

NEGATIVE DECLARATION

FILE: V13-0001

PROJECT NAME: Warren Variance

NAME OF APPLICANT: Laurence and Kathy Warren

ASSESSOR'S PARCEL NO.: 092-221-04

SECTION: 23 **T:** 9N **R:** 10E

LOCATION: West side of Monitor Road, one-mile south of the intersection with Dolomite Drive in the El Dorado area.

- GENERAL PLAN AMENDMENT:** **FROM:** **TO:**
- REZONING:** **FROM:** **TO:**
- TENTATIVE PARCEL MAP** **SUBDIVISION TO SPLIT** **ACRES INTO** **LOTS**
SUBDIVISION (NAME):
- SPECIAL USE PERMIT TO ALLOW:**
- OTHER:** Variance to reduce the 30-foot side yard setbacks required under the RE-5 zone to 10 feet.

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

- NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.**
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.**
- OTHER:**

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

This Negative Declaration was adopted by the *(hearing body)* **on** *(date).*

Executive Secretary

EXHIBIT I



**COUNTY OF EL DORADO PLANNING SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CA 95667**

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

Project Title: V13-0001, Warren Variance

Lead Agency Name and Address: County of El Dorado, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Lillian MacLeod, Project Planner

Phone Number: (530) 621-5355

Property Owner's Name and Address: Laurence and Kathy Warren, 6676 Monitor Rd., El Dorado, 95623

Project Applicant's Name and Address: Same as owner.

Project Agent's Name and Address: David Shields, 4028 Morningview Way, El Dorado Hills, 95762

Project Location: West side of Monitor Road, approximately one mile south of the intersection with Dolomite Drive in the El Dorado area.

Assessor's Parcel Number(s): 092-221-04

Zoning: RE-5 (Estate residential – 5 acres)

Section: 23 **T:** 9N **R:** 10E

General Plan Designation: LDR-PL (Low density residential-Platted land)

Description of Project: Variance to allow a reduction in the side yard setback from 30 feet to 10 feet to allow the installation of ground-mounted solar panels.

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plan</u>	<u>Land Use</u> (e.g., Single Family Residences, Grazing, Park, School)
Site:	RE-5	LDR-PL	Single-unit residential
North:	RE-5	LDR-PL	Single-unit residential
East:	RE-5	LDR-PL	Single-unit residential
South:	RE-5	LDR-PL	Undeveloped
West:	RE-5	LDR-PL	State Route 49

Briefly Describe the environmental setting: The lot lies at an average of 1,620 feet above mean sea level and has a 24 percent westward slope from an elevation of 1,720 to 1,520 feet. Vegetation consists of landscaping and several oak trees surrounding the residential development on the easternmost part of the parcel; oak woodland in the mid-portion immediately west of the fire break running north/south; and oak savanna on the western part of the parcel.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology / Soils
Hazards & Hazardous Materials	Hydrology / Water Quality	Land Use / Planning
Mineral Resources	Noise	Population / Housing
Public Services	Recreation	Transportation/Traffic
Utilities / Service Systems	Mandatory Findings of Significance	

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:  Date: 3/28/13

Printed Name: Lillian Macleod, Senior Planner For: El Dorado County

Signature:  Date: 28 March 2013

Printed Name: Peter Maurer, Principal Planner For: El Dorado County

EXISTING DEVELOPMENT

The existing residence sits slightly below street grade on the project parcel and has its foundation tiered to accommodate the 24 percent downward grade. A fire break approximately 15 feet in width separates the developed area from the western two-thirds of the parcel. Improvements consist of the primary residence and a portable greenhouse-like structure adjacent to the fire break and the southern property line. Landscaping on the south side of the residence consists of low-growing shrubs and two oak trees. Hardscape material consists of several keystone steps within the landscaped area.

The adjoining parcel, APN 092-221-05, is undeveloped, but has been extensively cleared of trees and vegetation along the shared boundary area with the project parcel. A gate in the wire fence separating the two parcels allows access to the project parcel at the above-referenced fire break.

ENVIRONMENTAL IMPACTS

The proposed project is for a variance of development standards to reduce the setback on the southern property line from 30 feet to 10 feet, in order to situate a 420 square foot solar collection panel on concrete piers. As the project parcel has a 24 percent slope, the categorical exemption under Section 15305 of the CEQA Guidelines pertaining to minor alterations in land use limitations does not apply and an environmental analysis must be performed.

Under the Zoning Ordinance, solar panels are considered an accessory residential use allowed by right subject to building codes and development standards for the zone. In this case the subject RE-5 zone requires 30 foot setbacks from all property lines. The project site is currently developed consistent with the rural residential zoning and character of the surrounding area. The project site does not have riparian features, habitat, or federally protected wetlands on site; mineral resources classified MRZ-2x; or any fish and wildlife species listed as protected by the State or federal government pursuant to the 2004 General Plan EIR. The project site is not in an Important Biological Corridor.

The proposed installation of the solar panels and accessory energy conversion equipment will not require any grading that would impact air quality plans or standards including greenhouse gases, cultural resources, or increase odors or pollution concentrations to any discernable level. Any noise generated from installation of the solar panels and accessory equipment will be subject to General Plan Policy 6.5.1.11 reducing any noise impacts from temporary construction to less than significant.

The solar collection panels are proposed for installation in a cleared area approximately 100 feet from the roadway. While potentially visible from the roadway, their visual impact will be greatly reduced by this distance. However, the panels will be sited a proposed distance of 10 feet from the adjoining parcel that is also owned by the applicants. The parcel is currently undeveloped, but has had tree clearing done in the area nearest the proposed installation site. As such, the solar collection panels will be visible to future property owners, as the applicant has installed infrastructure in order to sell it. Under Chapter 12 of the Public Resources Code, Solar Shade Control Act ("Act"), state law requires that landscaping on adjoining properties must be planted and maintained in such a manner as to prevent more than 10 percent shading onto the solar panels between the hours of 10am and 2pm local time. Any attempts to limit the visual impacts from the 420 square foot solar panels will be restricted by this regulation.

Section 25981(d) of the Act requires solar panels to adhere to local setback regulations, but to be no less than 10 feet high and five feet in distance from the property line. For every foot of reduced height, three additional feet of setback must be applied. Compliance with the Act supports a 30 foot setback consistent with the RE-5 development standards, but would allow a reduction to 17 feet from the property line if a variance were to be approved. Either setback would reduce visual impacts from the 420 square foot solar collection panels on future adjoining property owners to less than significant.

SUPPORTING INFORMATION SOURCE LIST

The following documents are available at El Dorado County Planning Services in Placerville.

El Dorado County General Plan Draft Environmental Impact Report
Volume 1 of 3 – EIR Text, Chapter 1 through Section 5.6
Volume 2 of 3 – EIR Text, Section 5.7 through Chapter 9
Appendix A
Volume 3 of 3 – Technical Appendices B through H

El Dorado County General Plan – A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief (Adopted July 19, 2004)

Findings of Fact of the El Dorado County Board of Supervisors for the General Plan

El Dorado County Zoning Ordinance (Title 17 - County Code)

County of El Dorado Drainage Manual (Resolution No. 67-97, Adopted March 14, 1995)

County of El Dorado Grading, Erosion and Sediment Control Ordinance (Ordinance No. 3883, amended Ordinance Nos. 4061, 4167, 4170)

El Dorado County Design and Improvement Standards

El Dorado County Subdivision Ordinances (Title 16 - County Code)

Soil Survey of El Dorado Area, California

California Environmental Quality Act (CEQA) Statutes (Public Resources Code Section 21000, et seq.)

Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (Section 15000, et seq.)