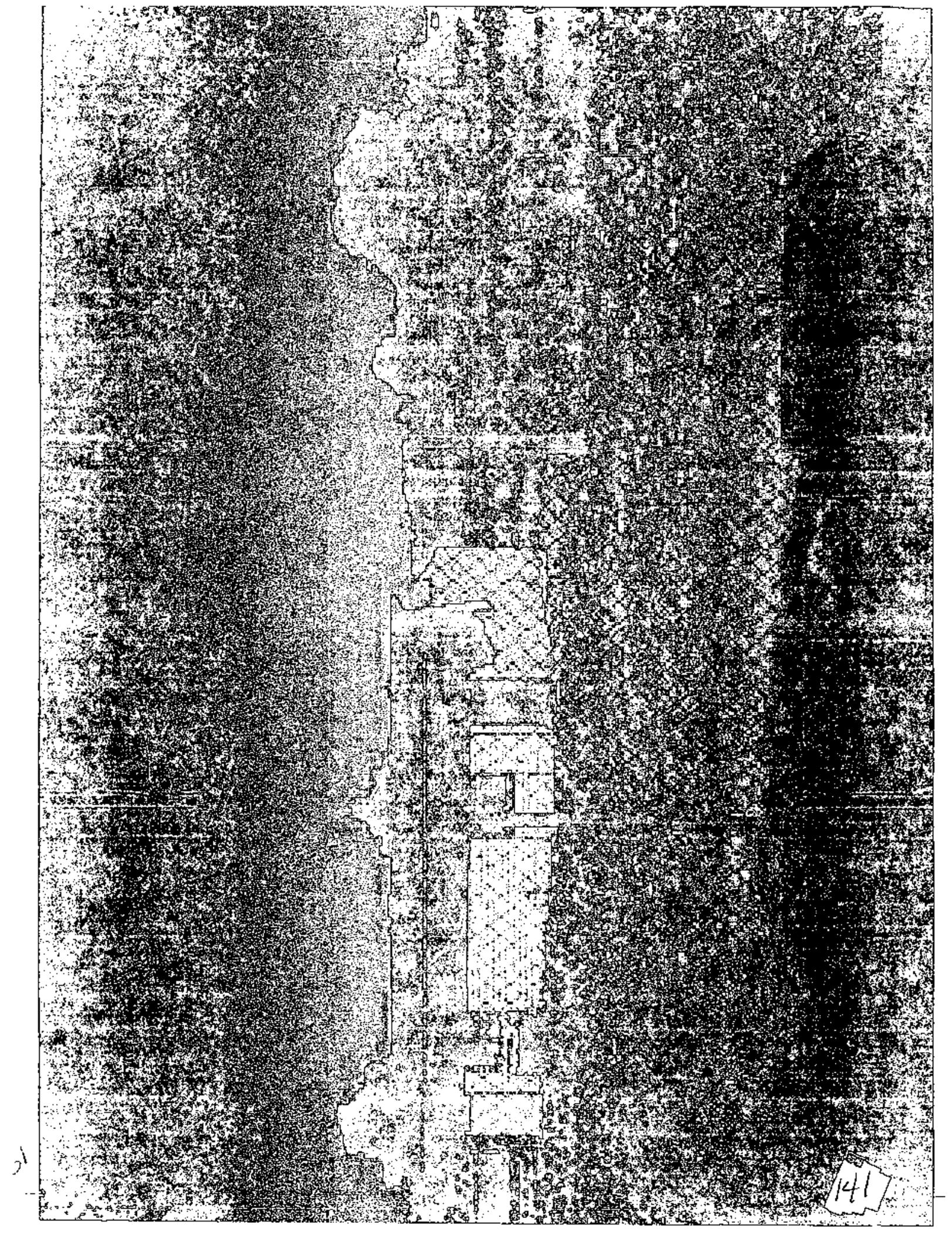
Please include these photographs which were taken between 2006 and 2008, to the documents I already submitted objecting to the extension of the minor use permit. Included with the photographs is a picture from the Real Estate MLS listing of the structure that now is the feed store. This is how it was listed at the time of sale by the previous owners of the property.

Thank You



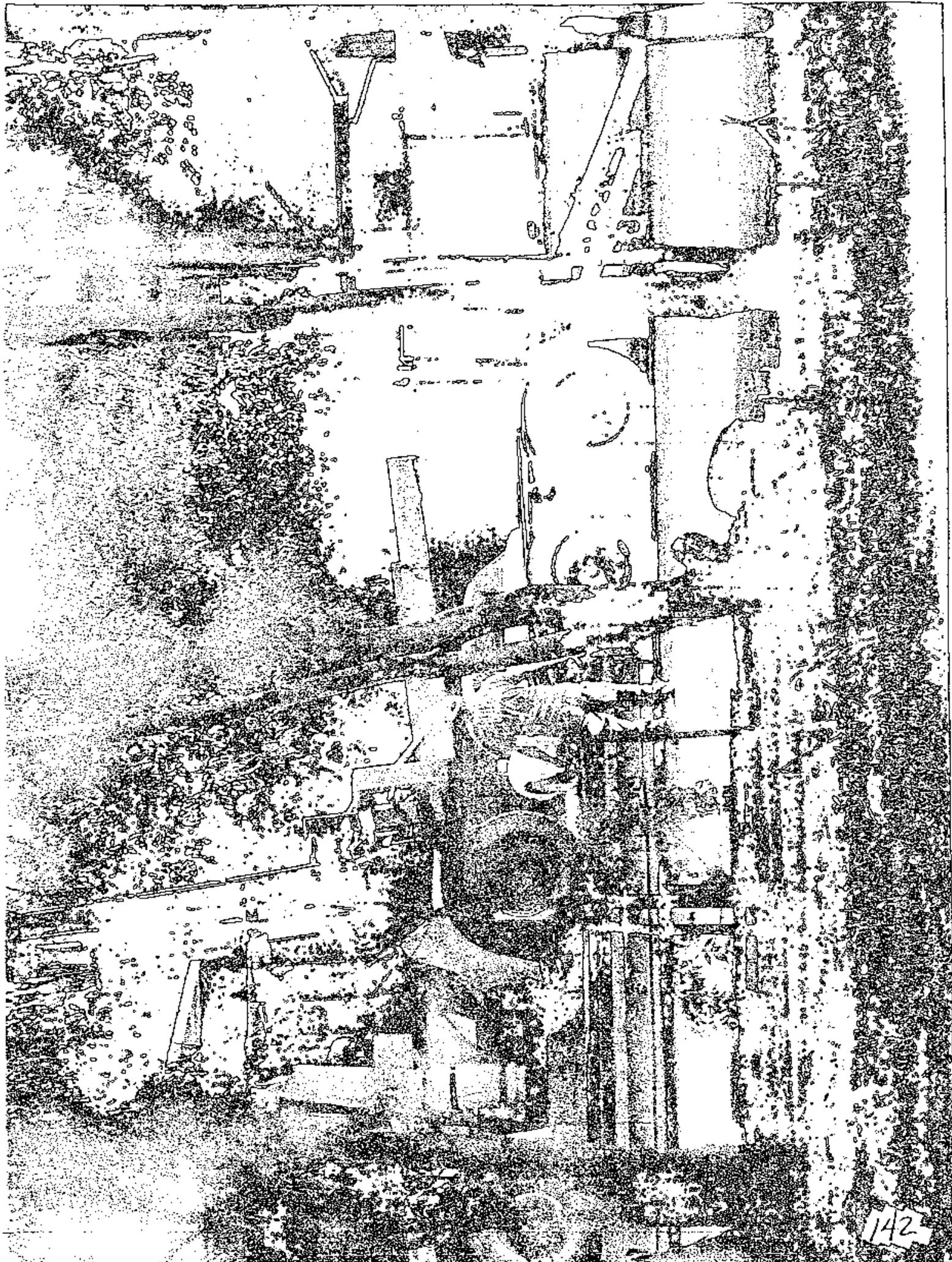
10/16/2008

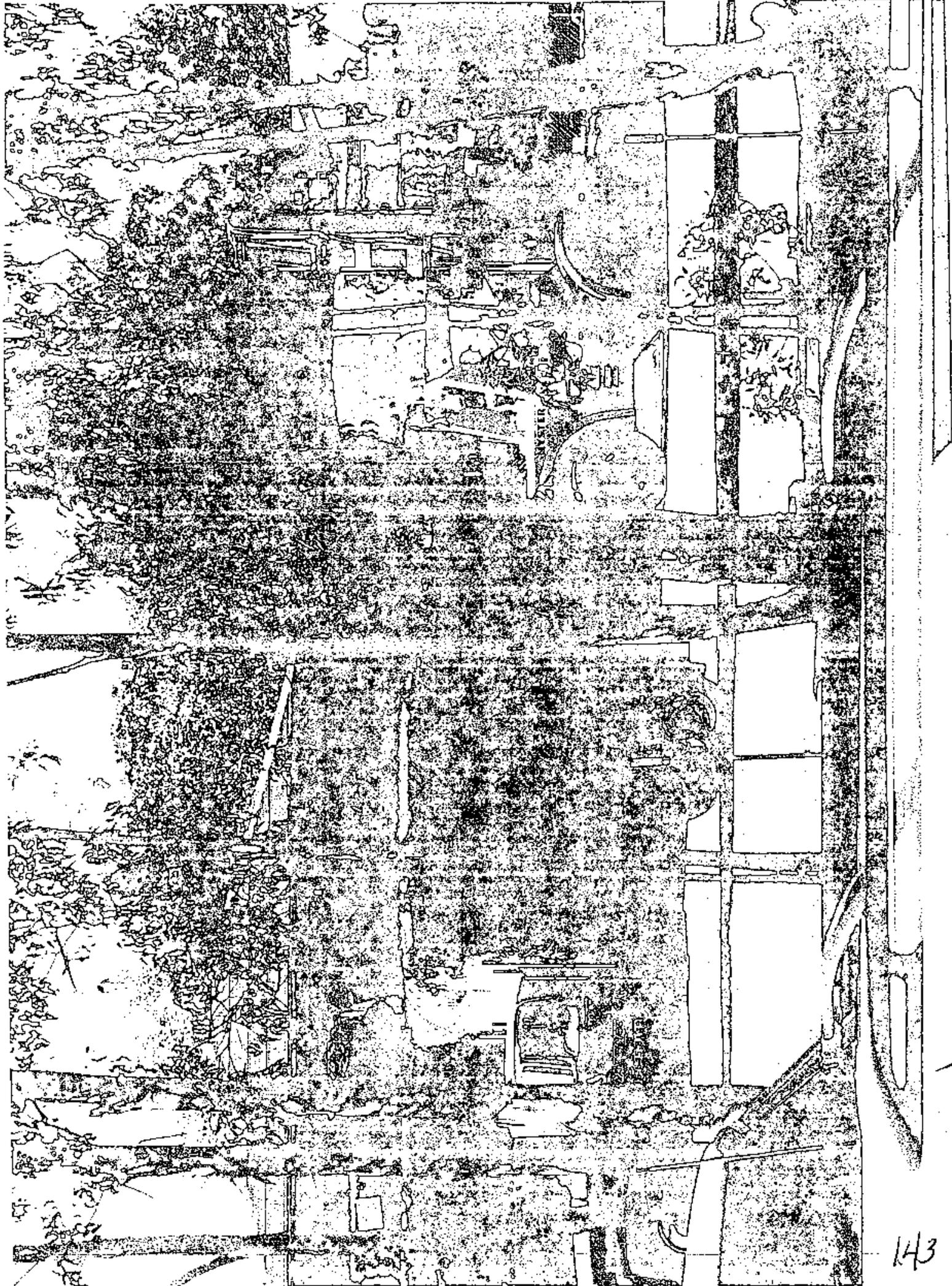
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OCT 16 2008
CDRA



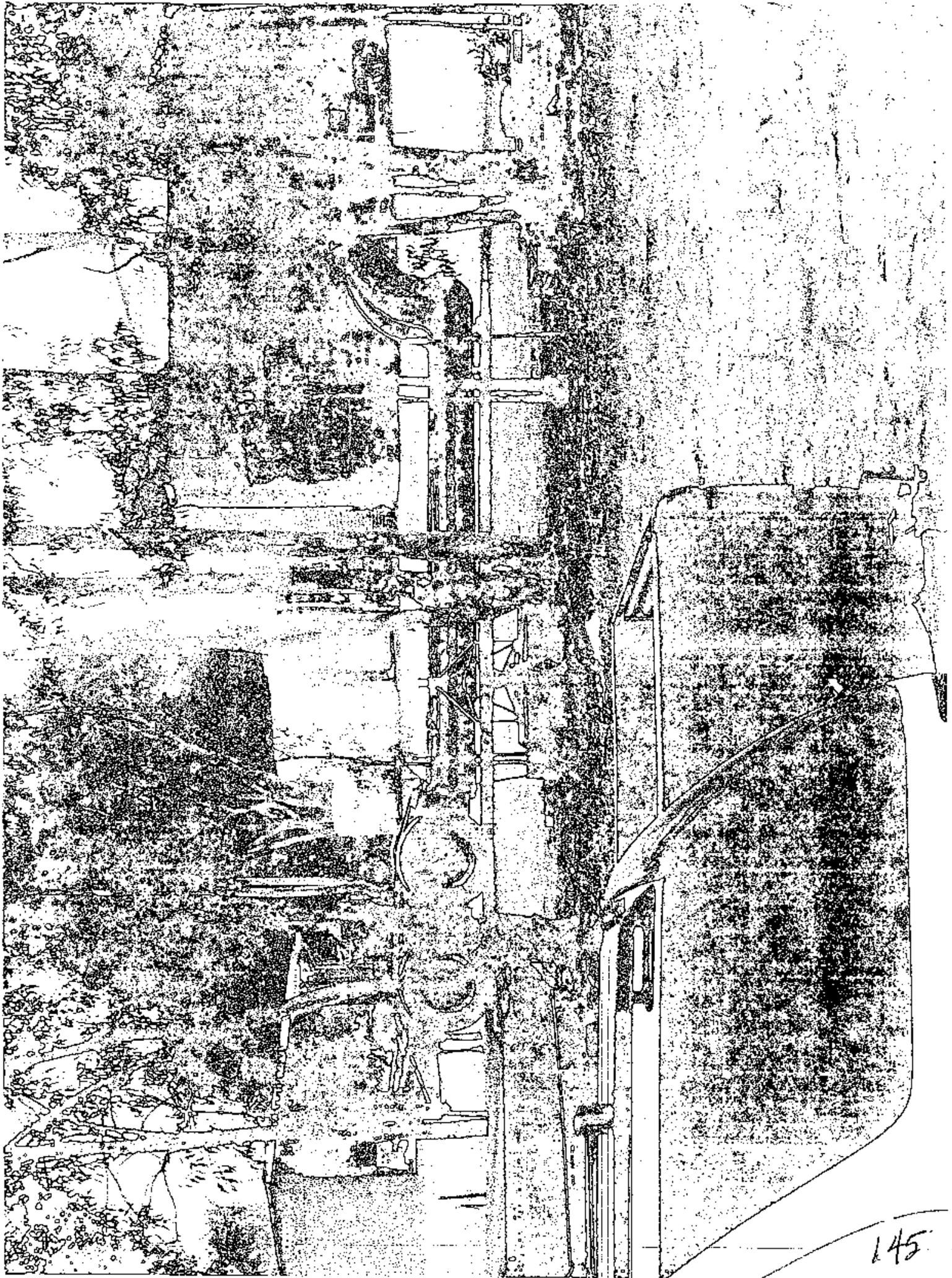
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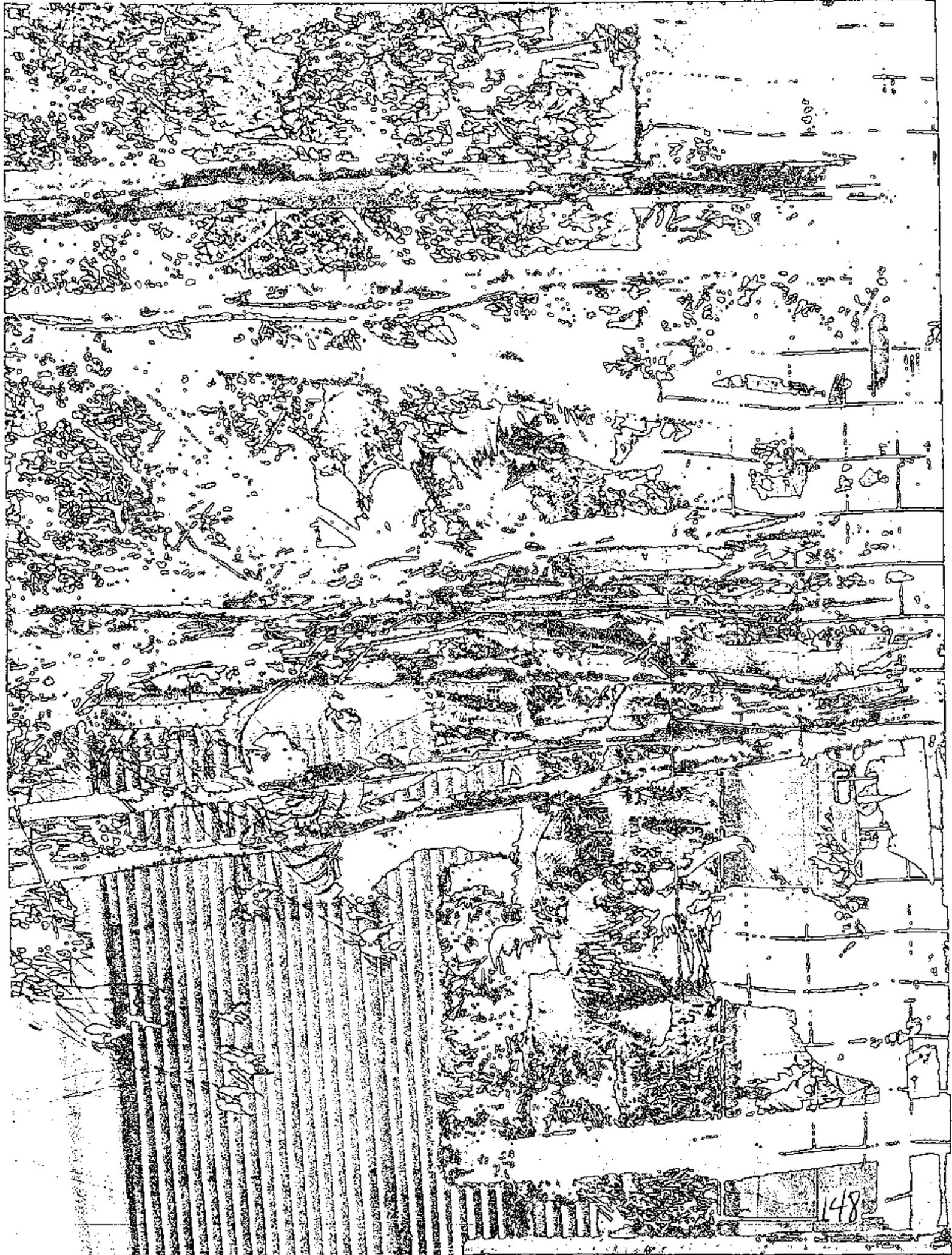








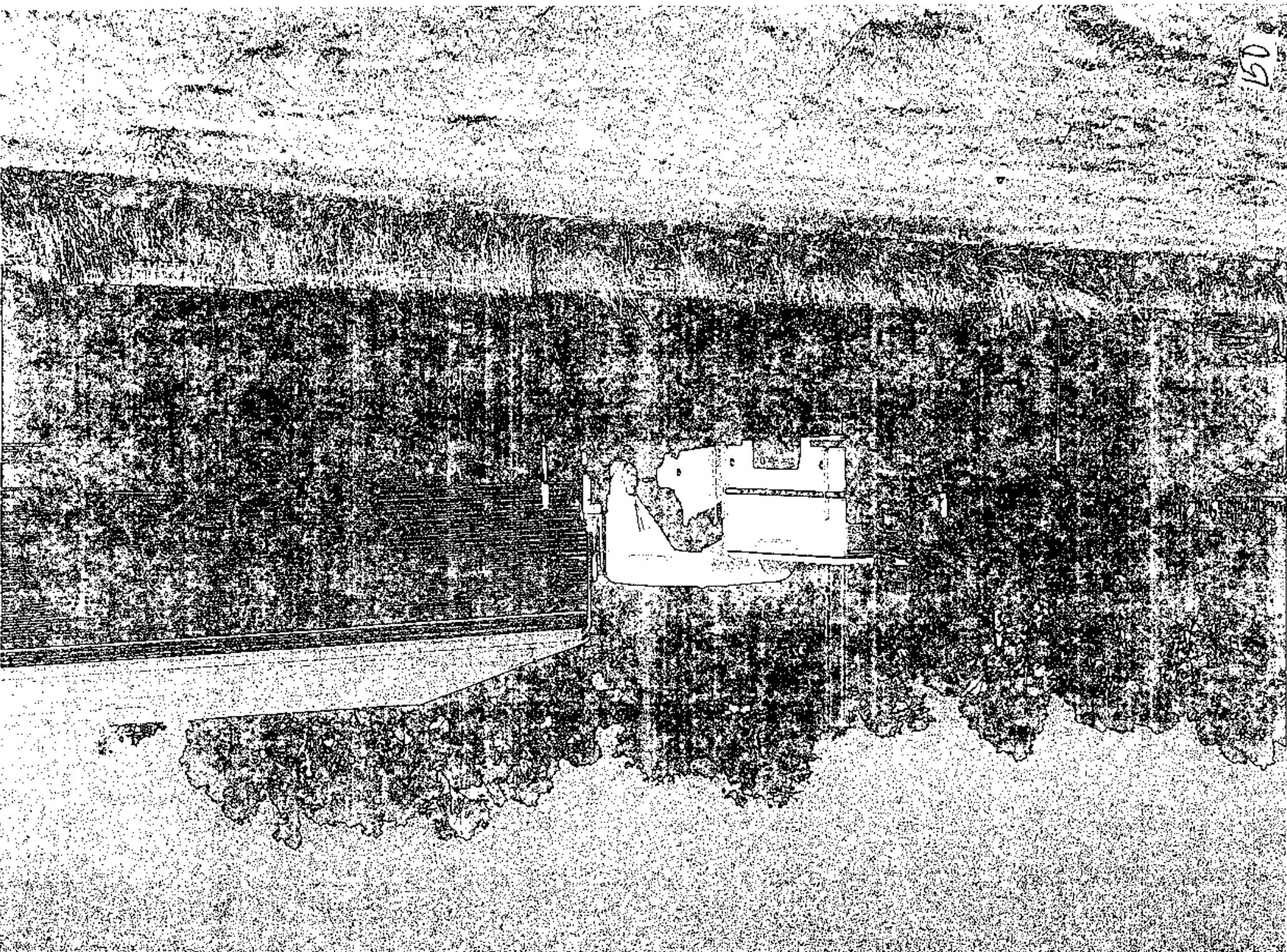




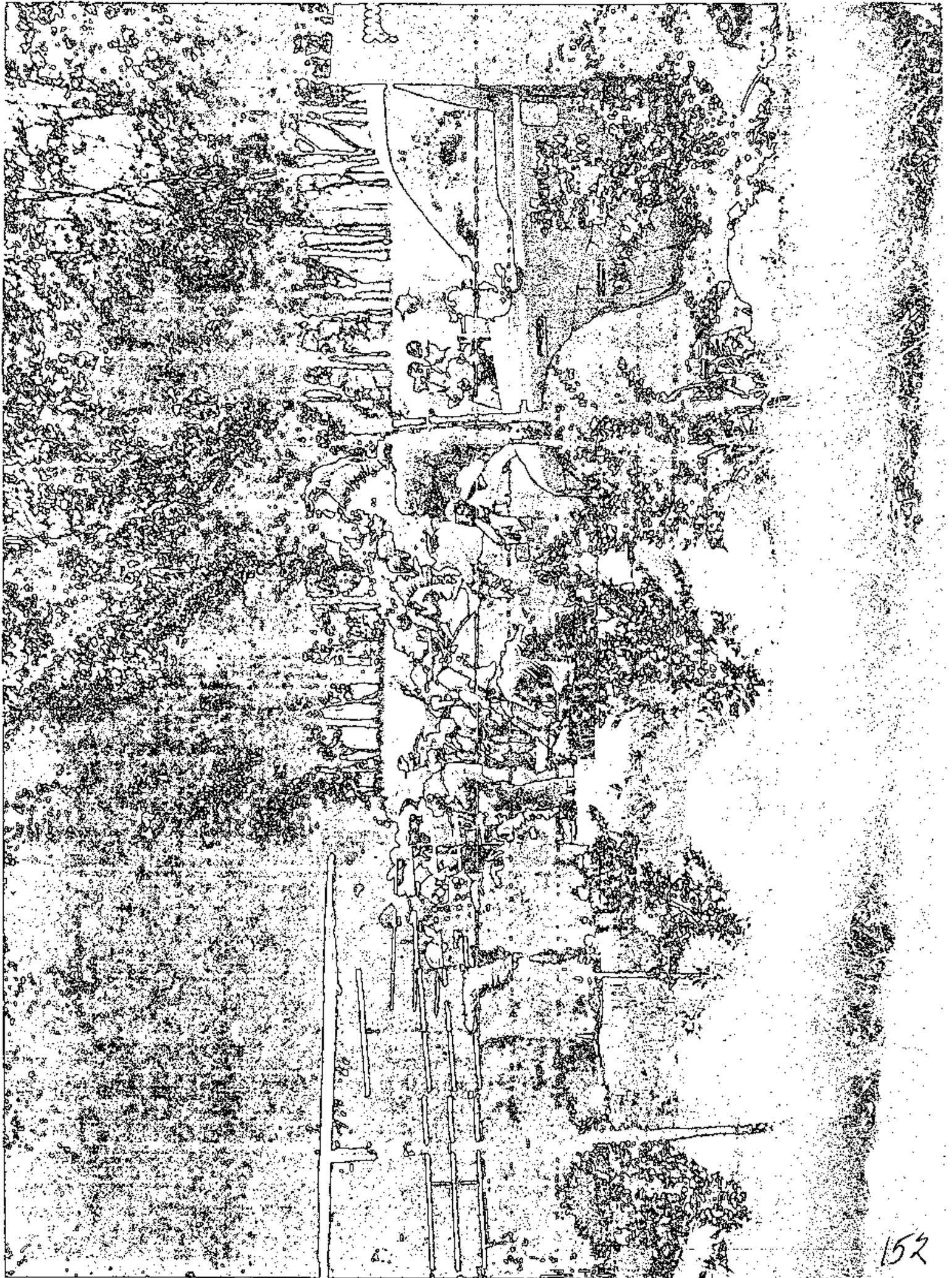


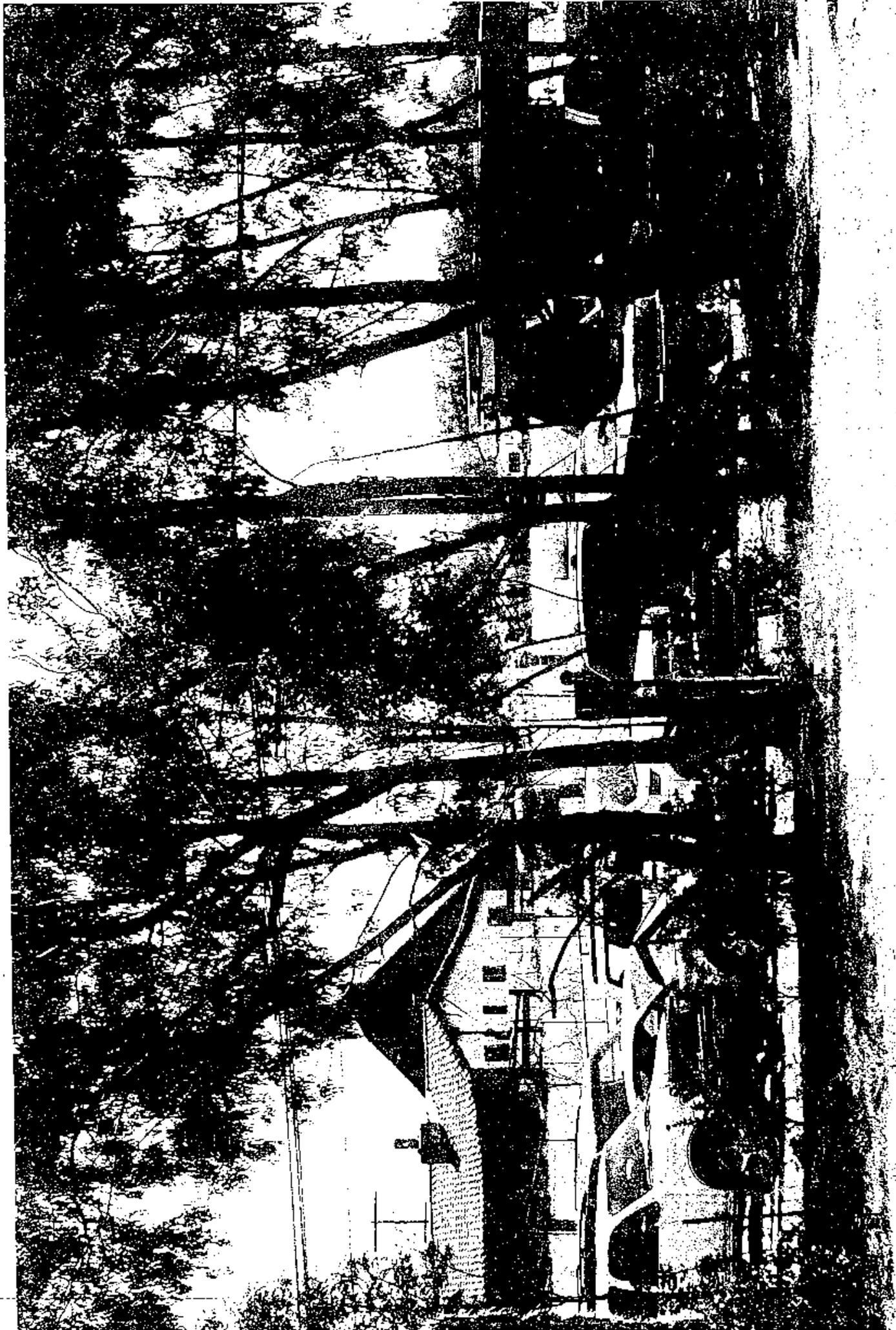
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October 24, 2008

RECEIVED

OCT 24 2008

CDMA

Attachment to application for an appeal to the Extension of Time granted by the Zoning Administrator for PMPB 20060557 on October 16, 2008.

Requests that the Appeal not be calendared until after November 5th, 2007 as the appellant will be out of town on business until after that date.

Secondly, I would request that there be a stay in the clearance granted to remove a 36" oak tree on the property pending outcome of this appeal. If this appeal is granted and the extension of time is revoked, the removal of the tree would be unnecessary as the property would not be utilized for a commercial operation.



Louie Cretaro

	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
1	This Minor Use Permit (PMPB T20060557) authorizes construction of an 80 foot by 100 foot pole barn and operation of a Hay and Feed business.		X	NONE other than MUP	\$2,741	Plan Check May 2007	Request for Extension \$760.00 (40%) paid August 2008, exemption fee \$25.00, notice of exemption \$50.00
2	The setbacks and construction of the circulation area, parking area and height limit of the pole barn shall adhere to the requirements set forth in Chapter 17 of the Zoning Ordinance.				\$0	Part of Plan	
3	Seven parking stalls, plus one disabled parking stall, shall be created in accordance with section 17.54.070 of the Zoning Ordinance.		X		\$0		
4	The barn shall be painted an earth-tone color in order to blend with the surrounding environment. The current metal barn shall be removed from the premises upon construction of the pole barn.		X			Current Barn Moved closer to North Boundary.	
5	In order to provide visual screening for the adjacent properties to the north (1850 McCourtney Road), fast-growing evergreen bushes shall be planted every 4 feet on center, 5 feet from the property line on the north side of the property, starting at 20 feet from the entrance to McCourtney, and continuing 25 feet past where the new pole barn will be situated. This shall be done within 30 days of MUP approval.	X				Did not grow, zoning administrators requirement to replant vegetation	
6	In order to provide visual screening for the neighbor to the south, fast-growing evergreen bushes shall be planted every 4 feet on center, 5 feet from the easement line on the south side of the property, starting at the rear of the Martinez residence, and continuing 25 feet past the new pole barn. The applicant shall provide a landscape detail. This shall be done within 30 days of MUP approval.	X				Did not grow.	

	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
7	Within 30 days of MUP approval, the large Oak tree on the West portion of the property (near McCourtney Road) shall be removed.					ADDED by Zoning Administrator	Ensure that they get permits, traffic control if this is absolutely necessary
8	The applicant shall exercise the MUP within 1 year. If the Development Review Committee can determine that the applicant is making sufficient progress with regards to the required conditions of approval, the DRC may grant a one year's extension for the required building permits.		X			Did not exercise MUP, granted 2 years	
9	Prior to issuance of a building permit for the barn, the applicant shall submit a detailed site plan for review and approval by the Development Review Committee that includes parking, circulation, location and description of barn and, if applicable, proposed lighting.		X		\$0		
10	A site distance exhibit shall also be submitted with the site plan. If it is determined that the large oak tree at the entrance to the business needs to be removed due to impaired site distance, a tree permit shall be obtained before removal of the tree, and mitigation for the oak tree will be required on site. Three 15-gallon, in-kind species of oak shall be planted on the property.		X			Tree cutting requirement should be compared to new site plan not existing driveway. See number 7	
11	In order to verify the installation of the improvements, the Planning Department shall conduct a field review prior to issuance of a Building Permit Final approval.		X				

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	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
12	The business license issued to the Martinez Hay and Feed beginning March of 2004 classified the business as a Home Occupation. If the current business is not operating within the parameters listed under Home Occupations in the Zoning Ordinance, it will be necessary for the applicant to apply for a Commercial Business License within 10 days of approval of this MUP.		X		X	10 Days in 2006 fee \$127.00	
13	Hours of operation shall be restricted to Monday through Friday 9 a.m. to 6 p.m., Saturday 8 a.m. to 6 p.m. and Sunday from 8 a.m. to 2 p.m. No equipment shall be operated before the hours of 7 a.m. or after 7 p.m., Monday through Friday, or before 8 a.m. or after 6:30 p.m. on Saturdays and Sundays		X			Does not comply with hours, gates are open early	
14	The applicant will not be allowed to utilize his property as a transfer station for his agricultural trucking business.		X			Semi's seen leaving with Hay	
15	The equipment used for the operation shall be limited to the following: 2 semi-trucks with flatbeds, two 1-ton trucks, 1 small truck, 1 forklift and 1 squeeze.	X					

	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
16	The applicant shall prepare and submit Improvement Plans, specifications, and cost estimates (per the requirements of Section 2 of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval for all work affecting any facilities dedicated or offered for dedication to Placer County or facilities maintained by the County. The plans shall show all conditions affecting those County facilities as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to those facilities, which may be affected by planned construction, shall be shown on the plans. The applicant shall pay plan check and inspection fees (NOTE: Prior to plan approval, all applicable reproduction costs shall be paid). It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be complete		X		\$0	Part of Plan	
17	All proposed grading, drainage improvements, vegetation, tree impacts and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Storm water Management Manual. The applicant shall pay plan check fees and inspection fees. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and any required temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.		X		\$0	Part of Plan	

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	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
	All facilities and/or easements dedicated or offered for dedication to Placer county or to other public agencies which encroach on the project site or within any area to be disturbed by the project construction shall be accurately located on the Improvement Plans. The intent of this requirement is to allow review by concerned agencies of any work that may affect their facilities. The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.		X			Part of Plan	
	Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.		X		\$0	Part of Plan?	
	If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.		X			Part of Plan	
	ADVISORY COMMENT: Any work affecting facilities maintained by, or easements dedicated or offered for dedication, to Placer County or other public agency may require the submittal and review of appropriate Improvement Plans by ESD or the other agency.		X			Part of Plan	

	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
18	Prepare and submit with the project Improvement Plan, a limited drainage report to the ESD for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements. The report shall propose "Best Management Practice" (BMP) measures to reduce erosion, water quality degradation, etc.		X			Part of Plan	
19	Storm drainage from on and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catchbasins, vaults, filters, etc. for entrapment of sediment, debris and oils/greases as approved by ESD. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catchbasin cleaning program shall be provided to ESD upon request. Failure to do so will be grounds for discretionary Permit revocation. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.		X			Part of Plan	
20	Water quality treatment facilities (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the DPW) BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to DPW upon request.		X			Part of Plan	

	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
21	Provide the ESD with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of the Improvement Plans.		?			Hay moved near treelike	
22	Construct/reconstruct public road entrances/driveways onto McCourtney Road to a Plate R-17, LDM standard for the business entrance and the existing access road at the south end of the property frontage. The design speed of McCourtney Road shall be 45 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the Engineering and Surveying Department (ESD). An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. The Plate R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the ESD.		X			Part of Plan	
23	Remove and revegetate the existing encroachment adjacent to the south access easement.		X			Part of Plan	
24	All on-site parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings.		x			Part of Plan	
	ADVISORY COMMENT: It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2" AC over 4" Class 2 AB, or the equivalent.						
25	This project will be subject to the payment of traffic impact fees that are in effect in this area (Placer Central Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to improvement plan approval for the project:		X			Part of Plan	
	A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code						
	B) South Placer Regional Transportation Authority (SPARTA)						
	C) Placer County/City of Roseville Joint Fee (PC/CR)						
	The current estimate fee is \$4,260.82 per DUE. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.						

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	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
26	Dedicate to Placer County one-half of a 60'-wide highway easement (Ref. Chapter 12, Article 12.08, Placer County Code) where the project fronts McCourtney Road, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the Transportation Division of DPW.		X			Part of Plan	
27	Handicapped parking spaces, ramps, and access ways shall meet UBC and ADA standards.		X			Part of Plan	
28	The first parking space adjacent to McCourtney Road shall be set back a minimum of 40 feet from the edge of traveled way. In addition, the minimum width of an aisle providing access to parking spaces shall be 25'. All parking spaces and circulation areas shall be designed in accordance with the requirements of the County Zoning Ordinance (Article 17.54.070 of the Placer County Code).		X			Part of Plan	
29	The project shall be limited to the usage statement/project description dated 10/3/06 and on file with Environmental Health Services.						
30	The existing hay storage barn shall be moved so that it meets all required setbacks to the onsite sewage disposal system and 100% repair. This shall be completed within 120 days of Minor Use Permit approval.	X				Operation moved closer to North boundary	
31	The approved on-site sewage disposal system area and the 100% replacement area must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification. A barrier must be constructed to prohibit vehicular access to onsite sewage disposal system and 100% repair area. The barrier shall be constructed within 120 days of Minor Use Permit approval.		X			Vehicles in area	
32	Submit to Environmental Health Services, for review and approval, a water quality analysis report on water from the existing well. The report must be prepared by a State Certified laboratory and include at minimum: Bacteriology: Total coliform, fecal coliform and chlorine residual	X					
33	Contact Environmental Health Services, pay required fees, and obtain an authorization notice to connect the office plumbing to the existing on-site		X		\$0		

	Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
34	The septic tank serving the existing home shall be evaluated by a licensed septic tank pumper, who shall submit to Environmental Health Services for review and approval, a report of its capacity, structural condition, materials (e.g., concrete, redwood, metal, fiberglass, etc.) and the necessity for pumping. In lieu of having the tank evaluated at this time, the applicant may submit proof that the septic tank has been pumped within the last three (3) years. Other report information listed above is still required.	X					
35	Contact Environmental Health Services, pay required fees and obtain an approved construction permit, and as approved, install a septic tank and pump tank to serve the plumbing in the office and connect to the existing onsite sewage disposal system.		X		\$0		
36	"Hazardous" materials as defined in Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2 shall not be allowed on any premises in regulated quantities without notification to Environmental Health Services. Within 30 days of the Zoning Administrator hearing the property owner shall submit a Hazardous Materials Project/Business Activities Screening Form to the Environmental Health Services Technician, for review and approval.						
37	Noise from the project shall not exceed the standards contained in the Placer County General Plan, Noise Element (65 decibels (dba) at adjoining property lines).						
38	Within 60 days obtain a Building Permit for the existing office including restroom facilities.		X		\$0		
39	This Minor Use Permit is valid for two (2) years and will expire on October 5, 2008, unless previously exercised.					Updated by Zoning Administrator	
	Missing From Mr. Clark's conditions and directions at the 2006 Hearing						
	The business entrance to be improved, as well, to a 45 mile design speed with tapers						

Permit Conditions	Complete	Not Complete	Permits	Fees Paid	Notes	Notes
one, provide a separate street address for the proposed business; two, provide a 20-foot perimeter fire break around the feed barn. Fire break shall not contain any vegetation or combustible storage.		X			Hay moved near trees	
provide a hard-wired telephone in the office building in lieu of a fire alarm system	?					
That includes obtaining the building permit		X				
Well, we can just put a separate condition in there that says within 30 days they shall obtain a building permit for the existing office.		X				
necessitate the need for the septic conditions to be met prior to getting the building permit	X					
60 days to get that building permit going --on the office building, with now the restroom facility that will need to be located in there		X				
They will need to obtain a septic permit prior to Environmental Health being able to approve the building permit for issuance		X				

Louis Cretaro Jr.
1850 McCourtney Road
Lincoln, Ca 95648

September 7, 2006

Placer County Planning Department
3091 County Center Drive
Auburn, California 95603

PLACER COUNT
DATE RECEIVED

SEP 07 2006

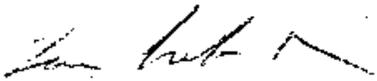
Subject: PMPBT20060557 Martinez Hay and Feed

PLANNING COMM.

Dear Sir or Madam:

Attached are my written comments regarding an application for a Minor Use Permit by Veronica Martinez for a hay and feed business located at parcel number AP# 021-220-066 per your notice of public hearing, which I received via US mail. I have also included printed copies of digital photographs taken from my property of the Martinez Hay and Feed location. I will be unable to attend the meeting scheduled for Thursday, September 7, 2006, at 2:00 p.m. due to a work conflict. Please accept these documents as my comments regarding this matter and present them as such.

Sincerely,



Louis Cretaro Jr.

9/7/2006

This document reflects my position on the request for a Minor Use Permit and the rationale for my position and the factors I would like the Planning Commission to consider. It is not written with any malice towards the Martinez family. Rather, it is written in consideration of my interests and the long-term interests of my family. It is written with the intent to protect the value of my property, a product of my life of hard work. Furthermore, I wish to restore, retain, and improve upon my quality of life. Since this business was opened approximately two years ago, a Minor Use Permit should have been obtained at that time, when the impact to all parties would have been minimal. I request that the Planning Commission consider the following:

- The Martinez family is operating this business 7 days a week
- The business has multiple employees.
- The business has at least three trucks that deliver hay and feed products to customers.
- The business has two fork lift/hay squeezers, which operate daily along with a farm tractor, which appears to be used with less frequency but originally served as a forklift and still has that capacity.
- The hours of operation are not restricted to what is posted.
- There is a considerable increase in traffic due to the customers and the store's trucks
- Although the gate may be closed to the public, equipment is often still in use unloading or loading hay and/or relocating the hay to different positions within the lot.
- It is my opinion that the business is also home to Martinez Brothers Trucking. Typically, two semi trucks with double trailers are parked in the lot, all of which is adjacent to my property. In addition, an additional "lowboy" trailer is also parked in the lot and used for hauling equipment. There is no mention of this in the "Minor Use Permit." If required, it should be part of the planning considerations and studies so that everything can be addressed at one time.
- The loading and unloading of hay is a fairly large operation. It has been performed at various hours, sometimes very early in the morning, and sometimes at dusk. It has been anywhere from one trailer to four, depending on the day; and, of late, it occurs multiple times a week with both of the Martinez' trucks delivering the hay. The entire process is my view from my living room and kitchen windows.
- The trucks often leave early in the morning at various times between 3 A.M. and 7 A.M. On occasion, they have awoken my children, my visitors or me. On

other occasions, one of my dogs will begin to bark and awaken us. I have heard the start of a truck shortly afterwards, leading me to believe that he has heard people in the lot.

- On occasion equipment repairs by employees, family or mobile mechanics occurs on the lot during the evening hours (after 5 PM) or on weekends.
- The trucks and trailers are typically staged facing the gate in an attempt to minimize the noise and the time it takes to depart. I cannot say why some days we will hear them and others we will not.
- Along with the hay, there are numerous pallets stacked in the northeast corner of the lot in my view.
- Employee vehicles and equipment are parked along the fence line dividing our property, mostly to obtain shade, although this is minor, it adds to the overall view. At one point, a vehicle was left with a "For Sale" sign on it in the lot so that customers could see it.
- Hay bales are stacked in the eastern end of the lot running north and south. In the winter, the bales are covered with tarps. They are in view from my windows and my property. Although the new plan calls for a pole barn to be constructed, the equipment and traffic will still be in my view.
- The entire operation is visible directly outside my kitchen and living room windows. When I exit my home, I face the store and the public; I am often able to hear store personnel, customers or both.
- The prevailing wind blows the smell of hay in my direction. It permeates the air around my house. I have allergies and allergy induced asthma, as does my oldest son who is now a college student and home during the summer. I was tested last spring and prescribed inhalers to control the symptoms. Although I am allergic to other things, the hay isn't doing me any good. I typically can't open my windows and take advantage of the breeze. When I do, I can hear equipment and people, and I'll assume that they can hear me also.
- My family, friends, and I are always within clear view of the public. We have no privacy. The store is open seven days a week and the hours of operation vary and are often greater than what's posted.
- Ironically, the Martinez home by its location and fences is pretty much shielded from the lot and the business operations. In fact, it looks like the proposed barrier to protect the leach fields will also serve to shield their home from the store. Only my family, my friends, and I will get to see and hear everything, every day of the week.

- This winter I began investigating newer mobile homes and most recently but prior to this notice, I obtained estimates for roofs and a complete exterior remodel of my existing home. The big problem now is that my home site is no longer desirable. It sickens me to think I could spend \$100,000.00 or more for a newer home only to have the same view and the conditions I mentioned above.
- Last winter I also walked back to a site approximately 200 feet behind my current location to see what the view would be should I put a home there. Basically, the view from the front of that location was the hay covered by tarps, the stacks of pallets, and the equipment.
- It is my opinion this hay and feed operation has ruined my existing home site.
- It is also my opinion it will devalue my property for anyone seeking to use my property, as a "Country Home" should I sell for that reason.
- I ask that the Commission disregard the testimony of any customers of the store. In my opinion, they pick up their hay, feed, and then return to their Country homes free of issues I am describing.
- I have a small building in the front that can be used as a "mother-in-law" quarters. Because of the age of the structure, it is close to the property line. Although I currently use it for personal storage, my options for future use will be limited by the operation of a parking lot immediately outside the window. So my planning is hampered by the parking lot. I had envisioned that one of my sons or my nephew might want to stay there if they attend a local college. Because of the septic size, a kitchen is not permitted.
- This area is identified in the proposed general plan update for the City of Lincoln as "Village Two." I'm of the opinion that the existing zoning will be changing and that this Minor Use Permit seems to me to be inconsistent with that planning activity.

For all of the aforementioned reasons I request that this Minor Use Permit be denied. It may be more appropriate to rezone the entire area to commercial, which wouldn't change anything, but at least then my property values would be likely to increase rather than be devalued by approving this permit. However, if for some reason the commission believes the permit should be granted, then I ask for relief in all areas I have addressed that are within the control of the Planning Commission.

Sincerely

Sam Carter Jr 7/7/2016

Example of Activity

Saturday September 2, 2006

3:00 A.M. (Approximately). I was awoken by both semis leaving. Although they were both parked in front of the home, the noise was louder than normal.

7:00 A.M. Delivery trucks moving in the lot

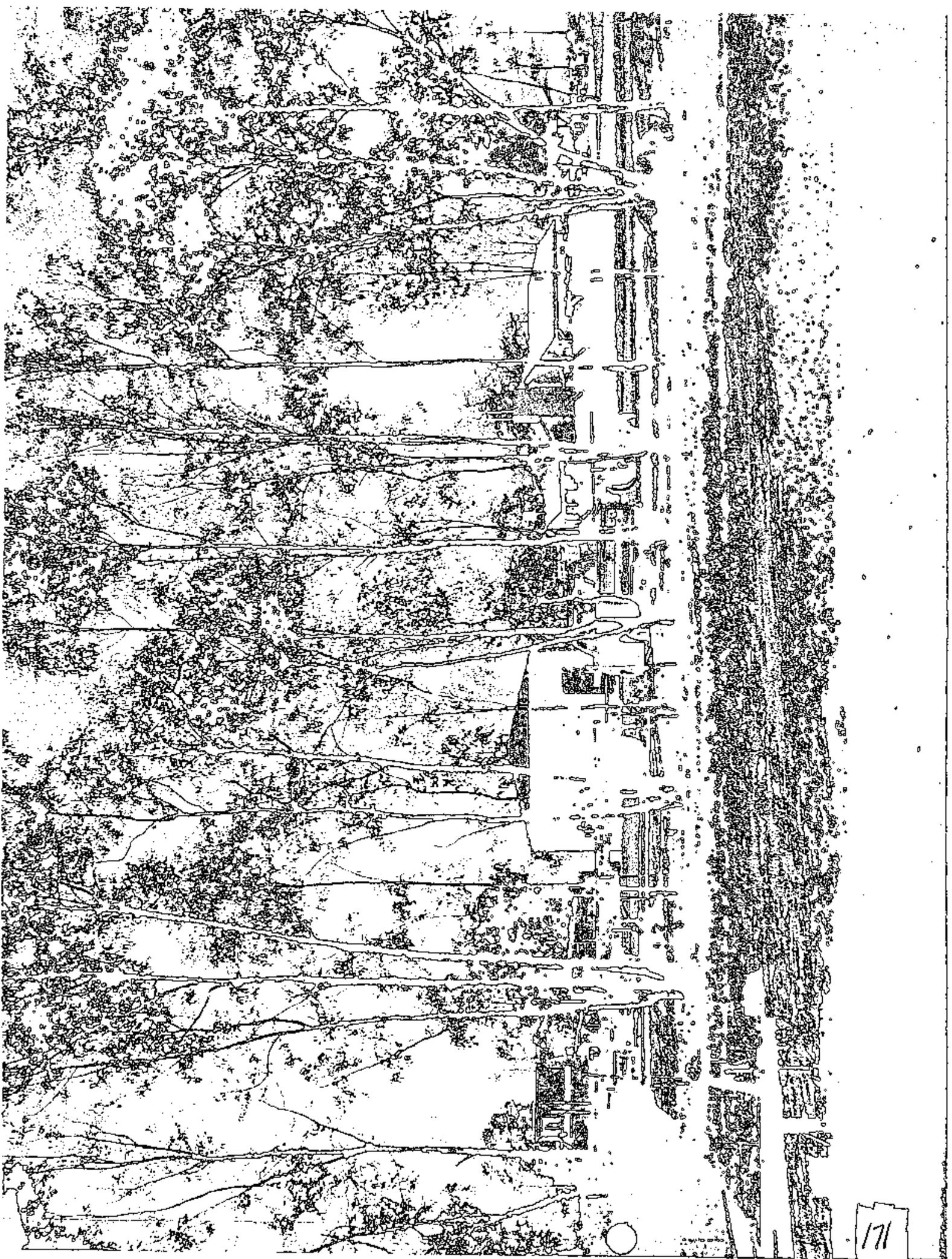
7:10 A.M. Loading hay from pole barn to truck

7:28 A.M. Hay squeezer is loading delivery trucks

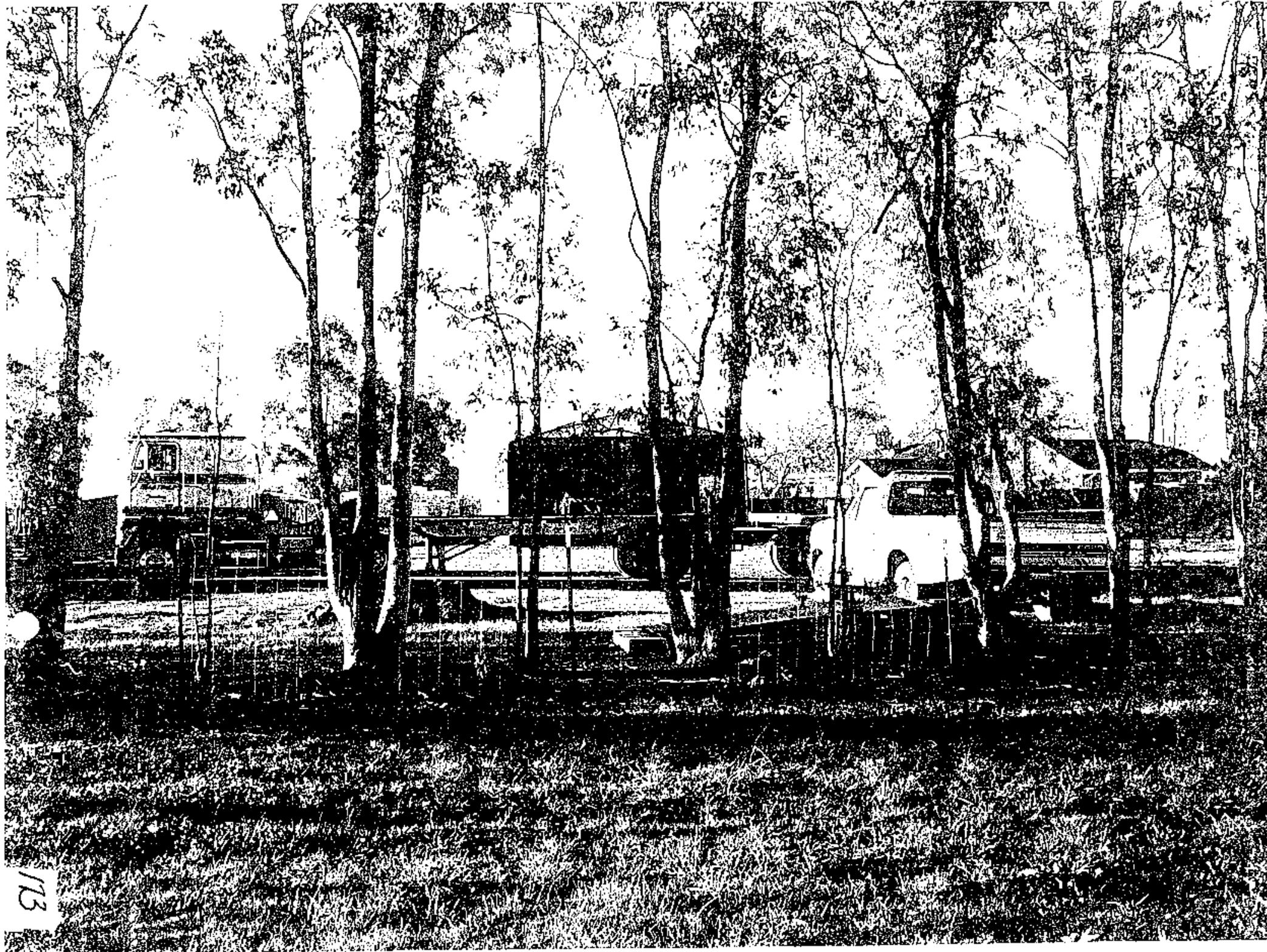
7:30 A.M. The gates are open for the public. A van drops off a second worker.

Both semis return late afternoon with two double trailers of hay to be unloaded

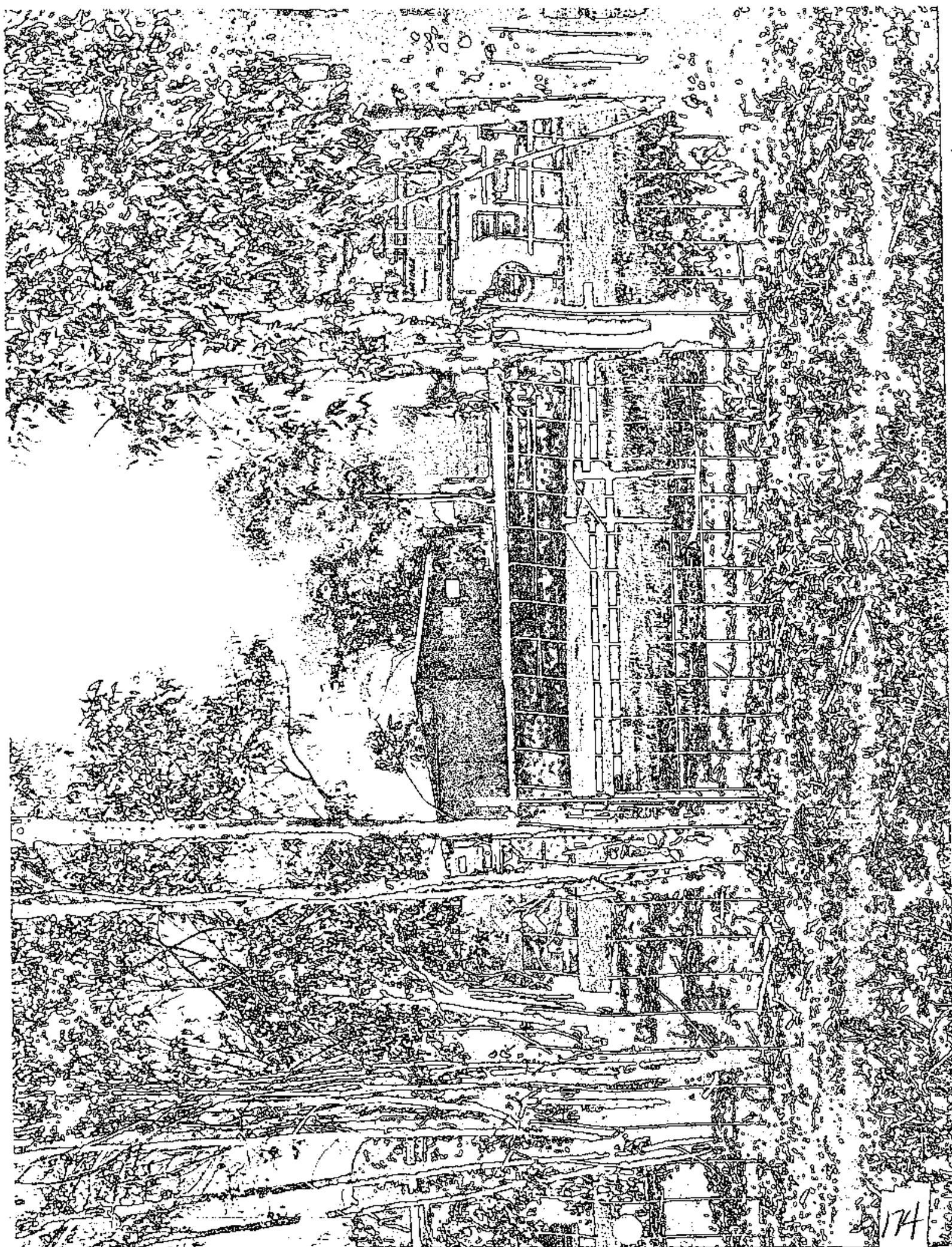
Open Sunday September 3, 2006, from approximately 8 A.M. to 2 P.M.





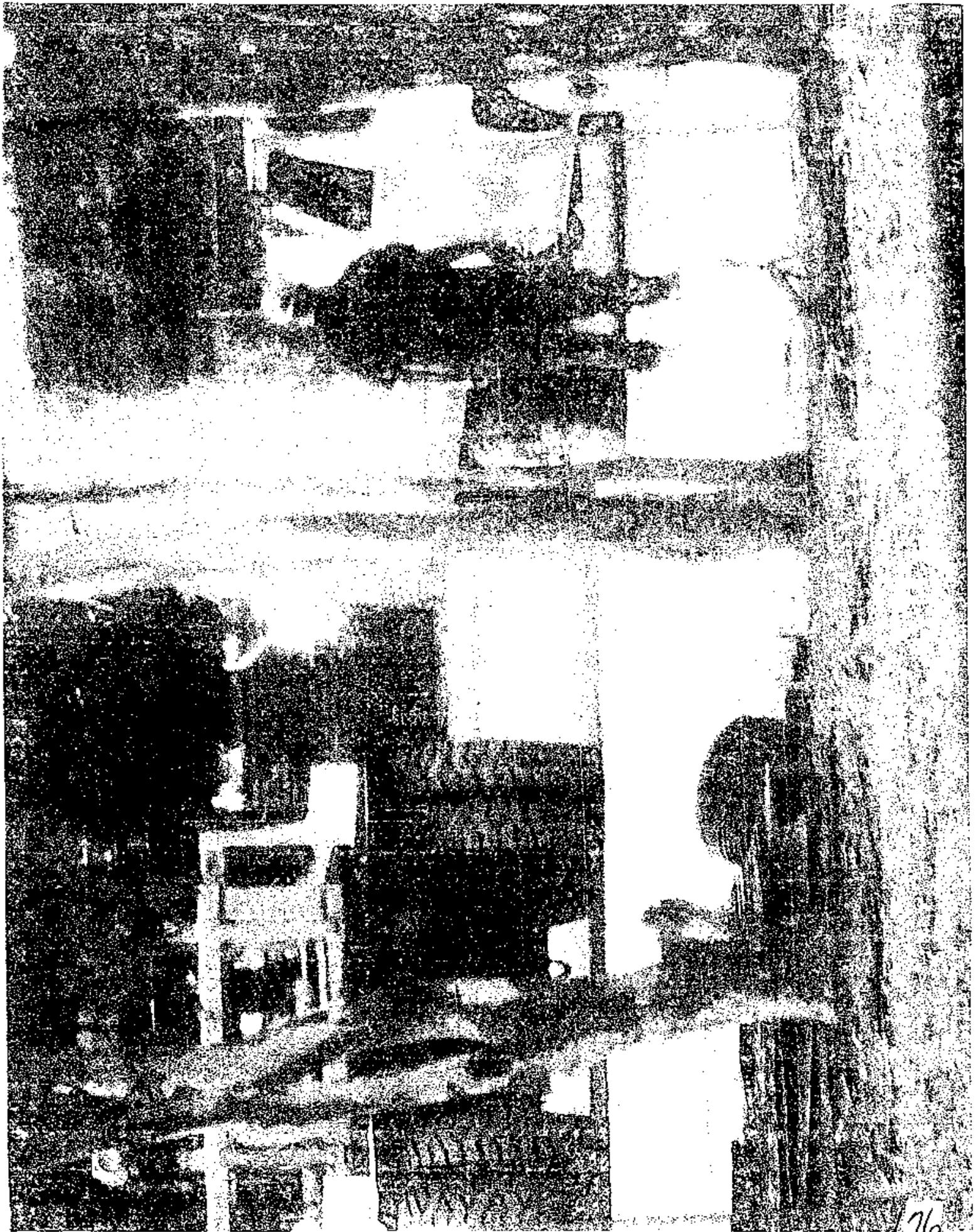


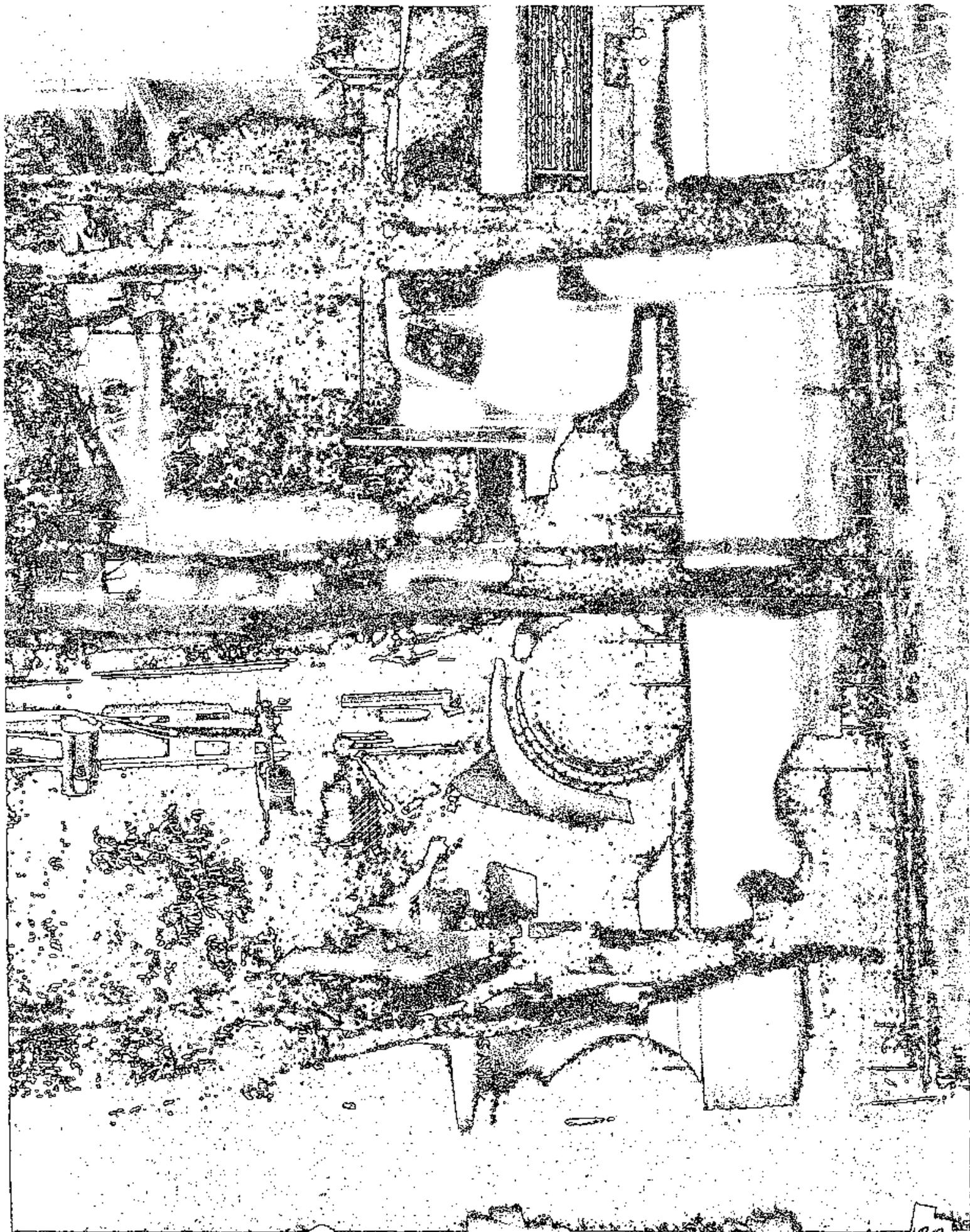
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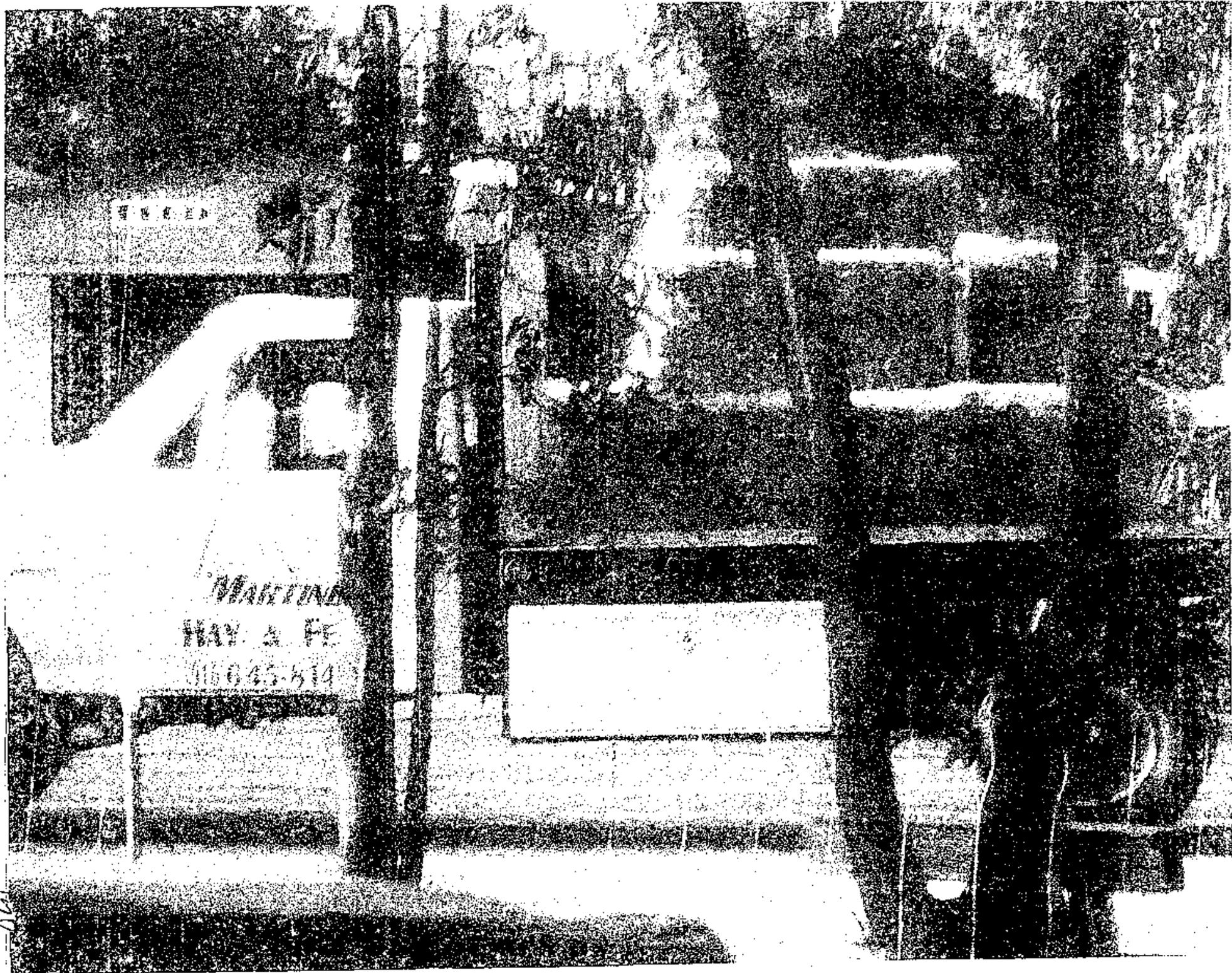


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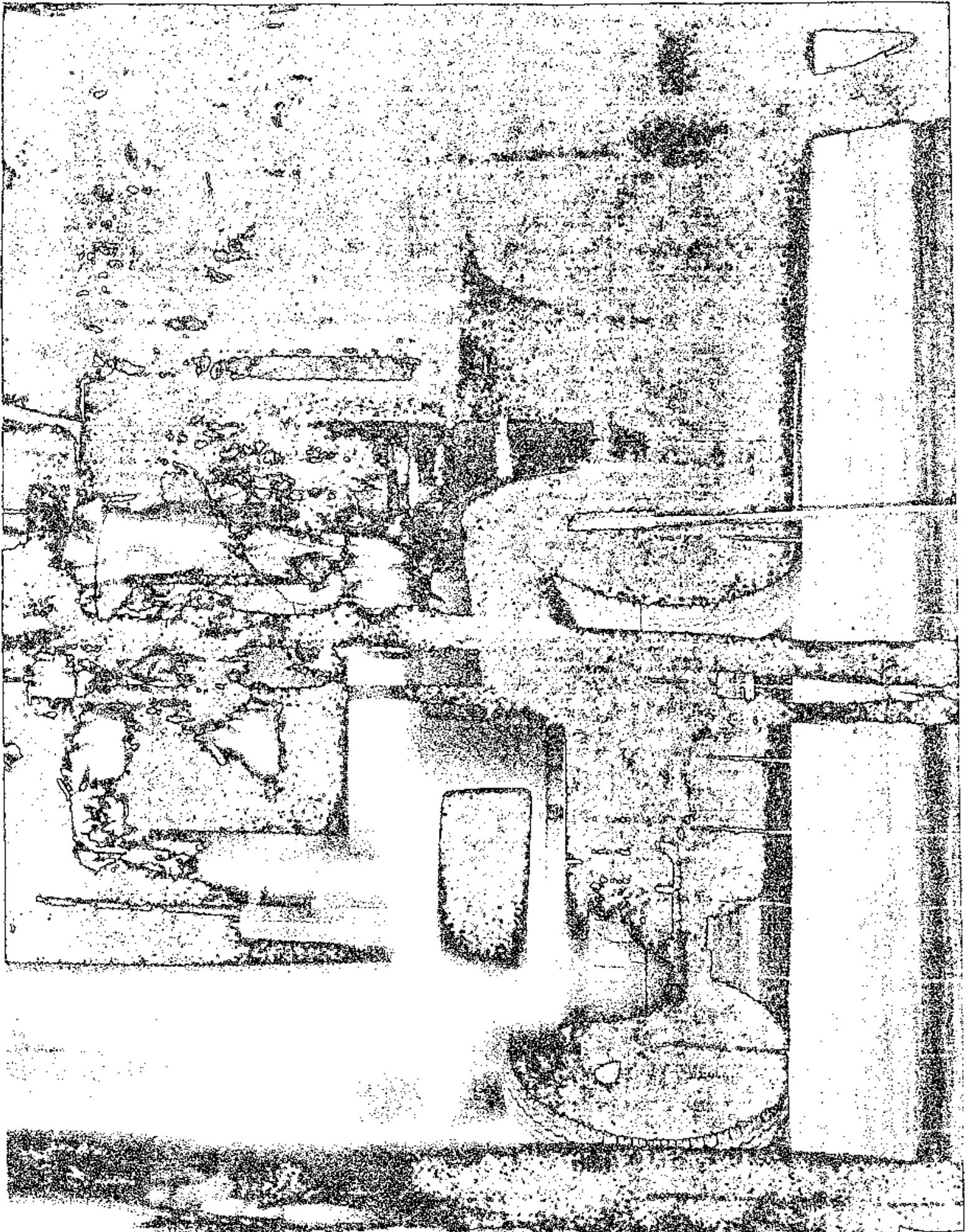


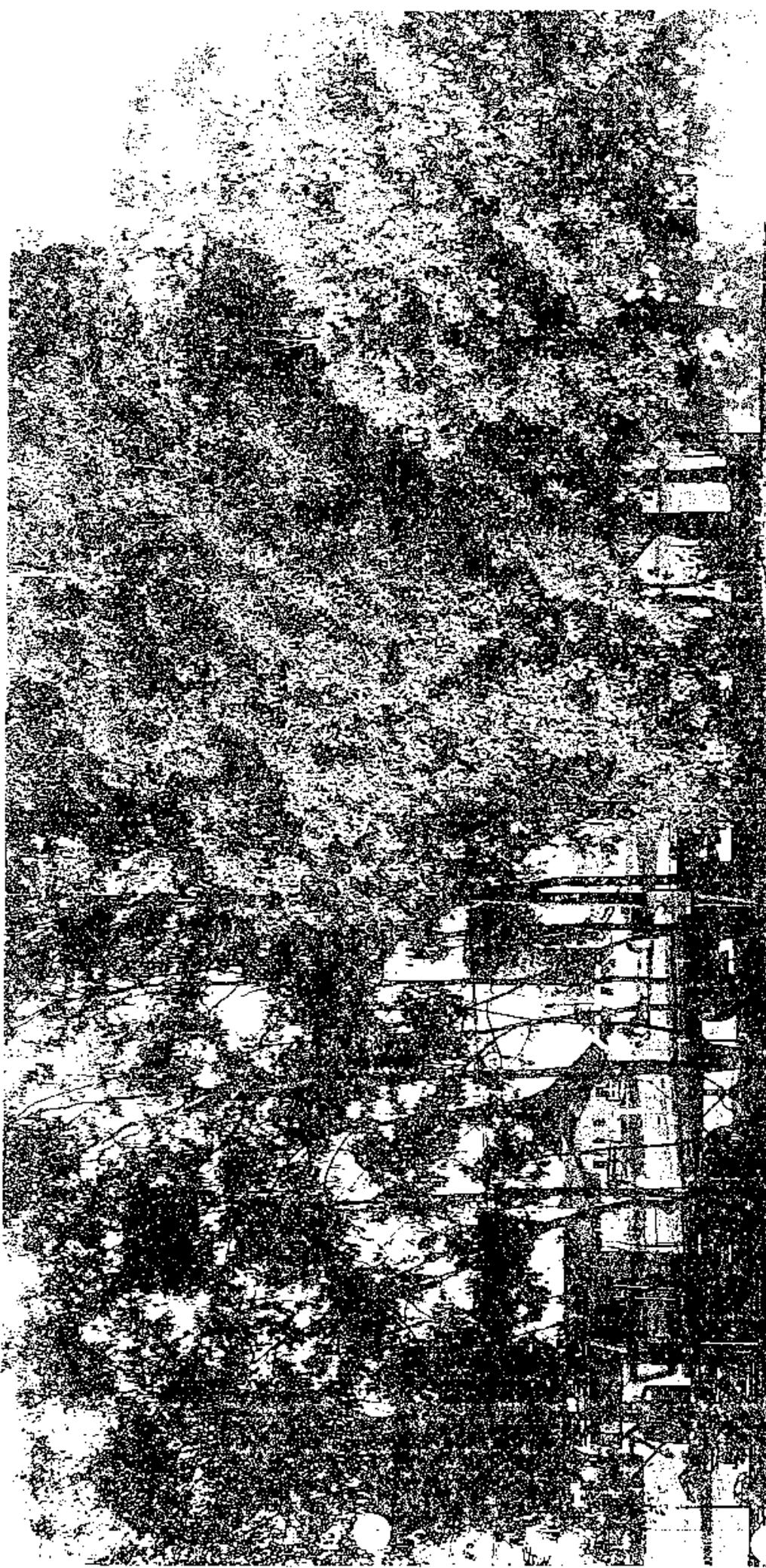


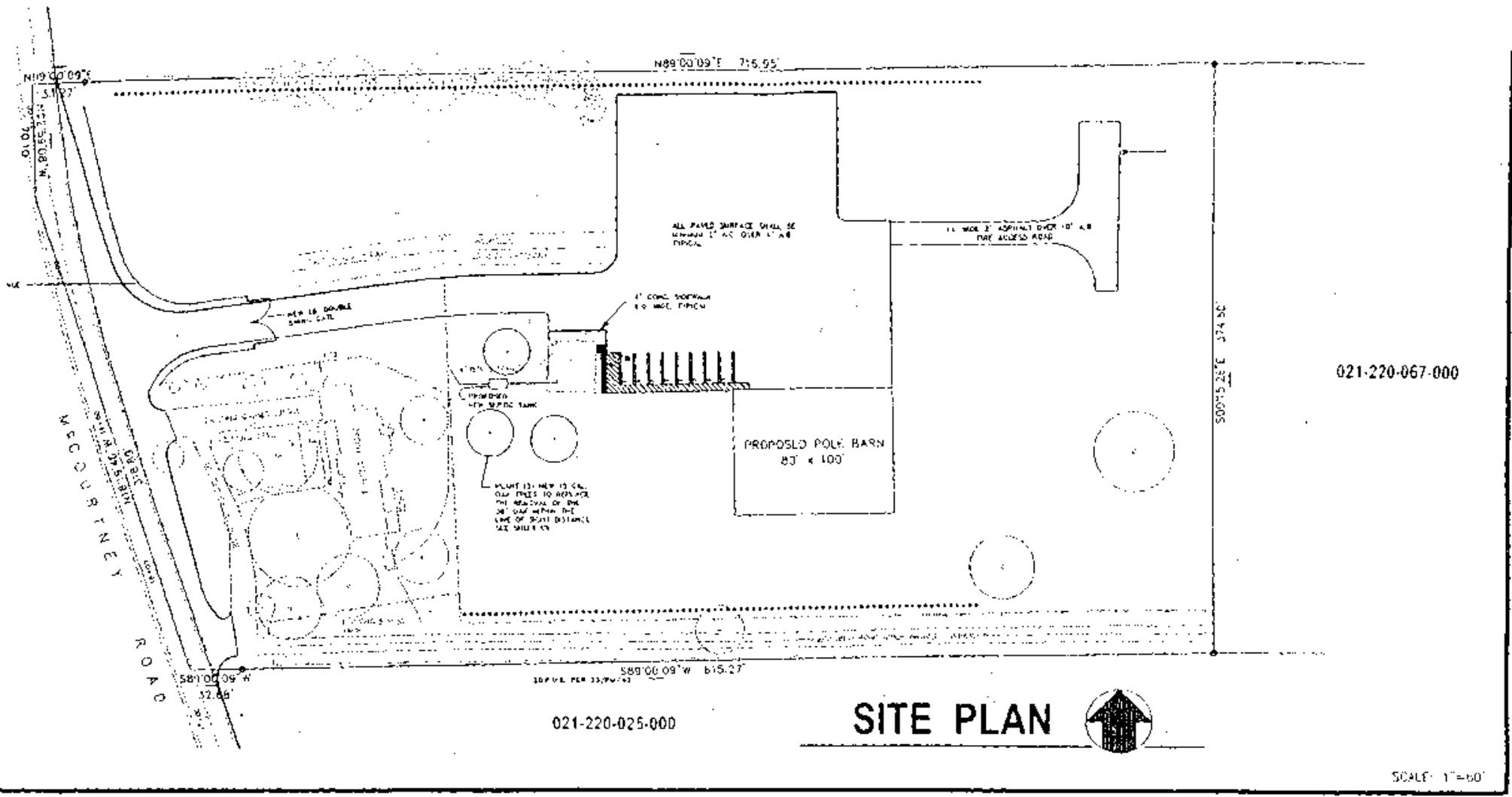




867







SITE PLAN



021-220-067-000

021-220-025-000

SCALE: 1"=60'

Roseville Design Group
 106 Church Street - Suite 1 - Roseville, California 95678
 Phone (916) 782-1880 - Fax (916) 782-1880
 Email: rosevilledesign@aol.com

- Comprehensive Services**
- Planning
 - Surveying
 - Building Design
 - Civil Engineering
 - Structural Engineering

IMPROVEMENT PLANS FOR
MARTINEZ HAY & FEED
 COVER SHEET

APN 021 220 066 000, PLACER COUNTY, CALIFORNIA

DATE	JANUARY 25, 2007
SHEET	C1
OF	7

JOB NO. 07-101

EXHIBIT D
 181

MARTINEZ HAY & FEED FFA 397



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

HEARING DATE: January 8, 2009
ITEM NO.: 2
TIME: 10:20 AM

TO: Placer County Planning Commission
FROM: Development Review Committee
SUBJECT: **Third-Party Appeal - Zoning Administrator Approval of a Minor Use Permit Extension of Time (PMPB 20060557) "Martinez Hay and Feed"**

GENERAL PLAN: Placer County General Plan

GENERAL PLAN DESIGNATION: Rural Residential, 1-10-acre minimum

ZONING: F (Farm, 4.6 acre minimum)

STAFF PLANNER: Lisa Carnahan, Associate Planner

LOCATION: The property is located at 1788 McCourtney Road in the Lincoln area. (APN 021-220-066).

APPELLANT: Louis Cretaro

APPLICANT: Roberto and Veronica Martinez

PROPOSAL: The neighbor of the applicants is appealing the decision of the Zoning Administrator to grant an extension of time for the Martinez Hay and Feed Minor Use Permit. The Minor Use Permit was originally approved on October 5, 2006, and the extension of time was approved on October 16, 2008. The appellant states the reasons for the appeal are that the applicants have not complied with the Conditions of Approval for the Minor Use Permit, the site is inappropriate for the use, the use is out of character with the current and future use, there is a risk to public safety, and the use undermines the property value and quality of life in the area.

CEQA COMPLIANCE: The original project was found to be categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3, New Construction). No changes have occurred in the project or to existing circumstances that warranted additional environmental analysis for the Extension of Time request.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the Departments of Engineering and Surveying, Public Works, Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report. No public comments have been received, other than the appeal letter.

BACKGROUND:

A business license was issued to Veronica and Roberto Martinez on March 1, 2004 to operate a hay and feed home occupation business on the premises. It was later noted that the business license had been issued without the needed Minor Use Permit for a farm equipment and supplies sales business, and code enforcement action was initiated on July 14, 2005. The applicants subsequently participated in a Pre-Development meeting with County staff on December 13, 2005, and submitted an application for a Minor Use Permit on July 20, 2006. The applicants are currently operating Martinez Hay and Feed under business license number 94603.

A Minor Use Permit was approved by the Zoning Administrator in October of 2006 which authorized operation of the hay and feed business and the construction of an 80 foot by 100 foot pole barn to house hay and feed. The applicants have continued to utilize the existing office as an office and additional supply area. Hay is currently stored in a small barn, as well as stacked outside near the barn. The business has grown to approximately 15 drive-in customers per day during the peak season, and 6 drive-in customers per day during the off-season. Hours of operation are Monday through Friday, 9 a.m. to 6 p.m., Saturday from 8 a.m. to 6 p.m. and Sunday 8 a.m. to 2 p.m.

Since approval of the Minor Use Permit in 2006, the applicants have continued to pursue implementation of the Conditions of Approval for this project. The Improvement Plans are currently ready for approval, pending submittal of fees. In addition, the applicants have shown efforts towards complying with the Conditions of Approval by conducting the required well test, pumping the septic tank and installing fast-growing evergreen bushes on the north and south portions of the property in order to provide visual screening for the neighbors.

The applicants filed for an Extension of Time on August 5, 2008. Due to the effort shown by the applicants to comply with their conditions of approval, staff supported a one-year Extension of Time in order to receive approval of Improvement Plans, construct the required improvements, and exercise the Minor Use Permit. No changes in the Conditions of Approval were recommended. On October 16, 2008, the Zoning Administrator approved a two-year extension of time for the Martinez Hay and Feed business.

SITE CHARACTERISTICS:

The site is located on a 5.8-acre, relatively level parcel on the east side of McCourtney Road. The parcel is zoned Farm with a 4.6-acre minimum, and accommodates both the primary residence and the hay and feed business. The site is surrounded by farmland and ranchettes.

EXISTING LAND USE AND ZONING:

	LAND USE	ZONING
SITE	Rural Residential/Hay and Feed Business	F (Farm, 4.6-acre minimum)
NORTH	Rural Residential	F (Farm, 4.6-acre minimum)
SOUTH	Rural Residential	F (Farm, 4.6-acre minimum)
EAST	Rural Residential	F (Farm, 4.6-acre minimum)
WEST	Farm	F-B-X-10 (Farm, combining minimum building site of 10 acres)

DISCUSSION OF ISSUES:

LETTER OF APPEAL

On October 24, 2008, an appeal of the Zoning Administrator's approval of the Extension of Time for the Minor Use Permit for Martinez Hay and Feed was filed by Louis Cretaro. As stated in the appeal letter, Mr. Cretaro is requesting that the Planning Commission overturn the Zoning Administrator's approval of the Extension of Time. The appellant states the following reasons for his appeal:

Non-Compliance

The appellant states that the applicants have not complied with the Conditions of Approval of the Minor Use Permit.

It is staff's position that the applicants have shown effort in pursuing implementation of the Minor Use Permit. The applicants' Improvement Plans have been completed and are ready for approval, pending submittal of fees. The applicants have also completed the required well test, pumped the septic tank and have planted a visual screen of evergreen shrubs for the neighbors' benefit. With the issuance of the Improvement Plans and the County's final approval of the constructed paved areas, pole barn and sewer improvements, all of the conditions of the Minor Use Permit will have been satisfied.

Inappropriate Site/ Out of character with current and future uses

The appellant states that the use is inappropriate for the site and that it is out of character with the current and future uses of the site, including a potential annexation into the City of Lincoln.

The site and all of the adjacent properties are zoned Farm. With approval of a Minor Use Permit, a farm equipment and supplies sales business is an appropriate use for the farm district. The parcel across the road from the project site is a 52-acre working farm. The possibility of future annexation into the City of Lincoln has no bearing as to the current County zoning, and the current use of the property.

Risk to Public Safety

The appellant states that there is a risk to public safety.

The Engineering and Surveying Department required a site distance exhibit with the submittal of the Improvement Plans. This exhibit analyzed the project's entrance area onto McCourtney Road with

respect to the design speed and vehicle site distance. This report was submitted by the applicants' engineer and was approved by County staff.

Undermines Property Values and Quality of Life

The appellant states the project undermines his property values and his quality of life.

In order to mitigate potential impacts to neighbors, Conditions of Approval included provisions for visual screening and hours of operation. It is staff's position that with the implementation of the Conditions of Approval, the use will not adversely impact the adjacent properties.

RECOMMENDATION:

Staff finds no merit in the issues raised by the appellant, and recommends that the Planning Commission take action to deny the Appeal and uphold the decision of the Zoning Administrator to grant the Extension of Time for the Minor Use Permit, subject to the Findings and Conditions of Approval contained within Appendix A of this staff report.

Respectfully submitted,



Lisa Camahan
Associate Planner

LC:LC

ATTACHMENTS:

- Attachment A – Final Conditions of Approval
- Attachment B – Appeal
- Attachment C - Vicinity Map
- Attachment D - Site Plan
- Attachment E – Staff Report to Zoning Administrator

- cc. Louis Cretaro – Appellant
Roberto and Veronica Martinez - Applicants
Michael Johnson - Planning Director
Sharon Boswell - Engineering and Surveying Division
Laura Rath - Environmental Health Services
Karin Schwab - County Counsel's Office
Subject file



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

MEMORANDUM
PLACER COUNTY PLANNING DEPARTMENT

HEARING DATE: October 16, 2008

TO: Zoning Administrator

FROM: Planning Department

SUBJECT: Extension of Time - Minor Use Permit for an approved Hay and Feed Business (PMPB 20060557)

APPLICANT: Roberto and Veronica Martinez

STAFF PLANNER: Lisa Carnahan

ZONING: Farm

APN: 021-220-066

LOCATION:

The project is located at 1788 McCourtney Road in the Lincoln area.

PROPOSAL:

The applicant requests approval of an Extension of Time for a Minor Use Permit associated with the previously-approved Martinez Hay and Feed business in Lincoln. No modifications to the project are proposed for this Extension of Time.

CEQA COMPLIANCE:

The original project was found to be categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3, New Construction). No changes have occurred in the project or to existing circumstances that would warrant additional environmental analysis for the Extension of Time request. Extensions of Time are Categorically exempt from environmental review pursuant to Section 18.36.030 of the Placer County Environmental Review Ordinance (Section 15301 of the California Environmental Quality Act).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the Departments of Engineering and Surveying, Public Works, Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report.

BACKGROUND/PROJECT DESCRIPTION: The present business is located on a 5.8-acre parcel, zoned Farm District, that currently accommodates a residence, an approximately 30' x 32' separate business office, and a hay storage barn. The residence and business have different entrances. A business license was issued to Veronica and Roberto Martinez on March 1, 2004 to operate a Hay and Feed Home Occupation business on the premises. It was later noted that the business license had been issued without the needed MUP for the Hay and Feed business, and code enforcement action was initiated on July 14, 2005. The applicants subsequently participated in a Pre-Development meeting with County staff on December 13, 2005, and applied and paid for a MUP on July 20, 2006. They are currently operating Martinez Hay and Feed under business license number 94603.

The Minor Use Permit approved by the Zoning Administrator in October of 2006 authorized the construction of an 80 foot by 100 foot pole barn to house hay and feed. The applicants will continue to utilize the existing office as an office and additional supply area. They own two semi-trucks with attached flatbed trailers which they use to pick up and deliver feed and supplies. The applicant has stated that the two semi-trucks are used interchangeably for an agriculturally-based trucking business, also owned by the Martinez family. They also have two, 1-ton trucks and one small truck for deliveries as well. In addition, they use a forklift and a squeeze for the business. The vehicles are parked on the premises when not in use.

The business has grown to approximately 15 drive-in customers per day during the peak season, and 6 drive-in customers per day during the off-season. According to the applicants, approximately 5 delivery trips per day are made with the 1-ton trucks, and 5 trips a week are made with a semi-truck during their busy season, which is from April to October.

The hay is currently stored in a small barn, as well as stacked outside near the barn. A forklift is used to move the hay into customers' vehicles. The office has additional feed and supplies for purchase. Hours of operation are Monday through Friday, 9 a.m. to 6 p.m., Saturday from 8 a.m. to 6 p.m. and Sunday 8 a.m. to 2 p.m.

DISCUSSION OF ISSUES:

Extension of Time

Two parties have written objections to this request for an Extension of Time for the Martinez Hay and Feed business. In summary, both of the parties state that the applicants have not met their Conditions of Approval, and therefore, should not be granted an Extension of Time.

Since approval of the MUP on October 5, 2006, the applicants have continued to pursue implementation of the Conditions of Approval for this project. The Improvement Plans have been through five reviews, and they are currently ready for approval, pending submittal of fees. In addition, the applicants have shown efforts towards complying with the Conditions of Approval by installing fast-growing evergreen bushes on the north and south portions of the property in order to provide visual screening for the neighbors, and conducting well and septic tests.

RECOMMENDATION:

Due to the effort shown by the applicants to comply with their conditions of approval, staff supports a one-year Extension of Time to receive approval of Improvement Plans, construct the required improvements, and exercise the Minor Use Permit. No changes in the Conditions of Approval are recommended at this time.

FINDINGS:

CEQA

Extensions of Time are Categorically exempt from environmental review pursuant to Section 18.36.030 of the Placer County Environmental Review Ordinance (Section 15301 of the California Environmental Quality Act). No changes have occurred in the project or to existing circumstances that would warrant additional environmental analysis for the Extension of Time request. The Zoning Administrator finds that this project has satisfied the conditions of CEQA.

Minor Use Permit Extension of Time

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

1. An extension of the expiration date for the Minor Use Permit (MUP 20060557) for the Martinez Hay and Feed business is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and will not be detrimental to the orderly development of the County or to the general public health, safety or welfare.
2. To the extent applicable and necessary, the Conditions of Approval for the Martinez Hay and Feed business have been modified to reflect current standards and ordinance requirements.
3. The applicants have been diligent in pursuing implementation of the Project by undertaking reasonable efforts to satisfy the Conditions of Approval by submitting Improvement Plans, completing planting for visual screening, and conducting well and septic tests.

ATTACHMENTS

- Attachment A - Memo from the Placer County Engineering and Surveying Division
- Attachment B - Memo from the Placer County Dept. of Environmental Health Services
- Attachment C - Site Plan
- Attachment D - Final Conditions of Approval, Martinez Hay and Feed MUP, ZA Hearing, October 5, 2006 (with proposed modifications)

cc: PMPB-T2000557 File
Engineering and Surveying Division
Environmental Health Services
Applicant

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