

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



Agenda of:	March 4, 2015
Item No.:	4.a.
Staff:	Rob Peters

SPECIAL USE PERMIT

FILE NUMBER: S 14-0002/Schaefer Expanded Home Occupation

APPLICANTS: John and Vicki Schaefer

OWNER: John and Vicki Schaefer

REQUEST: Expansion of an existing physical therapy home occupation to include use of an existing detached accessory structure to conduct physical therapy, gymnastics instruction, and wrestling instruction.

LOCATION: West side of Old Ranch Road, approximately 0.2 miles north of the intersection with Luneman Road, in the Rescue/Gold Hill area, Supervisorial District 4. (Exhibit A)

APN: 105-250-55 (Exhibit B)

ACREAGE: 4.43 acres

GENERAL PLAN: Low-Density Residential-Platted Lands (LDR-PL) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S14-0002 subject to the Conditions of Approval and based on the Findings as presented.

STAFF ANALYSIS

Project Description: The applicants are proposing to use an existing, approximately 3,000 square-foot accessory structure that was permitted as a detached garage to conduct physical therapy, gymnastics instruction, and wrestling instruction as an expansion of an existing physical therapy home occupation. The garage would house specialized equipment areas including tumble track, bars and beams, spring floor, vaulting; and an administrative office, physical therapy office, waiting area; and storage areas (see Exhibit G). The proposed *Rock Solid Athletics & Rehab Business Plan* (see Exhibit H) identifies varying hours of operation and maximum numbers of attendees for each of the physical therapy, gymnastics, and wrestling activities to be conducted. All activities will be conducted by appointment only. The business plan does not identify additional employees who do not live on-site. The table below summarizes the proposed uses.

Proposed Uses Table:

Rock Solid Athletics & Rehab						
Proposed Use	Type	Days of Week	Hours of Operation	Duration (Hour)	Number of Students/ Clients	Additional Information
Gymnastics and Wrestling	Recreational	Monday-Thursday	2:45 pm - 3:45 pm	1	9	N/A
	Recreational and Competitive	Birthday Parties Saturday and Sunday	10:00 am - 5:00 pm	1.5	12	One Birthday Party per weekend
Gymnastics	Competitive	Monday-Thursday	4:00 pm - 6:00 pm	2	9	N/A
			6:15 pm - 8:30 pm	2.25	9	
		Friday	4:00 pm - 6:00 pm	2	12	
		Saturday-Sunday	10:00 am - 6:00 pm	2	12	Occasional Team Practices for 2 hours each
		July Summer Day Camps Monday-Thursday	9:00 am - 3:00 pm	6	12	N/A
		Christmas Open House Saturday and Sunday before Christmas	10:00 am - 5:00 pm	1.5	12	Open House Sessions for 1.5 hours each
Physical Therapy	N/A	Monday-Friday	7:00 am - 2:00 pm	1	1	Physical Therapy Sessions for one client for one hour each
			7:00 pm - 9:00 pm			

Site Description: The 4.43-acre lot lies at an elevation of approximately 1,400 feet above sea level. The lot improvements consist of a single dwelling, an existing garage, an accessory structure, and an above ground swimming pool. The site contains associated residential landscaping and other trees and shrubs. The northern portion of the lot contains the garage which is accessed from its own gravel driveway and includes a gravel parking area (see Exhibits I, I-1, and J). The southern portion of the lot includes the single dwelling and is accessed from its own paved driveway and includes associated landscaping improvements. Old Ranch Road

lies in a north-south direction on the eastern edge of the lot. The lot is bounded by residential land uses on all sides, some with accessory agricultural uses.

Background: The applicants obtained a business license for a physical therapy home occupation to be conducted onsite in the home and offsite at various locations, that are permitted by right in accordance with Section 130.28.190.C. (previously 17.28.190.C.). Subsequently, the Code Enforcement unit was notified of the use of the detached accessory structure as a gymnasium for physical therapy, gymnastics instruction, and wrestling instruction. Code enforcement case number 223247 was opened and all activities were required to cease. In compliance with Section 130.28.200.G, a home occupation that occurs outside the residence within an accessory building requires approval of a special use permit. Therefore, the applicants were required to obtain a special use permit prior to continuing any of the expanded home occupation activities in the detached accessory structure. The applicants have temporarily relocated the proposed gymnastics and wrestling instruction activities to the neighboring Sutter’s Mill Elementary School pending the outcome of the special use permit request. The code enforcement file was closed, however, the expanded home occupation is required to cease until such time as proof of an approved special use permit and final occupancy of the garage as a commercial structure is submitted to staff.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-PL	Residential/Single dwelling
North	RE-5	LDR-PL	Residential/Single dwelling
South	RE-5	LDR-PL	Residential/Single dwelling
East	RE-5	LDR-PL	Residential/Single dwelling
West	RE-5	LDR-PL	Residential/Single dwelling

General Plan: The General Plan designates the project site as Low-Density Residential (LDR). Under Policy 2.2.1.2 this designation establishes areas for single-family residential development in a rural setting with parcel sizes ranging from five to 10 acres. At 4.43 acres, the project parcel is less than the minimum lot size. However, the site is also located within the Platted Lands (-PL) Overlay Land Use Designation. Policy 2.2.2.3 defines the purpose of Platted Lands is to isolate areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints. The -PL designation is combined with a land use designation which is indicative of the typical parcel size located within the Platted Lands Boundaries. While the average parcel size for the area is approximately five acres, the – PL overlay allows the substandard parcel size of the project parcel to be consistent with the LDR Land Use Designation.

Policy 2.2.5.21 directs that development projects be located in a manner that avoids incompatibility with adjoining land uses. Water and septic facilities are available on-site. There would be no on-site sales and no employees are proposed. The use of the detached accessory structure would not require any physical site improvements or exterior expansion. The project does not propose activities that would occur outside the detached accessory building. The project, as conditioned, would not change the character of the surrounding area and would not be incompatible with adjoining land uses.

The proposed use of the detached accessory structure would not create excessive noise. Policy 6.5.1.7 states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses. All activities would occur within the detached accessory structure. The nearest dwelling lies approximately 285 feet southwest of the accessory structure.

General Plan Objective 10.1.7 seeks to promote the establishment and expansion of small businesses and work place alternatives including home occupations. Policy 10.1.7.2 directs that the County assist small business in the County, and Policy 10.1.7.4 states that home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties. The approval of the project, as conditioned, supports these policies, as it would promote a home-based business and would be compatible with surrounding RE-5 zoned properties.

Zoning: The property is located within the Estate Residential Five-acre (RE-5) zone. The expanded home occupation is proposed to occur outside the residence within the detached accessory structure and therefore requires a Special Use Permit under to Section 130.28.200.G of the Zoning Ordinance, providing it will not change the residential character of the premises or adversely affect the other uses permitted in a residential area. The existing detached accessory structure met all development standards for the RE-5 prior to building permit issuance. The following sections of this staff report will address the issues and potential impacts to the surrounding neighborhood.

Project Issues: The primary issues with this project are emergency access and fire protection. Other discussion items include zone of benefit improvements, grading and drainage, commercial building permit requirements, parking, and noise.

Emergency Access and Fire Protection: The project was reviewed by the Rescue Fire Protection District together with the El Dorado Hills Fire Department and it was determined that the applicant would need to improve Old Ranch Road to a width of 20-feet from the gravel driveway encroachment that accesses the detached accessory structure to the intersection with Luneman Road in order to meet the requirements of the California Fire Code. In addition, the applicant is required to install a 5,000 gallon water tank for the fire protection water supply and a fire hydrant to meet the fire flow requirements for the project. The El Dorado County Transportation Division (EDCTD) also requires the project to construct the roadway to meet El Dorado County Design and Improvements Manual Standard Plan 101C, requiring a minimum 20-foot road width with one-foot shoulders on both sides.

The applicant has proposed use of an alternative emergency access route through Sutter's Mill School at the corner of Old Ranch Road and Luneman Road. Use of this alternative access would limit the amount of required roadway improvements to Old Ranch Road to the area from the rear gate of the Sutter's Mill School site (northwest corner) to the gravel driveway encroachment (see Exhibit K). The Fire Departments and EDCTD will allow the use of this alternative emergency access. However, the use of the alternative emergency access requires a shared access agreement between the Gold Trail Union School District and the Rescue Fire Protection District, subject to review and approval by the County. Without the approved shared access agreement, the applicant is required to do all of the conditioned roadway improvements to Old Ranch Road.

Zone of Benefit Improvements: The project site is located within the Arrowbee Estates Zone of Benefit in County Service Area 2. Required improvements to Old Ranch Road must be completed under an agreement with the County on behalf of the zone of benefit. The improvements would be paid for by the applicant.

Grading and Drainage: All grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado - Grading, Erosion, and Sediment Control Ordinance adopted by the County August 10, 2010. Improvements would consist of widening of an existing roadway. All grading plans and activities would be designed to address pre-and post-construction Best Management Practices (BMPs) for erosion and sediment controls.

The El Dorado County Air Quality Management District (AQMD) reviewed the application materials for this project and determined that project grading and construction activities would be required to comply with an Asbestos Dust Mitigation Plan (ADMP) and would be required to implement typical conditions of approval. The conditions of approval would be implemented as part of the ADMP and would be reviewed and approved by the AQMD prior to and concurrently with the grading, improvement, and/or building permit approvals.

Commercial Building Permit: The project is conditioned to require approval of a building permit to convert the existing detached residential garage into a commercial structure prior to final occupancy and resuming operation of the expanded home occupation within that structure. The applicant will have to pay Traffic Impact Mitigation (TIM) fees in effect at the time of the building permit in accordance with Resolution 021-2012. The applicant questioned the need for the TIM Fee requirement. However, the TIM Fee requirement has been verified.

Parking: The applicant is proposing 12 parking spaces as depicted on the site plan (see Exhibit E). The 12 proposed parking spaces are sufficient to accommodate the proposed regularly scheduled weekday gymnastics and wrestling class sizes, which are by appointment only, with no walk-in participants. The applicant maintains that most of the parking utilization is for drop-off and pick-up and has allowed 15 minutes between classes to reduce parking availability conflicts. The applicant will utilize the existing graveled driveway for the proposed parking.

Noise: All of the proposed activities will be conducted within the existing garage and therefore will not result in excessive noise to neighboring dwellings. The project has been conditioned not to exceed the noise level standards of Table 6-2 of the General Plan.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (see Exhibit L) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is not substantial evidence that the proposed project would have a significant effect on the environment; therefore, a Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Wildlife Code Section 711.4, the project is subject to their current fee after approval, but prior to the County filing the Notice of Determination on the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Conditions of Approval
Findings

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Land Use Designations Map
Exhibit D.....	Zoning Designations Map
Exhibit E.....	Site Plan
Exhibit F.....	Foundation Plan and Details
Exhibit F-1.....	Floor/Electrical Plan
Exhibit G.....	Floor Plan
Exhibit H.....	Rock Solid Athletics & Rehab Business Plan; July 1, 2014
Exhibit I.....	Garage Photo
Exhibit I-1.....	Garage Photo
Exhibit J.....	Aerial Photo of Project Site
Exhibit K.....	Emergency Access Map
Exhibit L.....	Proposed Negative Declaration and Initial Study

CONDITIONS OF APPROVAL

**Special Use Permit S14-0002/Schaefer Expanded Home Occupation
Zoning Administrator/March 4, 2015**

- 1. This Special Use Permit approval is based upon and limited to compliance with the approved project description, Conditions of Approval set forth below, and the following Exhibits:

- Exhibit ESite Plan
- Exhibit F.....Commercial Construction Drawings
- Exhibit G.....Floor Plan
- Exhibit H.....Rock Solid Athletics & Rehab Business Plan

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:

A special use permit to allow expansion of an existing physical therapy home occupation to include use of an existing, approximately 3,000 square-foot detached accessory structure to conduct physical therapy, gymnastics instruction, and wrestling instruction. The garage would house specialized equipment areas including tumble track, bars and beams, spring floor, vaulting; an administrative office, physical therapy office, waiting area; and storage areas.

The table below summarizes the approved uses, as identified in Exhibit H – *Rock Solid Athletics & Rehab Business Plan*.

Proposed Uses Table:

Rock Solid Athletics & Rehab						
Proposed Use	Type	Days of Week	Hours of Operation	Duration (Hour)	Number of Students/ Clients	Additional Information
Gymnastics and Wrestling	Recreational	Monday-Thursday	2:45 pm - 3:45 pm	1	9	N/A
	Recreational and Competitive	Birthday Parties Saturday and Sunday	10:00 am - 5:00 pm	1.5	12	One Birthday Party per weekend
Gymnastics	Competitive	Monday-Thursday	4:00 pm - 6:00 pm	2	9	N/A
			6:15 pm - 8:30 pm	2.25	9	
		Friday	4:00 pm - 6:00 pm	2	12	
		Saturday-Sunday	10:00 am - 6:00 pm	2	12	Occasional Team Practices for 2 hours each
		July Summer Day Camps Monday-Thursday	9:00 am - 3:00 pm	6	12	N/A
		Christmas Open House Saturday and Sunday before Christmas	10:00 am - 5:00 pm	1.5	12	Open House Sessions for 1.5 hours each
Physical Therapy	N/A	Monday-Friday	7:00 am - 2:00 pm	1	1	Physical Therapy Sessions for one client for one hour each
			7:00 pm - 9:00 pm			

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 attached hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Failure to comply with any of the conditions of approval shall result in a hearing to consider revocation of the special use permit.

Development Services Division (Planning)

2. **Permit Implementation:** In compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. 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.

3. **Condition Compliance:** Prior to issuance of certificate of occupancy 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.
4. **Emergency Access:** The applicant shall either:
 - a) Construct all required road improvements for emergency access to Old Ranch Road or;
 - b) Prior to the alternative emergency access through Sutter's Mill Elementary School being utilized, the applicant shall obtain a shared access agreement between the Gold Trail Union School District and the Rescue Fire Protection District that has been reviewed and approved by El Dorado County, and construct the remainder of the required road improvements to Old Ranch Road.
5. **Employees:** There shall be no employees on the site.
6. **Building Permit:** Approval of a building permit for final occupancy of the detached accessory structure as a commercial structure shall be obtained by the applicants before they can resume operation of their expanded home occupation.
7. **Noise:** Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	Daytime (7am-7pm)	Evening (7pm-10pm)	Night (10pm-7am)
Hourly dB	55	50	45
Max. dB	70	60	55
8. **Business License:** Prior to operation, the applicant shall obtain a new and updated business license from the El Dorado County Tax Collector.
9. **Signs:** Any future signage shall be restricted to one unlighted sign not exceeding six square feet of message area and eight feet above ground level advertising authorized activities on the premises.
10. **Parking:** No on-street parking shall be allowed. On-site parking shall conform to Exhibit E (Site Plan).
11. **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.

12. **Biological Study:** Grading or ground disturbance shall not be conducted until at least one of the following has occurred:
 - A. An in-season biological study has been prepared by a qualified biologist to survey the property for any rare or endangered plants. That study shall show that no rare plants have been identified within the proposed roadway widening of Old Ranch Road; or
 - B. If the in-season biological study shows that portions of the proposed roadway widening to Old Ranch Road are impacted by the existence of rare plants, then no development, including grading or ground disturbance shall occur until the impacted area has been eliminated from development by reorienting the roadway widening.
13. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
14. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.
15. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

El Dorado County Transportation Division (EDCTD)

16. **Access Roadway Old Ranch Road:** Offsite roadway improvements are required by the Rescue Fire Protection District. These improvements shall be constructed per El Dorado County Design and Improvements Manual (DISM) Standard Plan 101C with a minimum 18 foot road width with one-foot shoulders on both sides and shall be completed to the satisfaction of the EDCTD or the applicant shall obtain an approved improvement agreement with security, prior to occupancy.
17. Any improvements by the developer to existing roads or construction of new roads within the zone boundaries shall be completed under a contract with the County of El Dorado through a funding agreement between the property owner(s) and the County of El Dorado on behalf of the zone. The applicant shall place on deposit with the County adequate funds to cover the cost of the project as well as all associated administrative costs.
18. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit application is deemed complete.

El Dorado County Air Quality Management District

19. **Asbestos Dust:** Current County records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction if a grading permit is required by the County or if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
20. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
21. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
22. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
23. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
24. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine greater than 50hp, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
25. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

El Dorado Hills Fire Department (on behalf of the Rescue Fire Protection District)

26. A 5,000 gallon water tank for the fire protection water supply and a fire hydrant are required. The applicant shall submit plans to the Rescue Fire Protection District for the water tank and fire hydrant locations.
27. The access road shall be improved to meet the C.F.C 20 foot wide road requirements; or if alternative access is utilized, the road will be widened to 20 feet from the back gate at Sutter's Mill School to the Rock Solid Gym location.
28. Access will be granted through Sutter's Mill School from the official Gold Trail Union School District representative in the form of a shared access agreement and/or an emergency vehicle access easement.
29. The gates at Sutter's Mill School may be either open or fully shut; but shall always remain unlocked.
30. The tree adjacent to the back gate at the school shall be trimmed and maintained to provide unobstructed vertical clearance of 13 feet 6 inches.
31. The building shall be equipped with an approved fire alarm/detection system.
32. The project shall comply with all codes and regulations as required by the California Building Code, California Fire Code, and the Rescue Fire Departments requirements.

El Dorado County Surveyor

33. Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 15.04. Compliance is required within 30 days of approval. Applicant is responsible for all associated fees.

FINDINGS

Special Use Permit S14-0002/Schaefer Expanded Home Occupation Zoning Administrator/March 4, 2015

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 in compliance with Section 66472.1 of the California Government Code:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The 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 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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 at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

The project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. As conditioned, the proposal is consistent with the intent of policies 2.2.5.21 (compatibility with adjoining land uses), 6.5.1.7 (noise impacts), 10.1.7, 10.1.7.2, and 10.1.7.4 (encouragement of home-based occupations), because the project would have minimal impacts on visual resources and on the existing surrounding residences. The project is conditioned so as not to allow excessive noise levels. The project provides physical therapy, gymnastics instruction, and wrestling instruction to the County residents and provides an opportunity for home-based employment.

3.0 ZONING FINDINGS

- 3.1 The project is zoned Estate Residential Five-Acre which allows home occupations that require special considerations subject to with an approved Special Use Permit in compliance with to Section 130.28.200.G.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because the project would be located entirely within an existing, approved structure.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

4.1 The issuance of the permit is consistent with the General Plan.

The applicant's proposal is in compliance with County regulations, addressing environmental issues and health and safety concerns. The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in this staff report and in the General Plan Findings of approval. The proposed use is consistent with all applicable policies because the project will occupy an existing building, and as conditioned, the project will have minimal impacts on visual resources and on the existing surrounding residences, and will not create excessive noise. The project allows an expanded home occupation within an accessory building, carried out by the owners and their family.

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

As conditioned, the use will not conflict with the adjacent uses as it will occur entirely within an existing building. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. After review of the site plan and upon consultations with concerned agencies, it has been determined that the impacts of the project will not have a detrimental affect nor be injurious to the neighborhood. The proposed use would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the Staff Report.

4.3 The proposed use is specifically permitted by Special Use Permit.

Section 130.28.190.C of the Zoning Ordinance requires that home occupations be carried out within the residence. Section 130.28.200.G requires a Special Use Permit for the proposed use to be carried out within an accessory building. The project must not change the residential character of the premises or adversely affect the other uses permitted in a residential area. After review of the submitted information and with consultation from concerned agencies, staff has determined that, as conditioned, the project is consistent with these requirements and would not affect the existing area in a significant manner.