

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: August 28, 2008
Item No.: 9a
Staff: Gordon Bell

SPECIAL USE PERMIT

FILE NUMBER: S08-0011 (formerly S 73-142)

APPLICANT: Heritage Singers USA

AGENT: George Mace

REQUEST: Revision to existing special use permit to allow for the expansion of the lodge facility to include a 5,000 square foot (50' x 100') steel storage building. The storage building would include a restroom with sink and toilet.

LOCATION: On the north side of Newtown Road, approximately 2 miles east of the intersection with Broadway and Highway 50 in the Placerville area, Supervisorial District III. (Exhibit A)

APN: 096-040-54

ACREAGE: 34.93 acres

GENERAL PLAN: LDR - IBC (Low Density Residential – Important Biological Corridor), (Exhibit B)

ZONING: RE-10 (Estate Residential Ten-Acre) & R3A (Single-family Residential Three Acre) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (MND)

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

On December 13, 1973, the Planning Commission approved Special Use Permits to allow the construction of a dormitory to contain 9 bedrooms, 7 baths, and 3 kitchens. The permit allows for the facility to be used as a lodge for the Heritage Singers singing group. The applicant has requested this special use permit revision to allow for the construction of a storage building to house the property owner's many vehicles, boats, and equipment which is currently being stored outside. This permit would supercede the original permit, thereby incorporating original conditions of approval together with the proposed project and associated conditions of approval.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Zoning Administrator consideration are provided in the following sections.

Project Description: Revision to existing special use permit to allow for the expansion of the lodge facility to include a 5,000 square foot (50' x 100') steel storage building. The storage building would include a restroom with sink and toilet.

Site Description: The project site is located east of the City of Placerville just north of Newtown Road in area characterized by low-density rural residential development. The elevation of the site ranges from 2,200 to 2,450 feet. The project is on a southwest-facing slope above Weber Creek, which is a perennial stream approximately 0.1 miles south of the project parcel. Weber Creek is over 2,000 feet from the disturbance area. An intermittent stream lies approximately 200 feet to the west of the project parcel and approximately 400 feet from the disturbance area. The project is in the watershed of the South Fork American River, Weber Creek sub-shed. The habitat within the parcel varies from relatively undisturbed montane hardwood to old pasture to residential/home business. Soils onsite are comprised of Holland (HkE) very rocky coarse sandy loam and Mariposa-Josephine (McE) very rocky loam. The site is located in Rare Plant Mitigation Area 2. The site is developed with a lodge facility (dormitory consisting of 9 bedrooms, 7 baths, and 3 kitchens), a swimming pool, a 1625 square foot garage, and septic system.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10, R3A	LDR	Rural residential/single-family residence & lodge
North	RE-10	LDR	Rural residential/single-family residence
South	RE-10, R3A	LDR	Rural residential/single-family residence
East	RE-10	LDR	Rural residential/single-family residence
West	RE-10	LDR	Rural residential/single-family residence

General Plan: The General Plan designation of the project is Low Density Residential (LDR). The land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The land use designation permits rural/agricultural uses such as barns and storage buildings. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.5.2 All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Consistent: *As discussed in Attachment 2, staff finds that the project, as proposed/conditioned conforms to the General Plan.*

Policy 2.2.5.20 Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies, and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstrating compliance.

Consistent: *The proposed project is consistent with the County’s General Plan and zoning ordinance with the granting of a Special Use Permit pursuant to the findings contained in Attachment 2.*

Policy 7.4.2.9 The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

Consistent: *The proposed project is consistent with guidelines established in Policy 7.4.2.9 as discussed in the table below:*

Guideline	Project Design Feature
Increased minimum parcel size	The project is much larger than the minimum parcel size of 10 acres designated by the RE-10 zone district.
Higher canopy-retention standards and/or different mitigation standards for oak woodlands	The required retention standard for this site given its parcel size is 80%. Post-project retention will result in a 98% retention.
Lower thresholds for grading permits	Grading will be locally minimized and balanced onsite. No post-project grading impacts are expected from the development of the building pad.
Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss	No wetland/riparian habitat loss will occur as a result of the project.
Increased riparian corridor and wetland setbacks	Proposed construction activities are located well away from existing riparian corridors.
Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Dept. of Fish & Game).	No rare plants were found within the project footprint.
Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	The project footprint would not significantly reduce the area of existing plant communities.
Building permits discretionary or some other type of “site review” to ensure that canopy is retained	Building permits have been applied for by the applicant.
More stringent standards for lot coverage, floor area ratio (FAR) and building height	Given the large parcel size (34.93 acres), and relatively small project footprint, more stringent standards are not required for this project.
No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement)	No fences are proposed as part of this project.

Policy 7.4.4.4 For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total

canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Consistent: *The applicant has prepared a replanting plan that is consistent with Policy 7.4.4.4. Mitigation measures incorporated as conditions of approval will require the applicant to implement this plan.*

Zoning: The subject site is zoned RE-10 (Estate Residential Ten-Acre) and R3A (Single-family residential three acre). The proposed storage building is an allowed use pursuant to Section 17.70.090.B, which allows for "Barns, agricultural structures, etc." by right in the RE-10 zone district.

However, the R3A zone district does not allow for such a structure either as a listed use by right, or as an allowed use with a special use permit. The zone district does allow for accessory uses and structures, including, but not limited to, garage, swimming pool, pumphouse and boathouse pursuant to Section 17.28.420 (A)(1). However, there is already a garage onsite.

Because the facility meets the development standards of both districts, but is not a listed use in the R3A zone district, the project is requesting a Special Use Permit Revision to allow the proposed storage building and ensure consistency with the general plan and the development standards of both zone districts.

The proposed project would comply with all development standards of both zone districts as to minimum lot area, minimum lot coverage, minimum lot width, minimum yard setbacks and maximum building height.

Since the Heritage Singers Lodge facility is presently authorized under Special Use Permit (SUP) S 73-142, the SUP becomes the governing regulatory permit for all uses on the property. The applicant had previously indicated to staff that the storage building may house buses or other material or equipment, the storage building is considered a minor expansion of the lodge.

As the previous SUP is considered antiquated, the new SUP will supercede the former and authorize continuation of the load and the expansion (storage building).

Agency and Public Comments:

No agencies provided comments on the proposed project.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,876.⁷⁵ after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.⁰⁰ recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.⁷⁵ is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources

RECOMMENDATION

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve Special Use Permit Revision S 08-0011, superceding S 73-142 which is hereby null and void;

SUPPORT INFORMATION

Attachments:

- Attachment 1Conditions of Approval
- Attachment 2.....Findings

- Exhibit A.....Vicinity Map/Site Plan
- Exhibit B.....General Plan Land Use Map
- Exhibit C.....Zoning Map
- Exhibit D.....Aerial Photo Showing Property Boundary, Project
Footprint & Oak Tree Impacts
- Exhibit E.....Storage Shed Design
- Exhibit F.....Mitigated Negative Declaration

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number S 08-0011
(formerly S 73-142)**

Conditions of Approval:

1. The project, as approved, consists of the following:

This special use permit revision is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-G (Special Use Permit Revision) dated August 28, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must 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.

Project Description: Approval of this special use permit revision allows for the construction of a 5,000 square foot (50' x 100') steel storage building. The building may include a restroom facility consisting of a sink and toilet with wastewater to be disposed of in a County-approved septic system. The permit also authorizes existing development and uses which includes the following: a lodge that consists of a dormitory with 9 bedrooms, 7 bathrooms, and 3 kitchens; a swimming pool; an approximately 1625 square foot garage; and a septic system to serve the lodge.

2. All site improvements shall conform to Exhibits A-G.

Mitigation Measures:

3. **MM Bio-1:** If tree removal occurs during the nesting/fledging period (February 15-September 15), the site shall be re-surveyed by a qualified biologist. If nesting raptors or other protected birds are identified, then the property owner will notify the California Department of Fish & Game (CDFG) to establish an appropriate construction avoidance buffer around the tree (typically 500 feet for raptors and 200 feet for other birds) until the nesting season has ended.

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-2:** Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the

County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of any one of the following options will reduce impacts to a less than significant level:

- a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit (see Appendix C in the *Biological Resources Study and Important Habitat Mitigation Program* prepared by Sierra Ecosystem Associates, April 3, 2008). A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.
- b. Payment of all fees required under Option B of General Plan Policy 7.4.4.4 to the county's Integrated Natural Resources Management Plan (INRMP). Payment of fees shall be at a migration ratio of 2:1 and based on all impacted oak woodland acreage. Payment of fees and successful completion of this alternative is dependent upon county adoption and implementation of the INRMP by the County and approval of Planning Services.

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning

5. **MM Bio-3:** If option a. above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the replanted oak saplings and/or oak acorns for this project.

Timing/Implementation: Prior to issuance of occupancy permits

Enforcement/Monitoring: El Dorado County Planning

6. **MM-Hyd-1:** The applicant shall install rain gutters designed to collect and direct drainage from the roof to discharge points around the building. Appropriate energy dissipators shall be installed at downspouts to reduce downslope erosion.

Development services shall review building plans and/or grading and drainage plans to ensure that measures to collect runoff have been incorporated into the project design.

Timing/Implementation: Prior to issuance of building permit

Enforcement/Monitoring: El Dorado County Development Services

Planning Services

7. 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 developer and land owner 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 of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

8. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
9. Prior to issuance of a building permit 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. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
10. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.
11. The applicant shall sprinkler the proposed structure if so recommended by the El Dorado County Fire Protection District.
12. The project is located within Rare Plant Mitigation Area 2. Appropriate fees shall be paid to Development Services.

ATTACHMENT 2

FINDINGS FOR APPROVAL

File Number S 08-0011

1.0 CEQA Finding

- 1.1** El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2** The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan Consistency), 2.2.5.20 (General Plan Consistency Compliance), 7.4.2.9 (Important Biological Corridor), and 7.4.4.4 (Oak Canopy Retention) and has been found to be consistent with these policies with incorporation of mitigation measures requiring tree replacement. The proposed project is also consistent with the General Plan Land Use Designation of LDR which allows for agricultural outbuildings.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed storage building will comply with the Development Standards of the RE-10 and R3A zoned districts. The proposed Special Use Permit revision has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use is not specifically permitted by special use permit in the R3A zone district pursuant to 17.28.420, but is allowed by right in the RE-10 zone district pursuant to 17.70.090(B). In order to determine the suitability of the proposed use in this mixed zone district, a special use permit is required. Special use permit findings may be made by the Zoning Administrator specific to this project as outlined above. The proposed SUP revision (S 08-0011) will supercede and authorize all uses and development previously authorized under Special Use Permit S 73-142.

3.0 ADMINISTRATIVE FINDINGS

- 3.1 The proposed use conforms to the Zoning Ordinance because the project meets all development standards for a storage building within the R3A and RE-10 Zone Districts. The approval of this special use permit will not nullify any of the conditions of approval or objectives of the previously approved Special Use Permit.