

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: January 21, 2009
Item No.: 5.a.
Staff: Thomas A. Lloyd

PARCEL MAP AMENDMENT/VARIANCE

FILE NUMBER: P 77-0230-C-1/V 08-0008

APPLICANT: Denis Axtell

REQUEST: Request to: 1) Amend Parcel Maps 7-72 and 16-24 by reducing an existing 56-foot wide non-exclusive road and public utilities easement to 50 feet by narrowing the westerly 28-foot half of the easement to 22 feet, 2) Reduce the front yard setback from 30 feet, measured from the edge of the existing 56 foot easement, to three feet from the edge of the 50-foot easement referenced above, to permit an existing 1,240 square foot RV garage; and 3) Make a finding of consistency with the Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 for the reduction of setback from an intermittent stream for said garage from 50 feet to six feet at its closest point.

LOCATION: On the north side of Creekside Drive, 200 feet west of the intersection with Hillwood Drive in the Shingle Springs area, Supervisorial District II (Exhibit A).

APN: 090-400-22

LOT SIZE: 5.25 Acres

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

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Sections 15268(b)(3) and 15305(a) of the CEQA Guidelines.

RECOMMENDATION:

Staff recommends the Zoning Administrator take the following actions:

1. Certify that Parcel Map Amendment P 77-0230-C-1 and Variance V 08-0008 are Exempt from the requirements of CEQA pursuant to Sections 15268(b)(3) and 15305(a) of the CEQA Guidelines;
2. Approve Parcel Map Amendment P 77-0230-C-1 based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2;
3. Approve Variance V 08-0008 based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2; and
4. Find the intermittent stream setback reduction from 50 feet to six feet consistent with the Interim Interpretive Guidelines for General Plan Policy 7.3.3.4.

BACKGROUND: Code compliance case #186678 was opened January 8, 2008, as the subject metal RV garage structure had been built without permit. On February 29, 2008, the applicant applied for a building permit to legalize the construction. During initial review of the building permit, #187340, permit center staff discovered that the building was encroaching significantly into the required front yard setback, into the existing non-exclusive road and public utilities easement, and into the 50-foot setback imposed on intermittent streams pursuant to General Plan Policy 7.3.3.4. It was then determined by staff that the applicant would need to pursue both a variance and a map amendment, with the former being contingent upon approval of the latter. As such, the map amendment and variance applications have been reviewed and processed concurrently.

The map details are as follows. On July 6, 1977, parcel map 16-24 (Exhibit E) was recorded, creating the 5.25 acre subject parcel as Parcel C of said map. Recorded on the map is a 56-foot Non-exclusive Road and Public Utilities Easement, subject to modification by the proposed map amendment. Upon review by the County Surveyor, it was discovered that the easement can also be found on Parcel Map 7-72 (Exhibit F), recorded March 20, 1974. The project will be conditioned such that both maps are amended to reflect the change.

STAFF ANALYSIS

Project Description: With this project, the applicant seeks to legalize an existing 1,240 square foot RV garage built without benefit of permit. Building permit #187340 cannot be issued unless and until Parcel Maps 7-72 and 16-24 are amended, reducing an existing 56-foot wide non-exclusive road and public utilities easement to 50 feet by narrowing the westerly 28-foot half of the easement to 22 feet (Exhibit J). Further, the front yard setback must be reduced from 30 feet, measured from the edge of the existing 56 foot easement, to three feet from the edge of the 50-foot easement referenced above through approval of a variance. Finally, the Zoning Administrator must make a finding of consistency with the Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 for the reduction of setback from an intermittent stream for said garage from 50 feet to six feet.

Amending of Final Maps: Both Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allow for the amendment of a final map by filing a certificate of correction or by map amendment. Should the Zoning Administrator approve the amendment, certificates of correction would be required to remove the easement from the recorded maps.

Section 16.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 2. These findings also require conformance with the Subdivision Map Act, specifically Section 66474. This section states that a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes the following finding:

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Amended by Stats. 1982, Ch. 518.)

Discussion: In order to approve the map correction/amendment, the County must find that the corrected map complies with the Government Code. As this amended map will be modifying an existing easement of record, it is essential that any and all parties with interest in the easement be recognized through the public hearing process. As a condition of approval, the applicant will be required to provide proof of a quit claim deed from all parties who have an interest in the easement, or other such necessary title instrument, sufficiently demonstrating that all interests in said easement have been vacated, and that the easement has been removed from title. Based on comments received from public agencies, the analysis contained within this report, and the required conditions of approval, staff finds that the project would not be detrimental to the public health, safety and welfare and nor be injurious to the neighborhood. These findings are detailed in Attachment 2.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	MDR	Single-family residence
North	RE-5	MDR	Single-family residence
South	RE-5	MDR	Single-family residence
East	RE-5	MDR	Undeveloped
West	RE-5	MDR	Single-family residence

General Plan: The County General Plan designates the subject parcel as Medium Density Residential. This land use designation establishes areas suitable for detached single-family residences with larger lot sizes. Additionally, this land use designation is to be used transitionally between the more highly developed and the more rural areas of the County. The parcel is located in an area which buffers between the more intense land uses of Placerville to the south and the larger, more rural County parcels to the north. The existing single family dwelling and the existing RV garage, the permitting of which is subject to the approval of these projects, are acceptable uses in this designation.

Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Discussion: Due to the rapid change in elevation from the road down to the creek and, subsequently, the garage site, the garage is fairly well shielded below the grade of the road, imposing minimum visual impacts on the surrounding parcels.

Policy 7.1.2.1 states that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.

Discussion: Although the majority of the parcel is steeply sloped (Exhibit H), the area on which the RV garage has been constructed is level. As such, the reduced setback granted through this variance will not be utilized for development on slopes of greater than 30 percent.

Policy 7.3.3.4 provides for protective buffers and special setbacks for the protection of riparian areas and wetlands.

Discussion: This policy is discussed in further detail in the “Intermittent Stream” section below.

Policy 7.4.4.4 and the **El Dorado County Oak Woodland Management Plan** prescribe oak tree retention and replacement standards for all new development projects.

Discussion: While the parcel is heavily forested with mixed conifer and oak woodlands (Exhibit I), the project would be consistent with the oak canopy retention requirements of Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan. The applicant is requesting the proposed variance to legitimize a previously constructed structure, built on a previously graded and cleared pad and, as such, no oaks will be removed.

Impact on the Intermittent Stream:

A biological site assessment was prepared by Ruth Wilson, MA (Exhibit K). This assessment was required to evaluate the biological impacts resulting from the placement of the metal RV garage in such close proximity to an intermittent stream. In her report, Ms. Wilson notes that the pad was graded more than twenty years ago, and that the subject building has been in place for over two years (as of February, 2008).

The stream of concern is Shingle Creek, an intermittent stream. The setback requirement for an intermittent stream is 50 feet, pursuant to the *Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4, Adopted June 22, 2006*. The setback required to allow issuance of the building permit would effectively reduce the 50-foot setback to six feet at the northwest corner of the RV garage and to approximately 24 feet at the southwest corner.

Ms. Wilson has concluded that the building in its current location would have no impact on wetlands, riparian vegetation, wildlife or special status species, specifically due to the steep stream gradient which precludes the formation of wetlands. Further, the report notes that ample space for wildlife movement exists on either side of the stream. Thus the reduced setback poses no threat to migration routes.

It should also be noted that, in satisfaction of conditions from the Department of Transportation to limit erosion and sedimentation of the stream, the applicant has installed a French drain system extending from the northeastern corner of the structure northward toward the creek. The drain consists of a four inch diameter perforated plastic drainpipe wrapped in permeable landscape fabric and buried in a two-foot wide by two-foot deep by 29-foot long trench. The trench was then been backfilled with 1 1/2 inch diameter crushed rock to a depth of six inches. The remaining depth was filled with additional rock gravel. Both downspouts have been diverted to convey rainwater on top of this French drain system. The French drain provides adequate best management practices (BMP's) for the scale of this project and DOT has reviewed photographic proof the system has been installed as indicated.

Discussion: The biological assessment has concluded that the reduced intermittent stream setback proposed for the existing RV garage would have no impact on the creek, wildlife, vegetation, or wetlands. Further, the project has been conditioned to provide best management practices to minimize the impacts on the wetland area. As such, the applicant's request to reduce the wetland setback from 50 feet to six feet at the northwest corner of the RV garage and to approximately 24 feet at the southwest corner is consistent with the El Dorado County General Plan. Findings of Consistency with the intent of Policy 7.3.3.4, as required by the *Interim Interpretive Guidelines* are listed in Attachment 2 of this staff report.

Conclusion: Staff finds that the proposed project, as conditioned, is consistent with the above requirements of the 2004 General Plan and Section 66472.1 of the California Government Code, (Subdivision Map Act) because the amendment of the subject parcel maps, the subsequent modification of the recorded 56-foot easement, the variance to the front yard setback mandated by the Zoning Ordinance, and the reduction of the 50-foot intermittent stream setback would not adversely impact any public agency or any party with interest in this easement, nor be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.

Zoning: The project site is zoned estate Residential Five-acre (RE-5). Section 17.28.190.A.1 allows accessories uses and structures such as the subject RV garage "by right." The setbacks required by the development standards of Section 17.28.210 are thirty feet on all yards.

Discussion: With the exception of areas previously graded for the house, a horse paddock, and the driveway, the project site is severely constrained by oak canopy, slopes in excess of 30, and in some cases 40 percent, and a seasonal stream which bisects the parcel from roughly east to west along its southeastern corner. Possible building sites are limited only to the one chosen by the applicant where the subject RV garage is located (Exhibit G). As such, the applicant requests a variance based on *Section 17.22* which provides a procedure through which the provisions of Title 17 may be varied or modified in cases where practical difficulties and unnecessary hardships make strict application infeasible. If the subject map amendment and variance are not approved, the building permit pending for the “as built” RV garage cannot be issued. With no other feasible location to site the building, the garage would have to be demolished and removed.

Variance Findings: The granting of a variance requires four findings pursuant to *Section 17.24.040* of the *County Zoning Ordinance*. These findings for approval and their respective discussions are listed in Attachment 2 of this report.

Conclusion: As discussed above, staff finds the variance, as proposed and conditioned, is consistent with all applicable provisions of *County Zoning Ordinance Title 17*.

ENVIRONMENTAL REVIEW

The map correction project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. As the reduced setback to the intermittent stream has been found by a qualified biologist to have no impact on the stream, the variance project is also Categorical Exempt pursuant to *Section 15305(a)* that allows minor alterations in land use limitations for a variance. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings for Approval
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor’s Parcel Map
Exhibit E	Parcel Map 16-24
Exhibit F	Parcel Map 7-72
Exhibit G	Site Plan
Exhibit H	Slope Map
Exhibit I	Aerial Photo (Oak canopy)
Exhibit J	Easement Detail
Exhibit K	Biological Assessment/Site Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

**FILE NUMBERS P 77-0230-C1 AND V 08-0008 / Axtell
Zoning Administrator Hearing January 21, 2009**

Planning Services

1. The subject Parcel Map Amendment and Variance are based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-K dated January 21, 2009, 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.

The project description is as follows:

An amendment to Parcel Maps 7-72 and 16-24, reducing an existing 56-foot wide non-exclusive road and public utilities easement to 50 feet by narrowing the westerly 28-foot half of the easement to 22 feet, a reduction of the front yard setback from 30 feet, measured from the edge of the existing 56 foot easement, to three feet from the edge of the 50-foot easement referenced above, to permit an existing 1,240 square foot RV garage; and a finding of consistency with the Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 for the reduction of setback from an intermittent stream for said garage from 50 feet to six feet at its closest point.

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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

3. The map correction project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. The project is also Categorically Exempt pursuant to *Section 15305(a)* that allows minor alterations in land use limitations for a variance. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the respective Notices of Exemption for each project.
4. Prior to recordation, the applicant shall provide to Planning Services proof of a quit claim deed from all parties who have an interest in the easement, or other such necessary title instrument, sufficiently demonstrating that all interests in said easement have been vacated, and that the easement has been removed from title.
5. All Planning Services fees shall be paid in full prior to recording of the Certificates of Correction.
6. Variance V 08-0008 is subject to the Zoning Administrator's approval of Map Amendment P 77-0230-C. The Certificate(s) of Correction referenced in Condition 7 below shall be recorded prior to final occupancy of Building Permit #187340 for the subject RV garage. The variance shall be rendered null and void if the Certificates of Correction are not recorded.

Office of the County Surveyor

7. The property owners shall submit a Certificates of Correction effecting PM 16-24 and PM 7-72. The certificates shall be prepared by an appropriately licensed professional and submitted to the County Surveyor, pursuant to the Subdivision Map Act and County Code, for review. Upon approval by the County Surveyor, the "Certificates of Correction" shall be recorded in the County Recorder's Office. The property owners are responsible for all associated processing and recording fees.

El Dorado County Department of Transportation

8. SWMP Compliance: The applicant shall provide improvement plans consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation. At a minimum, the plans shall include indication of the points of discharge into the creek and Best Management Practices (BMPs) to be used onsite. The improvements shall be completed to the approval of the Department of Transportation prior to recording the Certificates of

Correction or the applicant shall obtain an approved improvement agreement with security.

9. Hold Harmless Agreement: Prior to recording the Certificates of Correction, the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of the encroachment into the creek setback. The form of said document shall be reviewed and approved by the county Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office. An official copy shall be sent to the Department of Transportation.

ATTACHMENT 1

FINDINGS

FILE NUMBERS P 77-0230-C1 AND V 08-0008 / Axtell Zoning Administrator Hearing January 21, 2009

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 pursuant to Section 66472.1 of the California Government Code:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The map correction project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. The variance project is also Categorically Exempt pursuant to *Section 15303(e)* that allows accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in areas where no sensitive environmental resources exist, as well as *Section 15305(a)* that allows minor alterations in land use limitations for a variance.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with the applicable policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report, specifically Policies: 2.2.5.21 (compatibility with surrounding uses), 7.1.2.1 (prohibition of development on slopes in excess of 30 percent), 7.3.3.4 (wetland and riparian setbacks), and 7.4.4.4 (oak canopy retention) because it is compatible with adjoining land uses, no development will occur on slopes greater than 30 percent, it has been reviewed for consistency with the *Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4*, and no oak trees will be removed as a result of the project.

3.0 MAP AMENDMENT FINDINGS, Pursuant to Section 16.72.040

- 3.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.*

The existing 56-foot easement found on the subject Parcel Maps is more than sufficient for the existing roadway, as the Department of Transportation now typically requires only a 50-foot Road and Public Utilities Easement for residential roadways not maintained by the County. While the Department of Transportation cannot explicitly grant a reduction in width, the Department does support the request since the current 50-foot standard would be met.

- 3.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.*

Amending Parcel Maps 16-24 and 7-72 by reducing an existing 56-foot wide non-exclusive road and public utilities easement to 50 feet by narrowing the westerly 28-foot half of the easement to 22 feet would benefit, and not burden, the current owner.

- 3.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.*

As a condition of approval, the applicant will provide Planning Services with proof of quit claim or other sufficient device illustrating that all interest in the easement has been dissolved. As such, the modification to the map will not alter any right, title, or interest in the real property reflected on the map.

- 3.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.*

The applicable portion of Section 66474(g) requires that the County find the amendment of Parcel Maps 16-24 and 7-72 by reducing an existing 56-foot wide non-exclusive road and public utilities easement to 50 feet by narrowing the westerly 28-foot half of the easement to 22 feet will not conflict with easements for access through or use of property adjacent or adjoining to said parcel. The road is generally developed to a 14-foot width through the subject parcel. No utility company, public agency, or parcel owner with interest in the easement areas within the subject easement objected to its reduction.

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 areas previously graded for the house, a horse paddock, and the driveway, the project site is severely constrained by oak canopy, slopes in excess of 30 percent and in some cases 40 percent, and a seasonal stream which bisects the parcel from roughly east to west along its southeastern corner. Possible building sites are limited only to the one chosen by the applicant where the subject RV garage is located.

- 4.2 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

Without the proposed variance, the existing RV garage could not be permitted, and would have to be removed. The use of a garage is allowed by right in the RE-5 zone district. Most residences in the area have been able to develop their property with garages. The existing woodlands and steep topography necessitate the placement of the RV garage in its current location, as no other level areas are available.

- 4.3 *The variance is the minimum necessary for the reasonable use of the land or building.*

The southwest corner of the RV garage is located approximately 25 feet from the edge of the pavement of Creekside Drive. Further, the building is located approximately seven feet below the grade of Creekside Drive. To accommodate the existing structure, the reduction of the front yard setback from 30 feet, measured from the edge of the existing 56 foot easement, to three feet from the edge of the new 50-foot easement recorded as part of this project is the minimum necessary for use of the RV garage.

- 4.4 *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

Due to the rapid change in elevation from the road down to the creek and, subsequently, the garage site, the garage is fairly well shielded below the grade of the road, imposing minimum visual impacts on the surrounding parcels. Further, the project has been conditioned by the Department of Transportation to assure storm water runoff to the creek is managed properly through the use of Best Management Practices (BMPs).

5.0 REDUCTION OF INTERMITTENT STREAM SETBACK FINDINGS

- 5.1 *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.*

Possible building sites are limited only to the one chosen by the applicant where the subject RV garage is located. As the project parcel is severely constrained by the subject seasonal stream which bisects the parcel from roughly east to west along its southeastern corner, the setbacks imposed by Policy 7.3.3.4 would preclude development on this site, graded more than twenty years ago.

- 5.2 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

Appurtenant structures such as garages are afforded by right in the Estate Residential Five-acre (RE-5) zone district. With topography which severely constrains the parcel, the only available site on which the garage could be placed was utilized by the applicant. Without a reduction to the intermittent stream setback, the structure cannot be permitted; and with no other suitable site for construction, the structure would have to be demolished and removed.

- 5.3 *The reduction of stream setback is the minimum necessary for the reasonable use of the land or building.*

The project request to reduce the wetland setback from 50 feet to six feet at the northwest corner of the RV garage and to approximately 24 feet at the southwest corner is the minimum necessary to allow issuance of building permit #187340, as this is the full extent of the existing structure's encroachment into the stream setback.

- 5.4 *The reduction of stream setback is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

A biological assessment was prepared by Ruth Wilson, a qualified biologist. The study found that the building in its current location six feet from the stream would have no impacts on wetlands, riparian vegetation, wildlife or special species. Further, the project has been conditioned by the Department of Transportation to assure storm water runoff to the creek is managed properly through the use of Best Management Practices (BMPs).