

ELDORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: July 5, 2006
Item No.: 5.a.
Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S05-0037

APPLICANT: Mark and Ruth Stewart

REQUEST: Special use permit to allow construction of a detached single-family residence and maintenance building.

LOCATION: On the south side of U.S. Highway 50, approximately 300 feet of the intersection with Twin Mountain Road in the Pollock Pines area.
(Exhibit A)

APN: 009-051-34

ACREAGE: 38.74 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Timber Preserve Zone (TPZ) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

STAFF ANALYSIS

Project Description: Special use permit to allow construction of a new single-family detached residence and maintenance building. The residence is proposed to be approximately 2,200 square feet with three bedrooms. The maintenance building is proposed to be approximately 1,500 square feet. The proposed buildings are to be located approximately 60 feet from an existing communication tower easement.

Proposed Access: The project site is accessed off Twin Mountain Road via a dirt driveway. Twin Mountain Road is accessed. The proposed driveway will be approximately 10 feet wide and 700 feet long accessed directly off of Twin Mountain Road. The proposed driveway is to be constructed at 12 percent grade. An existing 18 percent grade driveway currently provides to access to the proposed project site.

Site Description: The project parcel is 38.74 acres at an elevation of approximately 4,300 feet. The parcel functions as an actively managed tree farm. The northwest property line abuts U.S. Highway 50. Due to the vegetation on the parcel, the proposed home site and maintenance building will be completely screened from the highway.

On March 21, 1995 the Board of Supervisors approved a rezone (Z 94-0020) to change the project parcel zoning from Residential Estate Ten-acre (RE-10) to Timber Preserve Zone (TPZ.) A Forest Management Plan submitted in 1994 identifies 32 acres of the parcel as potential growing areas. The project parcel contains primarily Douglas fir *Pseudotsuga mensiesii*, ponderosa pine *Pinus ponderosa*, sugar pine *Pinus lambertiana*, incense cedar *Calocedrus decurrens*, and black oaks *Quercus kelloggii*.

There is an existing 164 foot by 250 foot communications easement approximately 55 feet north of the proposed project site. Located within the easement are communications towers and equipment shelters. The communications facilities are accessed via the existing driveway.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	LDR	Actively managed tree farm
North	R2A	MDR	Residential
South	RA-20	LDR	Residential
East	RE-5	LDR	Residential
West	CG	C	Vacant Land

Discussion: The project parcel is surrounded by residentially zoned parcels and a vacant commercial parcel. This project, as proposed and conditioned shall remain compatible with the surrounding existing and potential land use capabilities.

General Plan: The General Plan designates the subject site as Low Density Residential (LDR). LDR establishes areas for single-family residential development in a rural setting. Additionally, the following General Plan policies also apply to this project:

Policy 2.6.1.1 suggests the need for establishing standards and to preserve the scenic resources along U.S. 50. U.S. Highway 50 from the eastern limits of the Forni

Road/Placerville Drive interchange to South Lake Tahoe has been designated by Caltrans in April of 1985 as a State Scenic Highway.

Discussion: US Highway 50 abuts the northwestern edge of the project parcel. The proposed project site is over 1000 feet away from Highway 50 and is entirely screened from view by existing vegetation.

Policy 8.4.2.1 requires the Agricultural Commission to evaluate all discretionary development applications involving lands zoned Timberland Production (TPZ). Prior to granting approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;*
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;*
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;*
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and*
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands*

Discussion: During the Agricultural Commission meeting on January 11, 2006, the proposed project was heard and approved. The project approval was conditioned with the recommendation to the County Assessor that the six (6) acres of non-growing area be removed from the Timber Preserve Site Class Valuation and valued pursuant to 435C of the Revenue Taxation Code.

Conclusion: The applicant has designed residence and maintenance building in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated during the research leading up to this staff report. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

The recommendation from the Agricultural Commission regarding the Site Class Valuation has been forwarded to the County Assessor for consideration.

Zoning: The project parcel is zoned Timberland Preserve Zone (TPZ.) TPZ was established as a means to protect and encourage the production of timber and associated activities. Pursuant to Section 17.44.030 of the County Zoning Code, residential use is not permitted by right in TPZ.

The County Zoning Ordinance may allow residential uses through a Special Use Permit:

17.44.050 Criteria for residential use establishes that residential use is generally inconsistent with TPZ zoned land. Upon the recommendation of the Agricultural Commission, the zoning administrator may grant a special use permit for construction of one owner or caretaker occupied single-family detached dwelling.

Discussion: During the Agricultural Commission meeting on January 11, 2006, a motion was passed to recommend approval of Special Use Permit S 05-0037.

The approval by the Agricultural Commission was conditioned with a recommendation to the County Assessor that based upon the applicant's 1994 Forest Management Plan identifying non-growing areas, that six (6) acres be removed from the Timber Preserve Site Class Valuation and valued pursuant to 435C of the Revenue Taxation Code.

Planning Services conditional approval of S05-0037 is not contingent upon the Agricultural Commission recommendation to revalue the 6 acres of non-growing areas on the property. The determination of acreage to be revalued is a matter to be resolved between the applicant and the Assessor's Office.

State Responsibility Fire Safe Plan

As required in Condition of Approval Number 3 Letter A from the El Dorado County Fire Protection District, a fire safe plan is required. (Exhibit G) Approved on May 8, 2006 by the El Dorado County Fire Protection District and the Department of Forestry and Fire Protection, the Fire Safe plan outlines fire defense actions required prior to occupancy of the residence.

In the *Access* section of the *Fire Safe Plan*, the project is required to improve Twin Mountain Road to meet *Title 14 Fire Safe Regulations*. The improvements on Twin Mountain Road are to extend from the CalTrans right of way to the forks of the private driveways. The roadway is required to be improved to 18 feet with a maximum 12 percent grade with portions of 15 percent grade not to exceed 600 feet. The surface of the road is to be graveled and capable of supporting a 40,000 pound load.

The approved *Fire Safe Plan* roadway requirements are a reduction of the Department of Transportation Condition 6 of Approval which requires Twin Mountain Road be improved to Roadway Standards 101C.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Fire Department:

The applicant is required to provide documentation from the El Dorado County Irrigation District (EID) to show that the required fire flow can be sustained at the project site. An additional fire hydrant is to be installed near the residence or an approved sprinkler system is to be constructed.

Department of Transportation:

A grading plan is required and is to be in conformance with the El Dorado County *Design and Improvements Manual* and the *Grading, Erosion and Sediment Control Ordinance*. The applicant shall make Irrevocable Offer of Dedication for Twin Mountain Road and other access roads. Twin Mountain Road and other access roads shall be improved to Standard Plan 101C.

Environmental Management:

The applicant will be required to submit a soil evaluation and percolation test along with a sewage disposal system design.

Copies of their written comments are available at Planning Services office.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

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 has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a negative declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the notice of determination and certificate of fee exemption with the State in accordance with State Legislation (*California Fish and Game Code Section 711.4*).

RECOMMENDATION

Adopt the negative declaration based on the initial study prepared by staff and approve the special use permit based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Assessors Map
Exhibit F	Floor Plan of Proposed Structures
Exhibit G	State Responsibility Area Fire Safe Plan

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S05-0037

CONDITIONS OF APPROVAL

El Dorado County Planning Services

1. The project, as approved, consists of the following: construction of a single-family detached residence and maintenance building. The project will also involve the construction of an access driveway to the home site and the abandonment of the existing driveway.
2. All site improvements shall conform to the site plan(s) attached as Exhibits D and E.

El Dorado County Fire Protection District:

3. The following items shall be completed to the satisfaction of the El Dorado County Fire Protection District. Prior to building permit issuance, a letter from El Dorado County Fire Protection District must be submitted to Planning Services.
 - A. Submit review fee of \$150.00
 - B. Fire flow for this project is 1000 gpm @ 20 psi for two hours.
 - C. Provide documentation from El Dorado Irrigation District and the Fire District to show that the system will meet required fire flow for this project.
 - D. The existing hydrant on the applicant's property is approximately 2,000 feet from the building sites. An additional hydrant will be required at the home and barn site.
 - E. In place of additional hydrant the applicant may choose an approved residential sprinkler system for the home and barn.
 - F. The system will be an NFPA 13D residential sprinkler system and be approved by the El Dorado County Fire Protection District.
 - G. Driveways exceeding 15 percent shall be all weather (paved).
 - H. Fire Safe Plan required.
 - I. Any gates that are not shown will require Fire District approval.

Department of Transportation

4. A grading plan is required. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, and the *Drainage Manual*.
5. Applicant shall make an irrevocable offer of dedication for Twin Mountain Road and other access roads to properties beyond the subject property.
6. Twin Mountain Road and other access roads through the property shall be improved to the requirements of Standard Plan 101C. The improvements may be shown on the grading plan.
7. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
8. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
9. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible El Dorado County Fire Protection District.
10. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible El Dorado County Fire Protection District. The Department of Transportation will require plans to meet Fire Safe Standards, but only the responsible El Dorado County Fire Protection District may waive or relax those Fire Safe Standards.
11. If human remains are discovered at any time during the grading or improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per *Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code*. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.
12. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
13. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.

14. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the *Drainage Manual and the Storm Water Management Plan*, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

Environmental Management

15. Soil evaluation and percolation test, along with a sewage disposal system design will be required when applying for a building permit. Sewage disposal system designs will be accepted for review only from registered civil engineers, registered geologists, certified professional soil scientists, or registered environmental health specialists. The sewage disposal design must also include a recent well production report.

ATTACHMENT 2 FINDINGS

FILE NUMBER S05-0037

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

CEQA

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the initial study; a negative declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a certificate of fee exemption (DFG 753.5-5/91 is applicable).

Administrative Findings

2. The proposed use and design conforms to the County General Plan policies

The General Plan designates the subject parcel as Low Density Residential (LDR) which establishes areas for single-family residential development in a rural setting.

3. The use is 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, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

The proposed development complies with *Section 17.44.050 of the Zoning Code* requiring recommendation of approval from the Agricultural Commission prior to approval by the Zoning Administrator. The applicant has successfully demonstrated that the proposed residential use will supplement the timber use based upon the required findings *in Section 17.44.050*.