



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of

MEETING DATE February 21, 2014 EFFECTIVE DATE March 10, 2014	CONTACT/PHONE Megan Martin (805)781-4163 mamartin@co.slo.ca.us	APPLICANT Rodney Stine	FILE NO. DRC2013-00047
SUBJECT A hearing to consider a request by Rodney Stine for a Minor Use Permit to modify the distance standards for a guesthouse to the primary residence as defined in County Land Use Ordinance Section 22.30.410E(2). The 600 square foot guesthouse, due to steep slopes and dense oak woodland, will be located approximately 231 feet from the single family residence on an approximately 40 acre parcel. The proposed project is within the Agriculture Land Use category located at 4085/4095 Hampton Lane, west of the City of Paso Robles. The site is in the Adelaida planning area. The project is exempt under CEQA (Class 3).			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00047 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on January 10, 2014 (ED13-128)			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER 026-231-081	SUPERVISOR DISTRICT(S): 1
PLANNING AREA STANDARDS: Adelaida Area Plan <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
LAND USE ORDINANCE STANDARDS: Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements Section 22.10.060 – Exterior Lighting Section 22.10.090(C) – Height Limits Section 22.30.410(E) – Guesthouses and home offices <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on March 10, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single-family Residence with Secondary Residence (Mobilehome) on 40 acres			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / Nut Orchard and Vines East: Agriculture / Single Family Residence and Orchard South: Agriculture / Single Family Residence with Secondary Residence West: Agriculture / Single Family Residence with Secondary Residence			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, and Cal Fire.	
TOPOGRAPHY: Steeply Sloping; Average 18% slopes	VEGETATION: Oaks, Olive Trees, decorative/ornamental landscaping
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: December 30, 2013

DISCUSSION

PROJECT HISTORY

The project is located at 4085/4095 Hampton Lane northwest of the City of Paso Robles. The parcel is approximately 40 acres and surrounded by parcels zoned Agriculture. Surrounding properties include vineyards, orchards, single family residences and secondary residences.

The site includes two primary residences, one a 4,000 square foot main house and the second a mobile home. There is also a barn on the property as well as several smaller out buildings (e.g. greenhouse, chicken coop). The primary residence is located on a hill in the middle of the property. The mobile home is located in the south-east corner of the property, and the barn is located adjacent to the driveway to the primary residence, just off of Hampton Lane. There are two existing wells located on the property. The main well is located in the vicinity of the mobile home and a second well is located adjacent to the proposed location of the guesthouse. Both wells supply two storage tanks located on top of the hill behind the main residence.

PROPOSED PROJECT:

The existing primary residence is built atop a hill surrounded by dense oak woodland. Slopes are average of 18%. There is an existing dirt road off of the main driveway to the backside of the primary residence. The proposed guesthouse is to be located at a level clearing off of the existing dirt road, due east of the primary residence by approximately 231 feet.

Due to the steep slopes and dense woodland surrounding the primary residence, locating the guesthouse within 50 feet, as required by Title 22 Section 22.30.410, would require removal of several oak trees and a significant amount of grading, therefore, the guesthouse is proposed within a flat area approximately 231 feet from the main house. There is an existing well and electrical connection at the proposed location to serve the guesthouse.

LAND USE ORDINANCE STANDARDS:

Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements
 Residential Accessory Uses are allowed under Section 22.06.030 of the Land Use Ordinance on properties within the Agriculture Land Use category.

Staff Response: The proposed development complies with this standard. A guesthouse is considered a residential accessory use which is permitted in the Agriculture Land Use category.

Section 22.10.060 – Exterior Lighting.

- A. **Illumination only.** Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display.
- B. **Light directed onto lot.** Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.
- C. **Minimization of light intensity.** No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.
- D. **Light sources to be shielded.**
 - 1. Ground illuminated lights and elevated feature illumination.
- E. **Height of light fixtures.** Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.

Staff Response: At the time of application for any land use permit, the applicant shall provide details on any proposed exterior lighting, if applicable. The proposed project, as conditioned, will comply with the light and glare criteria as listed above.

Section 22.10.090(C) – Height Limits

The maximum height for new structures is as follows, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards).

Land Use Category	Maximum Height
Agriculture, Rural Lands	35 feet

Staff Response: The proposed development complies with this standard. The guesthouse will not exceed 35 feet in height and is proposed at approximately 18 feet above the lowest adjacent grade.

Section 22.30.410(E) - Guesthouses and home offices.

A guesthouse or home office (sleeping or home office facilities without indoor connections to the living area of a principal residence) may be established as a use accessory to a residence as follows:

- 1. **Limitation on use.** A guesthouse or home office:
 - a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-counter refrigerator that are not located in a separate room;
 - b. Shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental;

- c. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 22.30.470;
 - d. Shall not be provided an electric meter separate from the principal residence.
2. **Location.** A guesthouse shall not be located more than 50 feet from the principal residence, or as otherwise approved through a Minor Use Permit, and shall not be located within any required setback area (see Section 22.10.140 – Setbacks).
 3. **Floor area limitation.** The maximum floor area allowed for a guesthouse is 40 percent of the habitable floor area of the main residence, up to a maximum of 600 square feet.

Staff Response: The proposed development complies with the above mentioned standards. The proposed guesthouse will be approximately 600 square feet and is an allowed use within the Agriculture Land Use category per Section 22.30.480 of the Land Use Ordinance. The topography surrounding the primary dwelling is steeply sloped and heavily wooded with oak trees. Locating the guesthouse within 50 feet of the primary residence would require the removal of oak trees and extensive grading. The applicant is requesting to locate to an existing level clearing on a building site approximately 231 feet away from the primary residence.

The guesthouse will contain a living area, one bedroom and one bathroom. The living area will contain storage space which includes a single sink and wet bar. No refrigerator has been identified on the plans. The proposed floor plan does not identify or include any laundry or cooking facilities and the guesthouse, as conditioned (Condition 3(b)), will not be connected to an electric meter separate from the primary residence. In addition, the project will be conditioned to not allow the installation of any laundry or cooking facilities other than an under the counter refrigerator.

AGENCY REVIEW:

Public Works – “No comments”.

Building Division – The following comments were received:

1. The project is subject to a construction permit as well as the currently adopted California Codes (at the time of construction permit submittal).
2. The project may require a full soils report for the design of all building foundations at the time of construction permit application submittal.
3. Whether or not a grading permit is required, the project shall conform to the “National Pollutant Discharge Elimination System” storm water management program regulations.

Staff Response: The project is conditioned to comply with Building Code Requirements.

Cal Fire – No comments received.

LEGAL LOT STATUS:

The one (1) existing parcel was legally created by a recorded map, Parcel Map CO78-172, Parcel #2 (Book 27, Page 15 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.