

**EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	March 17, 2021
Item No.:	4.a.
Staff:	Bianca Dinkler

VARIANCE

FILE NUMBER: V20-0003/Prosper Falls

**APPLICANT/
PROPERTY
OWNER:** Cheryl Bly-Chester

REQUEST: A Variance request to reduce the required 30-foot side yard setback to five feet to allow for development of an accessory-dwelling unit (ADU) with attached traffic rated wine/root cellar and 3,000-gallon water tank.

LOCATION: On the west side of Wood Duck Way, approximately 100 feet west of the intersection with Summerhill Road, in the Somerset area, Supervisorial District 2. (Exhibits A, B & C)

APN: 046-431-014 (Exhibit D)

ACREAGE: 3.96 Acres (Exhibit D)

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit E)

ZONING: Estate Residential, Five-Acre (RE-5) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Sections 15303(e) (New Construction or Conversion of Small Structures-Accessory/appurtenant structures) and 15305(a) (Minor Alterations in Land Use Limitations-Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommends that the Zoning Administrator take the following actions:

1. Find that the project is Categorical Exempt pursuant to Sections 15303(e) and 15305(a) of the CEQA Guidelines; and
2. Approve Variance V20-0003 based on the Findings, and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Variance request would allow for development of an ADU with attached traffic rated wine/root cellar and 3,000-gallon water tank. With the exception of the proposed building site, there are no other feasible building sites on the project parcel due to a combination of constraints including steep topography with slopes exceeding 30 percent, the 100-foot setback from the Middle Fork of the Cosumnes River, the 20-foot utilities easement across the parcel, and dense native oak woodland (Exhibits G, H).

The project parcel is located in the Estate Residential Five-Acre Zone (RE-5), which allows an accessory dwelling unit and accessory structures by right (Zoning Ordinance Table 130.24.020). Zoning Ordinance Section 130.52.070 (Variance) allows property owners to request modification of specific development standards when strict application of those standards would deny the property owner rights enjoyed by other property owners in the vicinity and in the same zone.

With the exception of a reduced side setback, the proposed ADU with attached wine/root cellar and 3,000-gallon water tank will comply with all other Zoning Ordinance development standards, including front and rear setbacks for the RE-5 Zone District (Table 130.24.030).

Staff recommends approval of Variance V20-0003 as requested, as the required findings for a Variance can be made. With the exception of the requested Variance, the project is consistent with all applicable requirements of the Zoning Ordinance (Title 130 of the County Ordinance Code) and General Plan. For details, please refer to the Findings section below.

BACKGROUND/HISTORY

The project parcel was created by Parcel Map No. 8/3/A, recorded on May 23, 1975 (Exhibit I). The land remained vacant and undeveloped until the construction of a 2,248 square foot single-family dwelling completed by building permit in April 1996. The parcel changed ownership multiple times since 1996 and was most recently acquired by the current property owner in 2017. The request for the Variance for an ADU with attached wine/root cellar and 3,000-gallon water tank was submitted to the County on September 18, 2020.

OTHER PROJECT CONSIDERATIONS

Site Access/Visibility: The project is accessed by a private driveway from Wood Duck Way at the intersection with Summerhill Road, which are private, non-County maintained roadways and therefore, road usage, operation and maintenance is not under the jurisdiction of the County.

Fire Safe Building Setbacks: Section 130.30.050.D (Fire Safe Setbacks) requires a 30-foot Fire Safe setback from all property lines or from the centerline of a roadway for all parcels one acre or greater in size unless a lesser setback is approved by the local fire protection agency, but not less than the required zoning setback. With the exception of the proposed 5-foot building setback to the west property line, the proposed ADU with attached wine/root cellar and 3,000-gallon water tank will comply with all Fire Safe setbacks. The project was distributed to the Pioneer Fire Protection District however no formal comments were received. The Pioneer Fire Protection District will review the improvement plans for the proposed ADU with attached wine/root cellar and 3,000-gallon water tank at the future time of building permit review.

Setbacks from Middle Fork of Cosumnes River: Table 130.30.050. H.1. Specific Riparian Setbacks requires a 100-foot setback from the Middle Fork of the Cosumnes River. The Middle Fork of the Cosumnes River runs adjacent to the north and north/east property lines of the parcel. The building footprint area for the proposed ADU with attached wine/root cellar and 3,000-gallon water tank would be located outside of this 100-foot setback and therefore meets the river setback requirement (Exhibit C).

Oak Woodlands: No oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, have been impacted or would be removed as a result of the proposed project.

PUBLIC AND AGENCY COMMENTS

During project processing, the project application was routed to applicable local/County agencies. The County received formal comments from the Department of Transportation, Environmental Management Department, County Surveyor, and El Dorado Irrigation District. The Pioneer Fire Protection District did not provide formal comments, however Planning staff has advised the applicant to consult with the Pioneer Fire Protection District to ensure safety for Fire Safe Building Setbacks at the proposed ADU location. Further, the Pioneer Fire Protection District would review the improvement plans at the time of building permit submittal with Building Services.

STAFF ANALYSIS

Site Description: The project parcel is located on the west side of Wood Duck Way at the intersection with Summerhill Road in the Somerset area, and adjacent to the Middle Fork of the Cosumnes River along the north and north/east property lines. The property is developed with a primary residence and garage. The parcel has steep slopes ranging from approximately 38 to 50 percent and is heavily forested with mixed oak woodland including black oak, interior live oak, blue oak, and grey pine. The proposed building site for the ADU with attached wine/root cellar and 3,000-gallon water tank would be 5-feet from the west side yard property line. This

particular area is already graded and flat. The standard setbacks for the RE-5 zone would require 30-feet from all property lines, with the exception of the 100-foot setback from the north and north/east property lines due to the Middle Fork of the Cosumnes River along these property lines. The request to reduce the west side yard setback to 5-feet would only apply to the proposed ADU with attached wine/root cellar and 3,000-gallon water tank. Access to the site will be from an existing driveway from Wood Duck Way (Exhibits G, H).

Project Description: The applicant is requesting a Variance to reduce the required 30-foot side yard setback to five feet to allow for development of an ADU with attached wine/root cellar and 3,000-gallon water tank. The proposed ADU with attached wine/root cellar and 3,000-gallon water tank will be located approximately 5 feet from the west side property line. There is a 20-foot wide public utilities easement across the middle of the parcel however the proposed building site is outside of this easement. No structures will be located in the easement area. The proposed ADU with attached wine/root cellar and 3,000-gallon water tank will be located on a flat area of much lower slopes near the existing single-family dwelling (Exhibit G).

The subject parcel is zoned Estate Residential, Five-Acre (RE-5), which allows accessory dwelling units, and accessory uses and structures such as the wine/root cellar and water tank. With the exception of the proposed setback variance, the construction of the proposed ADU with attached wine/root cellar and 3,000-gallon water tank would be permitted by right in the RE-5 zone district. The permitting of the proposed variance to allow a reduced side yard setback is not anticipated to negatively impact other uses in the project area. With the exception of the requested variance, the proposed structures will comply with all other applicable development standards including the thirty-foot front yard and 30-foot rear yard zoning setbacks and all applicable Fire Safe setbacks, to be reviewed by the Pioneer Fire Protection District at time of future building permit review.

General Plan Consistency: This request is consistent with all applicable General Plan policies including Policy 2.2.1.2 (Land Use Types and Densities), Policy 2.2.5.2 (General Plan Consistency), Policy 2.3.2.1 (Disturbance of Slopes), Policy 5.4.1.1 (Storm Drainage Systems), Policy 6.2.1.1 (Fire Defensible Space), and Policy 6.2.3.2 (Adequate Emergency Vehicle Access), Policy 7.1.2.1 (Minimize Soil Erosion), Policy 7.1.2.2 (Minimize Soil Erosion), and Policy 7.4.4.4 (County Oak Resources). For details, please refer to the Findings section below.

Zoning Ordinance Consistency: With the exception of the requested Variance, the project is consistent with applicable provisions of the Zoning Ordinance including Table 130.24.030 (Residential Zone Development Standards), Section 130.30.050.D (Fire Safe Setbacks), Table 130.30.050.H.1 (Specific Riparian Setbacks), and Chapter 130.39 (Oak Resources Conservation). For details, please refer to the Findings section below.

Variance Findings: The granting of a Variance requires four findings pursuant to Section 130.52.070 of the County Code. A summary of the four required findings and staff conclusions is included below. For details, refer to the Findings section below. The four findings include:

Required Finding 1: There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which

circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.

Staff Conclusion: *With the exception of the proposed building site, there are no other feasible building sites on the project parcel due to a combination of existing constraints including steep topography with slopes exceeding 30 percent, the 100-foot setback from the Middle Fork of the Cosumnes River, the 20-foot utilities easement across the parcel, and dense native oak woodland.*

Required Finding 2: The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other property in the vicinity and the same zone (California Government Code Section 65906).

Staff Conclusion: *The strict application of the provisions of the ordinance would deprive the subject property of the reasonable use of the land or building allowed by other property in the vicinity and the same zone.*

Required Finding 3: The variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).

Staff Conclusion: *Granting the variance request would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.*

Required Finding 4: The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.

Staff Conclusion: *The granting of the proposed variance would be compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan and will not impact the public health, safety, and welfare, nor will it be injurious to the neighborhood.*

ENVIRONMENTAL REVIEW

The modification of the structural setback is Categorically Exempt pursuant to Sections 15303(e) (New Construction or Conversion of Small Structures-Accessory/appurtenant structures) and 15305(a) (Minor Alterations in Land Use Limitations-Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel) of the CEQA Guidelines. No further environmental analysis is necessary.

A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A	Location Map
Exhibit B	Vicinity Map
Exhibit C	Site Aerial Photo
Exhibit D	Assessor's Parcel Page
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	Site Plan
Exhibit H.....	Slope Map
Exhibit I	Parcel Map No. 8/3/A
Exhibit J	Department of Transportation Comments
Exhibit K.....	Environmental Management Department Comments
Exhibit L	County Surveyors Comments
Exhibit M	El Dorado Irrigation District Comments
Exhibit N.....	Letter of Support from the Neighbors

FINDINGS

Variance V20-0003/Prosper Falls Zoning Administrator/March 17, 2021

1.0 CEQA FINDINGS

- 1.1 The modification of the structural setback is found to be Categorically Exempt pursuant to Sections 15303(e) (New Construction or Conversion of Small Structures-Accessory/appurtenant structures) and 15305(a) (Minor Alterations in Land Use Limitations-Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Medium Density Residential (MDR) land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is singlefamily residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres.

Rationale: The project has an MDR General Plan Land Use Designation. The project site is 3.96 acres in size. The proposed ADU with attached wine/root cellar and 3,000-gallon water tank would be consistent with this land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires all discretionary projects or permits be reviewed for consistency with all applicable General Plan policies.

Rationale: The project has been reviewed and deemed consistent with all applicable General Plan policies as listed and described in this Findings section. Therefore, the project is consistent with this policy.

2.3 The project is consistent with General Plan Policy 2.3.2.1.

General Plan Policy 2.3.2.1 discourages soil disturbance on slopes 30 percent or greater to minimize visual impacts of grading and vegetation removal.

Rationale: The proposed building site for the ADU with attached wine/root cellar and 3,000-gallon water tank would be located in an area that is already graded and flat which would avoid soil disturbance on the steeper sloped areas of the parcel; therefore, the project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 5.4.1.1.

General Plan Policy 5.4.1.1 requires appropriate storm drainage systems for discretionary development projects to protect public health and safety, preserve natural resources, prevent erosion and minimize impacts to existing drainage facilities.

Rationale: The storm drainage system for the proposed ADU with attached wine/root cellar and 3,000-gallon water tank will be reviewed for compliance with applicable storm drain system requirements during future review of the building permit; therefore, the project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 6.2.1.1.

General Plan Policy 6.2.1.1 requires implementation of a Fire Safe ordinance to attain and maintain defensible space for new development.

Rationale: The Pioneer Fire Protection District received notice of the project during the Initial Consultation period however did not provide formal comments. Standard conditions would apply to require the Pioneer Fire Protection District to review improvement plans for the ADU with attached wine/root cellar and 3,000-gallon water tank at time of future building permit submittal; therefore, as conditioned the project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 requires new development to demonstrate that adequate emergency vehicle access exists or can be provided to ensure emergency and private vehicles can evacuate the area.

Rationale: The project was reviewed by the County Department of Transportation and no specific conditions are required as the access road is a non-County, privately-maintained road. As shown on the site plans, the project will provide adequate access for private and emergency vehicles. The project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 restricts development or disturbance on slopes over 30 percent to prevent soil erosion and sedimentation.

Rationale: The proposed building site for the ADU with attached wine/root cellar and 3,000-gallon water tank would be located in an area that is already graded and flat which would avoid soil disturbance on the steeper sloped areas of the parcel; therefore, the project is consistent with this policy.

2.8 The project is consistent with General Plan Policy 7.1.2.2.

General Plan Policy 7.1.2.2 requires discretionary and ministerial projects that require earthwork and grading to minimize erosion/sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces and maximize retention of natural vegetation.

Rationale: The proposed building site for the ADU with attached wine/root cellar and 3,000-gallon water tank would be located in an area that is already graded and flat which would avoid soil disturbance on the steeper sloped areas of the parcel; therefore, the project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 7.4.4.4.

Policy 7.4.4.4 requires all development projects or actions resulting in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, mitigate for those impacts as outlined in the County Oak Resources Management Plan (ORMP).

Rationale: Oak woodlands will not be impacted by this project. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Table 130.24.030 (Residential Zone Development Standards).

Rationale: With the exception of the requested variance, the proposed structure will be consistent with applicable development standards of Table 130.24.030 including thirty-foot front and 30-foot rear yard building setbacks. The project is consistent with this Section.

3.2 The project is consistent with Table 130.30.050.D.

Rationale: Table 130.30.050.D (Fire Safe Setbacks) requires new structures on lots one acre or greater to maintain a 30-foot building setback from all property lines or from the center of the road, unless the applicable fire protection agency approves a lesser setback, but not less than the minimum required by the specific zone district. The applicable fire protection agency, the Pioneer Fire Protection District, received notice of the project plans during the Initial Consultation however did not provide formal comments. Standard conditions to require Pioneer Fire Protection District to review improvement plans for the ADU with attached wine/root cellar and 3,000-gallon water tank at time of future building permit review. The project is consistent with this Section.

3.3 The project is consistent with Section 130.30.050.H.1.

Rationale: Section 130.30.050.H.1 (Specific Riparian Setbacks) requires a 100-foot setback from the Middle Fork of the Cosumnes River. The proposed ADU with attached wine/root cellar and 3,000-gallon water tank is located more than 100-feet from the Middle Fork of the Cosumnes River and therefore is consistent with this Section.

3.4 The project is consistent with Chapter 130.39 (Oak Resources Conservation).

Rationale: As proposed and conditioned, the project is consistent with applicable sections of Chapter 130.39 (Oak Resources Conservation) including Section 130.39.070 (Oak Tree and Oak Woodland Removal Permits - Discretionary Development Projects). No oak woodlands will be impacted or removed as a result of the project; therefore, the project is consistent with this Section.

4.0 VARIANCE FINDINGS

4.1 **There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.**

With the exception of the proposed building site, there are no other feasible building sites on the project parcel due to a combination of existing constraints including steep topography with slopes exceeding 30 percent, the 100-foot setback from the Middle Fork of the Cosumnes River, the 20-foot setback from the utilities easement across the parcel, and the dense native oak woodland (Exhibits G, H).

Similar to other parcels in the vicinity, the majority of the parcel is covered with dense native oak woodland. However, the proposed building site is in an area that is already graded and therefore would not impact the native oak woodland. Approval of the Variance would not impact the existing oak woodland.

Due to significant constraints on the property, it can be found that there are exceptional or extraordinary circumstances or conditions applicable to the land, building or use referred to in this application, and that these circumstances have not resulted from any act of the owner or applicant. Accordingly, Finding 4.1 can be made.

- 4.2 **The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other properties in the vicinity and the same zone (California Government Code Section 65906).**

Table 130.24.020 (Residential Zone Use Matrix) establishes an ADU as an allowed use (“P”) in the RE-5 zone. By requiring the applicant to locate an ADU in accordance with the applicable setbacks of the Estate Residential, Five-Acre Zone District given the constraints described above, the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building allowed for by other land in the vicinity and the same zone. Accordingly, Finding 4.2 can be made.

- 4.3 **The variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).**

Table 130.24.020 (Residential Zone Use Matrix) establishes accessory dwelling units as an allowed use (“P”) in the RE-5 zone. Allowing construction of the ADU with attached wine/root cellar and 3,000-gallon water tank within the side yard setback would allow for the development of a typical-sized secondary residence on the property consistent with existing secondary residences in the vicinity and in the same zone. The proposed ADU would be consistent with other typical ADUs in the vicinity and in the same zone. With the exception of the side yard building setback, the proposed ADU with attached wine/root cellar and 3,000-gallon water tank will comply with all other applicable development standards of the RE-5 zone, including Table 130.24.030 (Residential Zone Development Standards), Table 130.30.050.H.1 (Specific Riparian Setbacks), and Section 130.30.050.D (Fire Safe Setbacks). As such, granting the variance request would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Accordingly, Finding 4.3 can be made.

- 4.4 **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.**

The project was distributed to all applicable responsible agencies, and no comments were received to prevent approval of the Variance. The proposed Variance allowing a reduction in the side yard setback is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.

Further, for purposes of public safety, all site improvements and structures would be subject to applicable permits and codes at the time of construction including the California Building Code, and all applicable County ordinances including the County Grading and Sediment Control Ordinance (Title 120 of the County Ordinance Code) and the County Fire Prevention Ordinance (Chapter 8.08 of the County Ordinance Code).

Therefore, the granting of the proposed Variance would be compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan and will not impact the public health, safety, and welfare, nor will it be injurious to the neighborhood. Accordingly, Finding 4.4 can be made.

CONDITIONS OF APPROVAL

Variance V20-0003/Prosper Falls Zoning Administrator/March 17, 2021

Conditions of Approval:

1. This Variance approval is based upon and limited to compliance with the project description and following exhibits:

Exhibit G.....Site Plan
Exhibit H.....Slope Map

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A Variance request to reduce the required 30-foot side yard setback to five feet to allow for the development of an accessory dwelling unit (ADU) with an attached wine/root cellar and a 3,000-gallon water tank.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Division

2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
3. **Condition Compliance:** Prior to issuance of building or grading permits or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

4. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this Variance, otherwise this permit shall become null and void. The applicant may request a time extension with the Department at least 30 days prior to permit expiration. If a timely request is filed, the County may, at its discretion, extend this time limit by not more than 36 months. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
5. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

El Dorado Irrigation District (EID)

6. As determined by EID, the proposed ADU (granny flat) with attached wine/root cellar with 3,000-gallon water tank shall not impact the existing EID waterline and pump station that is located in an easement on the parcel.
7. As determined by EID, the applicant shall execute a new easement with EID if the project modifies EID's access road alignment to the pump station.
8. The proposed sewer line from the ADU (granny flat) that will cross EID's waterline shall cross perpendicular to the waterline in a sleeve that is incased in concrete. The sewer line shall cross under the existing waterline. The applicant shall enter into an agreement with EID related to the installation on and maintenance of the sewer line.

Pioneer Fire Protection District

9. Improvement Plans for the ADU with attached wine/root cellar with 3,000-gallon water tank shall be submitted to the Pioneer Fire Protection District for review and approval at time of future building permit submittal.

County Surveyor's

10. A Certificate of Correction to Parcel Map 08-03 may be required if a future realignment of an easement is requested.