AGENDA NO. 3

PLANNING COMMISSION *STAFF REPORT*

DATE: July 14, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V-16-07) AND AGRICULTURAL ACTIVITY PERMIT (AAP-1-07) TO LOCATE A GATE WITHIN THE REQUIRED FRONT YARD AND TO CONSTRUCT A BARN ON AN 8.99-ACRE LOT AT 686 SLEEPING INDIAN ROAD. THE PROJECT IS SITUATED WITHIN AGRICULTURAL (A) DISTRICT AND THE MORRO HILLS NEIGHBORHOOD – HOWE VARIANCE AND BARN – BRUCE HOWE**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Confirm issuance of a Class 3 Categorical Exemption for new construction or conversion of small structures pursuant to Section 15303(e) of the California Environmental Quality Act.

(2) Approve Variance V-16-07 and Agricultural Activity Permit AAP-1-07 by adopting Planning Commission Resolution 2008-P42 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: During 2006, the property owner submitted drawings to Engineering for the construction of a retaining wall (to create a building pad for a barn). The grading plans were routed to Planning staff for review. At that time, staff recommended that the applicant apply for an Agricultural Activity Permit; because the intent was to create an "Activity Hub" by constructing a barn at the subject site. Activity Hubs trigger an Agricultural Activity Permit pursuant to Section 1450.A.2(a).

On November 6, 2007, an Agricultural Activity Permit application was filed. On January 3, 2008, the property owner expanded their application to include a variance request. The property owner proposes relief from the setback requirements for gates situated within a front yard.

Site Review: The site is 8.99 acres and situated within the Morro Hills Neighborhood. The site address is 686 Sleeping Indian Road, which is situated on the southeast corner of the intersection for Sleeping Indian Road and Las Tunas Drive. The lot is triangular with its longest boundary following Sleeping Indian Road. The front yard is contiguous with Las Tunas Drive. The existing curb cut or driveway entrance is on Sleeping Indian Road near the stop sign for Las Tunas Drive. There is an existing 3,090-square foot single-family home on-site. The property owner produces crops that are not for personal consumption; the produce is sold.

Project Description: The project application is comprised of two components: a Variance and Agricultural Activity Permit.

Variance V-16-07 represents a request for the following:

A. To allow a gate within the required front yard pursuant to Section 4101 of the Oceanside Zoning Ordinance.

Agricultural Activity Permit AAP-1-07 represents a request for the following:

B. To allow for the construction of a 6,966-square foot barn and to conduct agricultural activity on the 8.99-acre site pursuant to Section 1450 of the Oceanside Zoning Ordinance.

The proposal is to allow a variance for the construction of new entry gates with access from Las Tunas Drive; and to allow an Agricultural Activity Permit for the construction of a retaining wall of varying height, construction of a 6,996-square foot barn, and to maintain the existing crop production at the subject site.

The project is subject to the following Ordinances and City policies:

1. General Plan
2. Zoning Ordinance
3. California Environmental Quality Act

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Agricultural. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

Land Use Element II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.5 Agricultural: To identify, conserve and enhance Oceanside's agricultural areas.

Policies:

A. Agricultural areas are characterized by their primary function that is to farm, graze, or conduct animal husbandry. Agricultural areas typically involve contiguous tracts of agricultural land uses with only a very minor intrusion of non-agricultural land uses. These non-agricultural land uses are only of the type and size to service the special needs of the agricultural area.

D. Land use compatibility is of primary importance to agricultural areas, since land use conflicts between agricultural and non-agricultural uses can force the economic non-viability of agricultural areas.

The proposed construction of a barn, retaining walls, and gates are intended to complement the existing farming of avocado crops on this 8.99-acre lot. The existing residence is a minor intrusion of non-agricultural land use at the site. Compatibility of on-site farming activities with the surrounding land uses is assured, because most of the adjoining lots have similar cultivation activities. The proposal is likely to continue the long term enhancement of Oceanside's agricultural economy.

Land Use Element III. Natural Resource Management

Goal: Continual evaluation of the state of the environment and formulation of a program of planned management, wise utilization and preservation of natural resources to ensure the health, safety, and welfare of present and future generations.

Policies 3.19 Agricultural Resources:

A. The City shall apply agricultural land use designations and zoning classifications to areas of significant productive agricultural use.

B. Extension of City services to agricultural areas will be limited.

C. The City shall encourage participation of agricultural property owners in Williamson Act contracts.

The project site is situated within an agricultural land use designation and proposes to continue the existing cultivation of avocados. The property owner has augmented the grove slopes by hydro-seeding and garnering the City Engineer's approval for the construction of retaining walls. This 8.99-acre agricultural resource is intended to be preserved for the welfare of present and future generations, but is not currently subject to a Williamson Act contract.

2. Zoning Ordinance compliance

This project is located in the Agricultural District. Pursuant to Section 1430 *Development regulations*, the site is subject to standards outlined in Table 1. The proposal satisfies the requirements for the construction of a barn and an Agricultural Activity Permit. The location of the proposed entry gates require the approval of a variance from the location requirements set forth by Section 1430.2.

Table 1: Comparison of project to development regulations 1430

	Regulation	Proposed
Minimum lot area	2.5 acres	8.99 acres
Minimum front yard	40 feet	300 feet to barn
Minimum side yard	30 feet	31 feet to barn
Minimum corner side yard	40 feet	340 feet to barn
Minimum rear yard	40 feet	exceeded
Maximum coverage	25 %	0.03 %
Maximum fence height	6 feet	discussed below
Entry gate minimum front yard setback	25 feet	7 feet and 36 feet for entry gates

Given the unusual shape of the lot, the property owner would prefer to discontinue using as their primary entrance the existing gate and driveway on Sleeping Indian Road near the stop sign for Las Tunas Drive. Rather, they propose access from a new entry off of Las Tunas Drive. Therefore, a new primary gate is proposed to be setback 36 feet from the public right-of-way along Las Tunas Drive. The overall height of this gate is eight feet. The proposal includes two eight-foot entry bollards with lamps and two shorter bollards situated

closer to the street. Pursuant to Section1430.2, decorative entry gates which exceed the height of six feet shall require a building permit and the approval of the Traffic Engineer and the Fire Department to insure adequate accessibility for emergency vehicles and to meet visibility standards. Engineering staff has reviewed the entry gates' location and height and find that sight-distance requirements have been satisfied by the April 14, 2008 submitted designs.

Pursuant to Section 4101 *Purposes of Use Permits and Variances*, a variance is requested to allow a grove access gate within the required 25-foot setback for gates. These gates are situated between the proposed primary entry gates and Las Tunas Drive. The property owner seeks to continue using the existing paved driveway for crop maintenance activities and requests a variance to construct a gate within the setback identified by subsection 1430.2. This six-foot tall gate would provide egress to the existing groves and the existing pavement that travels westerly to Sleeping Indian Road. The gate would have limited use. Its location and design is to provide truck access to the crops.

Pursuant to Section 1450 *Agricultural Activities*, the property owner requests an Agricultural Activity Permit. The Agricultural Activity Permit scope includes site grading and construction of a retaining wall with varying heights, the construction of a barn, and crop cultivation. As such, the request has been specifically conditioned in accordance with Section 1450.C items 1 through 22. Notably Section 1450.C.18, allows a maximum height of eight feet for retaining walls. By condition, the farmer and or property owner is required to apply for a business license for commercial cultivation of crops grown on-site.

DISCUSSION

Issue: Constructing a grove access gate within a required front yard.

Recommendation: Staff finds the proposed variance for locating the grove access gates within the front yard a practical solution because it provides an opportunity to use an existing paved surface (rather than create new impervious areas) for crop maintenance activities. Additionally, the existing lot has an unusual triangular shape. Notably, the grove access gates will be used infrequently.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 3, new construction or conversion of small structures, Section 15303(e) of the California Environmental Quality Act which states "accessory structures including garages, carports, patios, swimming pools, and fences."

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,500-foot radius of the subject property, to individuals and organizations requesting notification, and to the applicant.

SUMMARY

The proposed Variance (V-16-07) and Agricultural Activity Permit (AAP-1-07) are consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance. The project meets or exceeds all applicable development standards. The project is compatible in terms of agricultural land use. The Variance for locating a gate within the front yard is warranted given the triangular shape the lot. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

-- Confirm issuance of a Class 3 categorical exemption for new construction pursuant to Section 15303(e) of the California Environmental Quality act and move to approve Variance (V-16-07) and Agricultural Activity Permit (AAP-1-07) by adopting Planning Commission Resolution No. 2008-P42 as attached.

PREPARED BY:

Juliana von Hacht
Associate Planner

REVIEWED BY:
Richard Greenbauer, Senior Planner

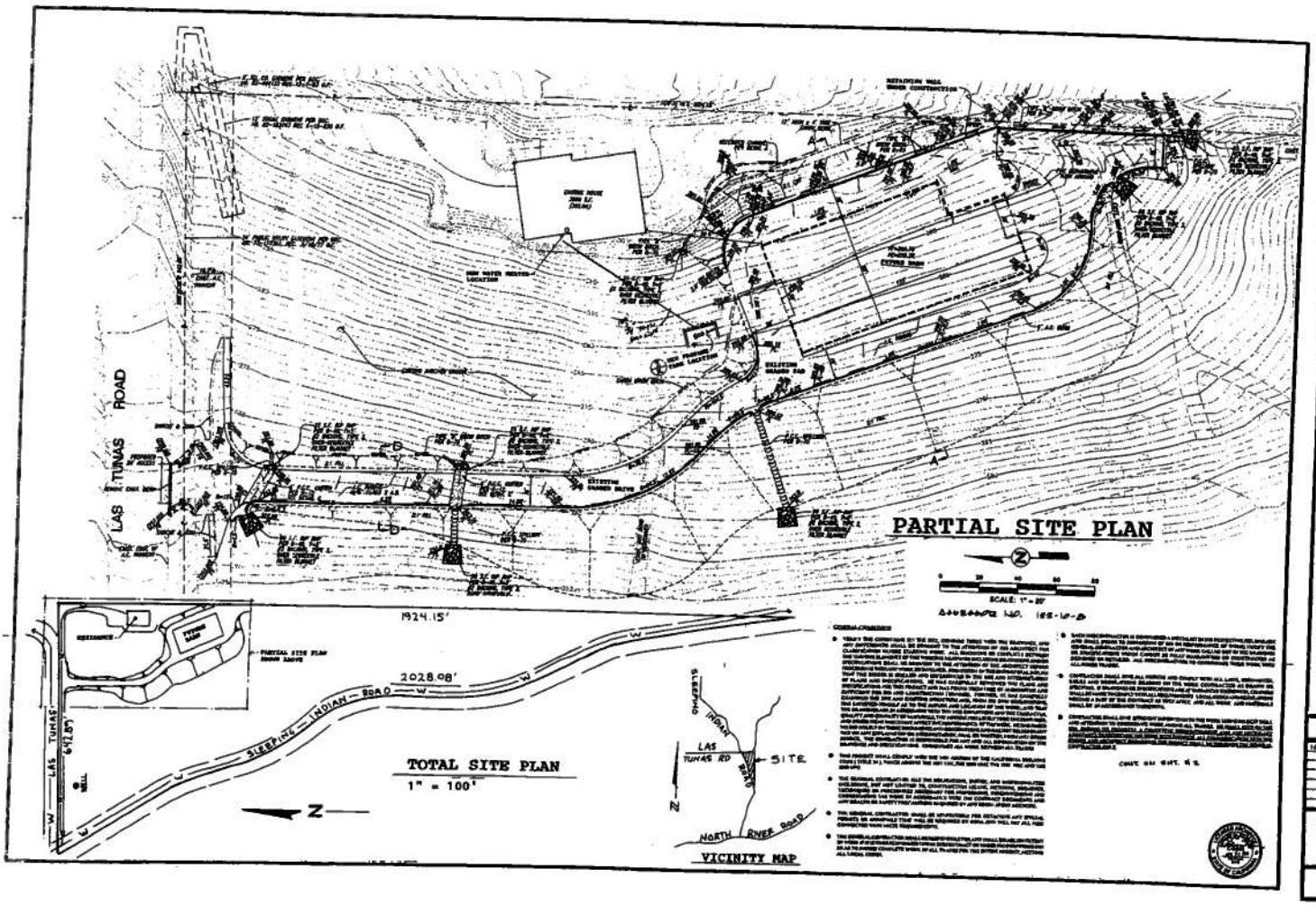
SUBMITTED BY:

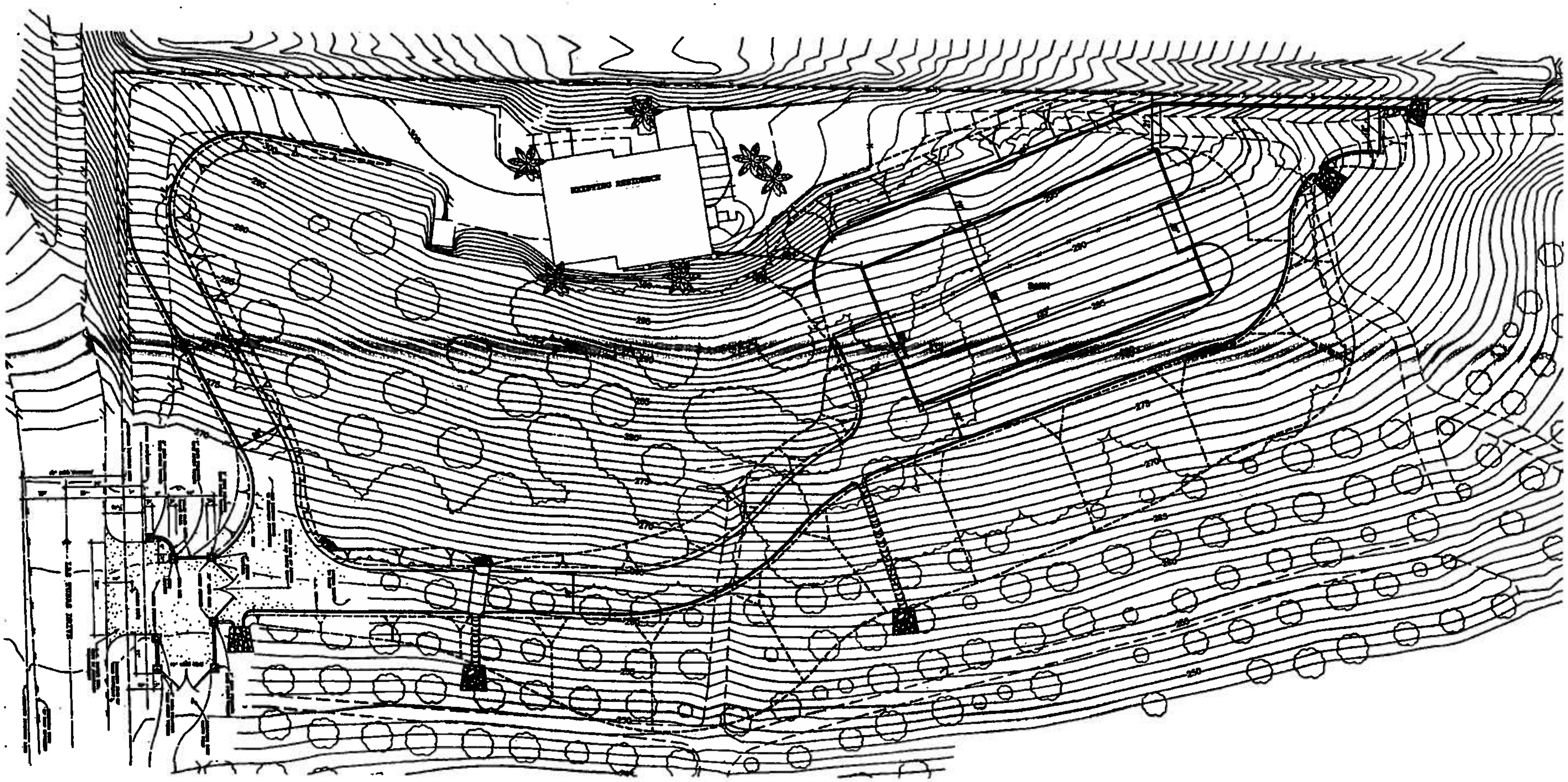
Jerry Hittleman
City Planner

JH/JH/fil

Attachments:
1. Site plans and elevations
2. Planning Commission Resolution No. 2008-P42

RECEIVED
NOV 06 2007
Planning Department





0 20 40 60 80

SCALE: 1" = 20'

PLANS PREPARED BY:
SPEAR & ASSOCIATES, INC
475 PRODUCTION STREET, SAN MARCOS, CA. 92078
PHONE (760) 736-2040 FAX (760) 736-4866

RECEIVED
APR 1 4 2008
Planning Department

PROJECT # E-13-06

APPROVED CHANGES:

NO.		DESCRIPTION	APPV'D	DATE
1	SSA	[illegible]		

BENCHMARK:

Description: B.M. [illegible] 1-1/2" I.P. WITH TAG "LS [illegible]".
Location: AT S.W. COR. OF CHAIN LINK FENCE, 20' W. OF C.L. OF SLEEPING INDIAN ROAD, 170' S. OF INTER. OF LA LA LOMA AT 1.1 MILES N. ALONG SLEEPING INDIAN ROAD FROM THE INTER. OF NORTH RIVER ROAD.
Record From: CITY OF OCEANSIDE

SHEET 1	CITY OF OCEANSIDE ENGINEERING DEPARTMENT	1 SHEETS

GRADING PLAN FOR:

HOWE BARN SITE

APPROVED

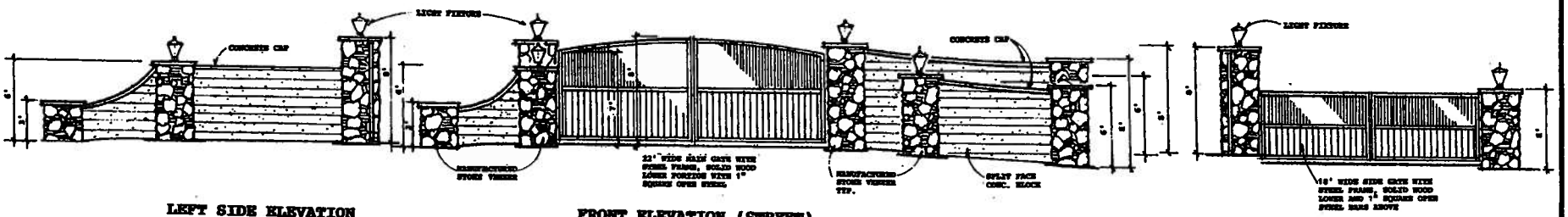
[illegible] CITY ENGINEER

ENGINEER OF WORK: [illegible]

Checked By:
Approval Date:

PLAN NUMBER 2734

ENGINEER'S NAME: SPEAR & ASSOCIATES, INC
PHONE NO. 1-760-736-2040



LEFT SIDE ELEVATION

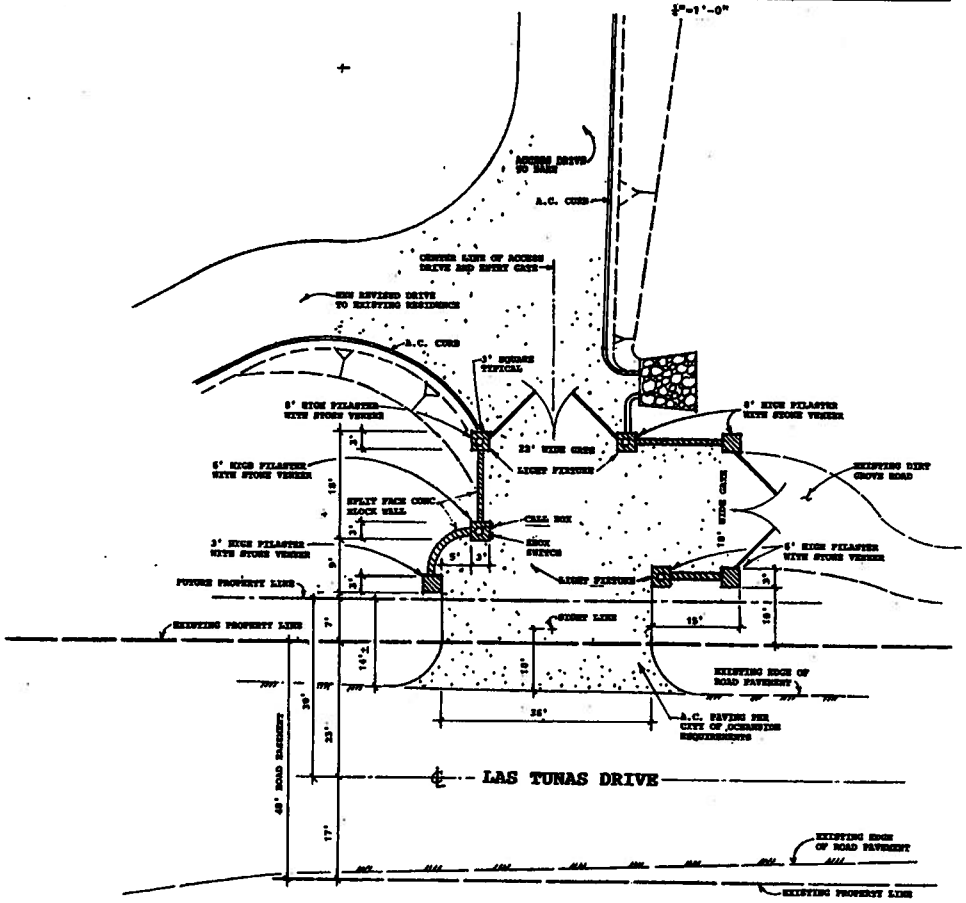
$\frac{1}{4}$"=1'-0"

FRONT ELEVATION (STREET)

$\frac{1}{4}$"=1'-0"

RIGHT SIDE ELEVATION

$\frac{1}{4}$"=1'-0"



ENTRY GATE SITE PLAN

1"=10'

RECEIVED
APR 14 2003

EDWARD M. BERNTON, ARCHITECT, INC.
MEMBER AMERICAN INSTITUTE OF ARCHITECTS
515 SO. GUADALOS AVE. • SOLANA BEACH, CA. 92075 • 858-481-9185

BARN ADDITION FOR
MR. BRUCE HOWE
636 SLEEPING INDIAN ROAD OCEANSIDE

7-06
4-2-03

EG

PLANNING COMMISSION
RESOLUTION NO. 2008-P42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A VARIANCE AND AGRICULTURAL ACTIVITY PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: V-16-07, AAP-1-07
APPLICANT: Bruce Howe
LOCATION: 686 Sleeping Indian Road

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Variance and Agricultural Activity Permit under the provisions of Articles 14 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

to construct new entry gates with access from Las Tunas Drive and situated within the required front yard; to construct a retaining wall of varying height; to construct a 6,996-square foot barn; and to maintain existing crop production;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day of July, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 from environmental review;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

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Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	$.713 per square foot or $713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is $35,160 for a 2" meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is $48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is $22,495 for a 2" meter.

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code and the City expressly reserves the right to amend the fees and fee calculations consistent with applicable law;

WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

FINDINGS:

1. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public health, safety or general welfare. The proposed construction of a grove access gate is intended to complement the existing farming of avocado crops on this 8.99-acre lot. Compatibility of on-site farming activities with the surrounding land uses is assured, because most of the adjoining lots have similar cultivation activities. The proposal is likely to continue the long term enhancement of Oceanside's agricultural economy.
2. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. The project site is situated within an agricultural land use designation and proposes to continue the existing cultivation of

avocados; this 8.99-acre agricultural resource is intended to be preserved for the welfare of present and future generations.

3. That because of the unique shape of the lot, strict application of the requirements of this ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Given the unique triangular shape of the existing lot, constructing a grove access gate within the setback identified by subsection 1430.2 is allowed. This six-foot tall gate would provide egress to the existing groves and the existing pavement that travels westerly to Sleeping Indian Road. The gate would have limited use. Its location and design is to provide truck access to the crops.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby confirm issuance of a Class 3 categorical exemption for new construction and approve Variance (V-16-07) and Agricultural Activity Permit (AAP-1-07) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (Currently the 2007 California Building Code, and 2004 California Electrical Code)
2. The granting of approval under this action shall in no way relieve the applicant and or project from compliance with all State and Local building codes.
3. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
4. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

5. Construction plans submitted to the Building Division after January 1st 2008 must comply with the State adopted CBC Codes.

6. A complete Soils Report and Structural Calculations will be required at time of plans submittal to the Building Division for plan check.

7. Retaining walls that will be installed as a part of this design must be designed per the Soils report for the whole project.

Fire:

8. A "Knox" key storage box shall be provided at the entrance gate for all new construction.

Planning:

9. Variance V-16-07 approves only a reduced setback for entry gates, pursuant to Section 1430.2 of the Oceanside Zoning Ordinance, as shown on the plans and exhibits presented to the Planning Commission for review and approval.

10. Agricultural Activity Permit AAP-1-07 approves only the construction of a barn and the use of the property for agricultural operation pursuant to Article 14, the conditions set forth herein, and as shown on the plans and exhibits presented to the Planning Commission for review and approval.

11. The Variance V-16-07 and Agricultural Activity Permit AAP-1-07 shall become effective on the date of adoption.

12. Variance V-16-07 and Agricultural Activity Permit AAP-1-07 shall lapse two years after the effective date of approval unless the criteria set forth in Section 4108 of the Oceanside Zoning Ordinance has been satisfied.

13. Upon application by the property owner filed prior to the expiration of an approved Variance or Agricultural Activity Permit, the time at which V-16-07 and AAP-1-07 expires may be extended by the Planning Commission for a period or periods not to exceed a total of three years.

14. The validity of V-12-07 and AAP-1-07 shall not be affected by changes in ownership.

15. Variance V-12-07 shall lapse if the exercise of rights granted by them is discontinued for six consecutive months.

16. A Variance or Agricultural Activity Permit that is exercised in violation of a condition of approval or a provision of the Oceanside Zoning Ordinance may be revoked, as provided in Section 4706.

17. A request for changes in conditions of approval for V-12-07 or AAP-1-07, or a change to the approved plans that would affect a condition of approval, shall be treated as new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

18. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning V-16-07 and AAP-1-07. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

19. A covenant or other recordable document approved by the City Attorney shall be prepared by the property owner and recorded prior to the approval of a business license or issuance of a building permit. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

20. Prior to the transfer of ownership and or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

21. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The

approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

22. Variance V-16-07 and Agricultural Activity Permit AAP-1-07 shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or does not conform with the information contained in or representations made in the application, any supporting material submitted to the City or during any hearing on the application.

23. The hours-of-operation are not limited, but shall be reviewed and may be limited by the Planning Commission when valid issues or complaints pertaining to the hours-of-operation arise.

24. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Division. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

25. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

26. All agricultural activity shall take place on the premises pursuant to Section 1450.C.1.

27. All parking, access driveways and staging areas must be surfaced and maintained with either asphalt, concrete, DG, gravel or rock and no mud shall be tracked onto the public roads.

28. Sufficient parking spaces for employees, clients and guests must be provided on-site to meet the needs of the agricultural operation and activities.

29. Truck parking shall be provided on site and be sufficient in area and number to meet the needs of the agricultural operation and activities.

30. Adequate site access must be provided for all vehicles and comply with Section 3114 regarding driveway widths and clearances.

31. A truck turnaround area or other suitable truck route through the property shall be provided to accommodate trucks serving on-site operations.

32. Trucks serving the property, including but not limited to packing and greenhouse operations, cannot park and or idle on public streets. On-site parking must be available 24-hours per day.

33. Outdoor area lighting shall not employ a light source higher than 25 feet. Building plans submitted for building permit shall include provisions indicating the lighting is properly shielded and directed to prevent glare on surrounding properties or onto an adjacent street. Lighting shall comply with all City Codes and Ordinances in effect at the time of building permit issuance including any light pollution control measures.

34. Agricultural operations shall use Best Management Practices for dust and emissions control and erosion control and must comply with the City's Erosion Control Ordinance.

35. The use and storage of chemicals and pesticides shall comply with the regulations set forth by the California State Department of Pesticide Regulation, as enforced by the San Diego County Agricultural Weights and Measures Department.

36. Agricultural operations shall meet all federal, state, regional and City requirements for discharge and drainage including, but not limited requirements of Regional Water Quality Control Board (RWQCB) and National Pollution Discharge Elimination System (NPDES).

37. The property owner shall be responsible for maintaining the property and the street area directly adjacent to the property. All trash found within this area will be collected and disposed of properly. In addition, the property owner shall be responsible for collecting any other trash directly identifiable with the operation and will dispose of it properly.

38. The agricultural operation shall comply with all local, state and federal environmental protection laws.

39. Outdoor storage areas shall conform to the requirements of Section 3020.

40. Other Agricultural Activity areas shall not be located in any required setback or yard area, required landscape area, required drive aisle, or driveway.

41. Other Agricultural Activity areas and any associated screening or landscaping shall be maintained in good repair. Any dilapidated or dangerous conditions shall be repaired or removed. Graffiti shall be removed in accordance with the City's Graffiti Ordinance.

42. Any grading shall be done in compliance with the City's Grading Ordinance.

43. The maximum height of a fence or wall, including retaining walls, shall be eight feet and shall be maintained. In addition, all fences and walls shall be subject to the driveway visibility requirements of Section 3115 and all retaining walls over four feet in height shall be planted and irrigated crib-type wall. The wall situated between the easterly property line and the proposed barn may have a maximum height of eight feet, as shown on the plans and exhibits presented to the Planning Commission for review and approval.

44. Signs shall conform to the requirements of Article 33 Signs.

45. The screening of mechanical equipment shall conform to the requirements of Section 3021.

46. Agricultural activities shall conform to the Performance Standards in Section 3024.

47. The keeping of animals shall conform to the requirements of Section 3034.

48. Pursuant to Section 1430.1, the barn shall comply with the following development regulations: 40-foot required front yard, 30-foot required side yard, 40-foot required corner side yard, 40-foot required rear yard, and maximum lot coverage of six percent pursuant to Section 3005.

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49. Pursuant to Section 1430.2, the maximum height of a perimeter fence or wall, including a retaining wall, shall be six feet. Decorative fences and walls shall be allowed in the front-yard setback area upon meeting visibility standards and the approval of the City Planner. Decorative entry gates which exceed the height of six feet shall require a building permit and the approval of the Traffic Engineer and the Fire Department to insure adequate accessibility for emergency vehicles and to meet visibility standards...

PASSED AND ADOPTED Resolution No. 2008-P42 on July 14, 2008 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Dennis Martinek, Chairman
Oceanside Planning Commission

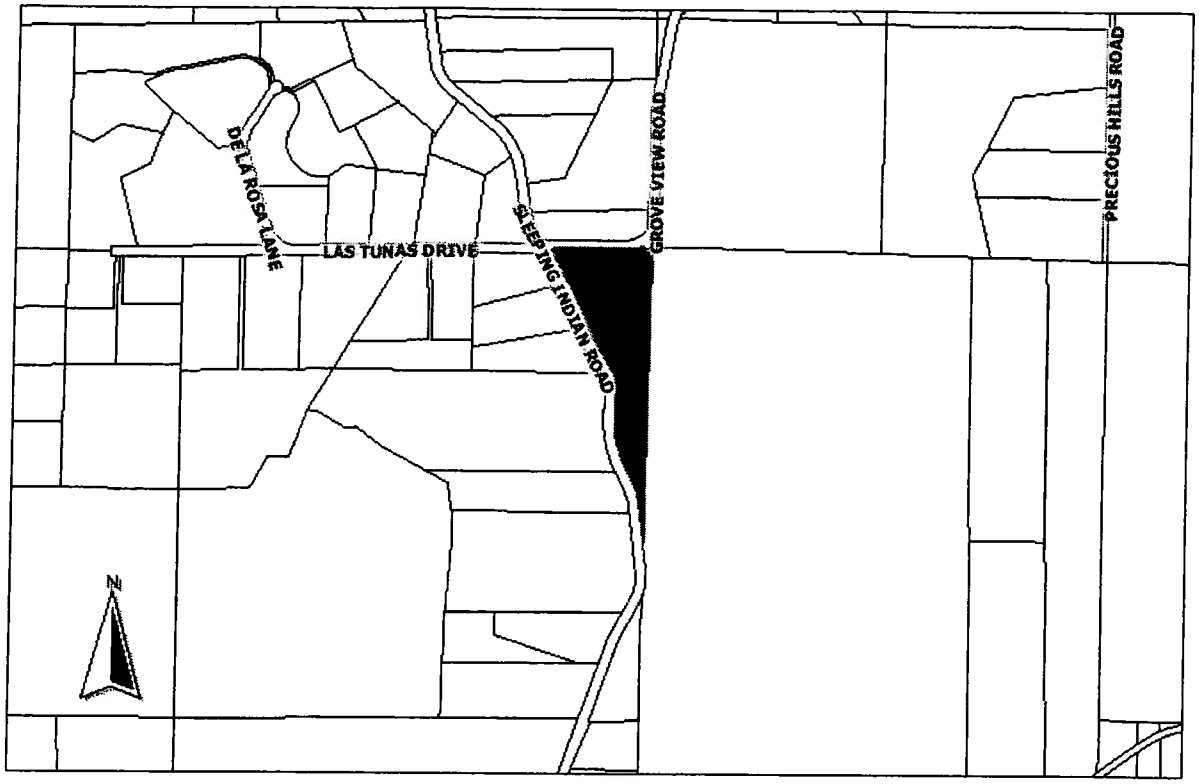
ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P42.

Dated: July 14, 2008



File Number: **V-16-07, AAP-1-07**

Applicant: **Bruce Howe**

Description:

VARIANCE (V-16-07) and AGRICULTURAL ACTIVITY PERMIT (AAP-1-07) to locate a gate within the required front yard and to construct a barn on an 8.99-acre lot at 686 Sleeping Indian Road. The project is situated within Agricultural (A) District and the Morro Hills Neighborhood – **HOWE VARIANCE AND BARN**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Application For Planning Commission Hearing

Planning Department (760) 435-3520
Oceanside Civic Center
300 North Coast Highway
Oceanside, California 92054-2885

Please Print or Type All Information

STAFF USE ONLY	
ACCEPTED 11/6/07	BY SN.
HEARING	
AG PERMIT	AAP-1-07
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	
VARIANCE	V-16-07
COASTAL	
O.H.P.A.C.	

PART I – APPLICANT INFORMATION

1. APPLICANT: Bruce Howe
2. STATUS: OWNER
3. ADDRESS: PO Box 9797, RSF 92067
4. PHONE/FAX:
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): JERRY MOIOLA
6. ADDRESS: 2615 AUTO PARK WAY, ESCONDIDO
7. PHONE/FAX: 760-745-9799

PART II – PROPERTY DESCRIPTION

8. LOCATION: 686 SLEEPING INDIAN RD.
9. SIZE: 8.99 ACRES
10. GENERAL PLAN: AG
11. ZONING: AG
12. LAND USE: AG
13. ASSESSOR'S PARCEL NUMBER: 122-100-08

PART III – PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION: NEW AG BUILDING

REV-1/3/08, 4/14/08

15. PROPOSED GENERAL PLAN: Res. SFR
16. PROPOSED ZONING: IR-1, SFR
17. PROPOSED LAND USE:
18. NO. UNITS: 1
19. DENSITY: 1
20. BUILDING SIZE: BNFN = 6,900 HOUSE = 3,090
21. PARKING SPACES:
22. % LANDSCAPE:
23. % LOT COVERAGE: 2%

PART IV – ATTACHMENTS

ALL APPLICATIONS					DEV. PLANS, C.U.P.s & TENT. MAPS
X	24. DESCRIPTION/JUSTIFICATION	X	25. LEGAL DESCRIPTION	X	30. FLOOR PLANS AND ELEVATIONS
X	26. 300-FT. RADIUS MAP	X	27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE
X	28. ENVIRONMENTAL ASSESSMENT	X	29. PLOT PLANS		32. OTHER

PART V – SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

33. APPLICANT OR REPRESENTATIVE (Print): JERRY MOIOLA — 34. DATE: 10/29/07
Sign: [signature]

37. OWNER (Print): BRUCE HOWE — 38. DATE: 2/22/08
Sign: W. B. Howe

I DECLARE UNDER PENALTYOF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

35. APPLICANT (Print): JERRY MOIOLA — 36. DATE: 10/29/07
Sign: [signature]

39. OWNER Print): W. B. HOWE — 40. DATE: 10-30-07
Sign: W. B. Howe

JULIANA

RECEIVED
NOV - 6 2007
Planning Department

December 26, 2007

RE: HOWE BARN
686 SLEEPING INDIAN ROAD
OCEANSIDE, CA

VARIANCE

(a)

We are asking for this variance to position the Entry Gates and walls closer to Las Tunas Drive due to the existing topography of our agricultural site and also construct the walls taller then the allowable code requirements for security reasons.

The positions of these new Entry Gates will provide direct road access to the Barn for potentially larger vehicles, instead of the existing gate at the corner of Sleeping Indian Road and Las Tunas Drive, which can be quite congested at times.

These Entry Gates are positioned towards the street to provide a reasonable access to our existing residence and our existing grove road that parallels Las Tunas Drive.

The new modified drive, once inside the Main Gate, as shown on the enclosed ENTRY GATES SITE PLAN, will allow adequate access to the residence as well as the smaller side gate to the existing grove road. If the gates were to be farther from the roadway the access to the residence and the grove road would be extremely difficult with large amounts of grading to be done and the removable of many avocado and lemon trees.

We are asking for the height consideration for security reasons since our groves are producing an economic condition for our livelihood and the community.

(b)

The granting of this application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare, if fact it will enable access to this agricultural site without creating a safety situation at a busy intersection.

(C)

The granting of this application is consistent with the purpose of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE ALONG THE NORTH LINE THEREOF SOUTH 88° 29′ 10" WEST 642.89 FEET TO THE CENTER LINE OF THAT 60 FOOT ROAD AND UTILITY EASEMENT DESCRIBED IN DEED TO MURIEL DONOVAN, ET AL, RECORDED OCTOBER 9, 1957 IN BOOK 6785, PAGE 48 OF OFFICIAL RECORDS OF SAID SAN DIEGO COUNTY; THENCE ALONG SAID CENTER LINE AS FOLLOWS:

SOUTH 31° 19′ 59" EAST 298.34 FEET TO THE BEGINNING OF A TANGENT 400 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, SOUTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 13° 46′ A DISTANCE OF 96.11 FEET; TANGENT TO SAID CURVE SOUTH 17° 33′ 59" EAST 131.28 FEET TO THE BEGINNING OF A TANGENT 500 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; SOUTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 24° 06′ A DISTANCE OF 210.31 FEET TO THE BEGINNING OF A 300 FOOT RADIUS CURVE REVERSE CURVE CONCAVE WESTERLY; SOUTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF 44° 00′ A DISTANCE OF 230.38 FEET; THENCE TANGENT TO SAID CURVE SOUTH 2° 20′ 01" WEST 133.94 FEET TO THE BEGINNING OF A TANGENT 500 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; SOUTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 28° 06′ A DISTANCE OF 245.22 FEET; TANGENT TO SAID CURVE SOUTH 25° 45′ 59" EAST 165.71 FEET TO THE BEGINNING OF A TANGENT 300 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; SOUTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 16° 40′ A DISTANCE OF 87.27 FEET; TANGENT TO SAID CURVE SOUTH 9° 05′ 59" EAST 411.69 FEET TO THE BEGINNING OF A TANGENT 253 FOOT RADIUS CURVE, CONCAVE WESTERLY AND SOUTHERLY ALONG SAID CURVE 36.58 FEET TO THE EASTERLY LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID EASTERLY LINE NORTH 0° 35′ 16" EAST 1924.15 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING.

APN: 122-100-08

NOTICE OF EXEMPTION
City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Bruce Howe
2. **ADDRESS:** 686 Sleeping Indian Road, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 745-9799
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht
6. **PROJECT TITLE:** V-16-07, AAP-1-07 Howe Variance and Barn
7. **DESCRIPTION:** To construct new entry gates with access from Las Tunas Drive and situated within the required front yard; to construct a retaining wall of varying height; to construct a 6,996 square-foot barn; and to maintain existing crop production.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes the demolition of an existing single-family dwelling. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

[ ] "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,

[ ] The project is statutorily exempt, Section_____, <name> (Sections 15260-15277); or,

[X] The project is categorically exempt, Class 3, Existing facilities (Section 15303(e) new construction or conversion of small structures

[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

_____ Date: 7/14/2008

Juliana von Hacht, Associate Planner

cc: [x] Project file [x] Counter file [x] Library Posting: [ ] County Clerk $50.00 Admin. Fee