

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



**Agenda of:** April 12, 2007  
**Item No.:** 8.  
**Staff:** Aaron Mount

**SPECIAL USE PERMIT/FINDING OF  
CONSISTENCY**

**FILE NUMBER:** S06-0013/Shinn Ranch Road Gate

**APPLICANT:** Thomas E. Shinn

**REQUEST:** Special use permit to allow an electronic security gate located at the entrance to Shinn Ranch Road and a finding of consistency for the abandonment of public roads.

**LOCATION:** On the north side of Shinn Ranch Road, approximately 1,200 ft south of the intersection with Motherload Drive, in the El Dorado area, Supervisorial District 3. (Exhibit A)

**APN:** 331-620-05

**ACREAGE:** 12.07 acres

**GENERAL PLAN:** Rural Residential/Medium Density Residential/High Density Residential RR/MDR/HDR (Exhibit B)

**ZONING:** Estate Residential Ten-acre/Single-family Two-acre Residential/Estate Residential Five-acre (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The proposed gate has been constructed subsequent to application of this permit, but no building permit has been issued. It does not contain the required electrical components, and the turnaround has not been developed. The application was submitted May 22, 2006, and the

Technical Advisory Committee (TAC) meeting was held July 24, 2006. At the TAC meeting, a request was made, due to site constraints, for an exhibit showing an approved turn-around. The requested turn-around exhibit was submitted February 8, 2007. The current configuration of the parcels affected by the proposed gate was created by Boundary Line Adjustment BLA04-0012. A condition of BLA04-0012 was an Irrevocable Offer of Dedication for Shinn Ranch Road and Fine Court.

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** Special use permit to allow an electronic security gate located at the entrance to Shinn Ranch Road, affecting access to four parcels, and a finding of consistency for the abandonment of public roads. The proposed gate will consist of two 15-foot wide vehicle entrances and a pedestrian entrance. The total gate width will be 41 feet 4 inches. The gate is constructed of wrought iron with the words Shinn Ranch on it.

**Site Description:** The subject parcel is at an average elevation of 1,580 feet above mean sea level in El Dorado area. All improvements will take place within an existing road and public utility easement. The actual gate and associated infrastructure will be within the road and shoulder improvements; as such no trees will be removed.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE-10/R2A/RE-5	RR/MDR/HDR	UNDEVELOPED
<b>North</b>	RA-20/R1/RE-10	RR/HDR	SINGLE FAMILY RESIDENCE
<b>South</b>	RE-5	HDR	SINGLE FAMILY RESIDENCE
<b>East</b>	RA-20/R1/RE-10/RE-5	RR/HDR	UNDEVELOPED
<b>West</b>	RE-10	HDR	SINGLE FAMILY RESIDENCE/ UNDEVELOPED

**General Plan:** The General Plan designates the subject site as Rural Residential (RR), Medium Density Residential (MDR), and High Density Residential (HDR). The proposed gate is within the portion of the property designated as MDR. This designation permits detached single-family residences with larger lot sizes which will enable limited agricultural land management activities.

Policy 6.2.3.2 states “As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.” The Diamond Springs-El Dorado Fire Protection District has conditioned the project to ensure the ingress of emergency vehicles and egress of private vehicles through the proposed gate.

**Conclusion:** As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

**Zoning:** The portion of the parcel proposed to contain the gate is zoned Single-family Two-acre Residential (R2A). The R2A Zone District allows by special use permit “other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16, and 17.18.” Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a special use permit from the Planning Commission must be obtained.

**Public Access:** An Irrevocable Offer of Dedication (IOD) was a requirement of BLA04-0012 which created the current configuration of the project parcels. The affected roads and public utility easements were accepted by the County, maintenance was not. However with the IOD there remains an implied authority for public access over Shin Ranch Road and Fine Court. In order to remove any implied public access authority, a condition of this special use permit will be to apply for a General Vacation, subject to review and approval of DOT. Pursuant to Section 65402 of the California Government Code any abandonment or vacation of any streets requires a finding of conformity with the adopted general plan.

No public facilities exist within the area affected by the gates. Shinn Ranch Road and Fine Court are dead end roads with no through access, provide residential access only, and are not identified on the General Plan Circulation Map (Figure TC-1). The required General Vacation is consistent with the General Plan as no public facilities exist in the affected area, and emergency access will be sufficient as conditioned.

**Emergency Access:** The Diamond Springs-El Dorado Fire Protection District reviewed the project proposal for consistency with fire safe regulations. The District is generally opposed to the construction of gates on residential roadways. The District commented that gates are prohibited on public roadways but are permissible on private roadways provided the installation meets the requirements of El Dorado County and the local Fire District having authority. The conditions of approval supplied but the Fire District are the standards designed for the installation of automatic gates/access control devices on fire apparatus access roadways. The intent is to provide adequate access for all emergency vehicles so as to ensure public safety.

It is to be noted that the conditions specified by the Diamond Springs-El Dorado Fire Protection District may not apply to all districts. Mutual response by state or federal agencies and private EMS companies may not have the required technology to activate the gate’s systems.

**Turnaround:** Conditions 12 and 13 require a turnaround to the specification as required by the Fire District. Because of site constraints, an exhibit was requested to show that the required turn-around did not encroach on to adjacent parcels. Exhibit G demonstrates that adequate area exists which has been approved by the Fire District. Site inspection and airphoto analysis has verified that no trees will be removed, no wetlands disturbed, or areas of greater than 30 percent slope developed in order

to construct the turn-around. A general grading permit has been conditioned by the Department of Transportation which will ensure that all grading will comply with the grading ordinance. It has been determined that no impacts will be associated with construction of the turnaround.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Although not specifically listed, an electronic gate is similar to the items listed in Section 15303 of the CEQA Guidelines.

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines; and
2. Approve Special Use Permit S06-0013 subject to the conditions in Attachment 1, based on the findings in Attachment 2.
3. Make the following finding of consistency:

“Pursuant to California Government Code Section 65402, the abandonment of the road easements offered for dedication on Parcel Map 48-120 from any implied public use is found to be consistent with the El Dorado County General Plan.”

# 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 Detail A  
Exhibit E .....Site Plan Detail B  
Exhibit F .....Gate Elevations  
Exhibit G .....Gate Mechanisms  
Exhibit H .....Proposed Turnaround  
Exhibit I .....Parcels Affected by the Gate

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number S06-0013  
Planning Commission Hearing

### El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit B, dated **April 12, 2007**, 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:

A special use permit to allow an electronic security gate located at the entrance to Shinn Ranch Road. The proposed gate will consist of two 15-foot wide vehicle entrances and a pedestrian entrance. The total gate width will be 41 feet 4 inches. The gate is constructed of wrought iron with the words Shinn Ranch on it.

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 developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit, which action is brought within the time period provided for in Section 66499.37.

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

3. Prior to issuance of a building permit, the applicant shall pay all Development Services fees.

### **El Dorado County Department of Transportation**

4. The applicant shall provide a turnaround at the gate entry to the requirements of the local fire district. A general grading permit shall be required by the Department of Transportation for the construction of this turnaround.
5. The applicant shall complete a General Vacation of Shinn Ranch Road and Fine Road, subject to review and approval of the Department of Transportation per the requirements of Section 8320(a) (2) Chapter 3 of the Streets and Highways Code. Consent shall be required by all property owners that access these roadways and all utility companies that either access these roadways or have facilities in these road and public utility easements. A satisfactory application shall be received prior to issuance of any building permits.
6. The applicant shall join and/or form an entity, satisfactory to the County, prior to the issuance of the special use permit, to maintain all roads not maintained by the County, that is required for access to County or state maintained roads. If a zone of benefit, homeowners association, or informal road maintenance association does not exist or cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

### **Diamond Springs-El Dorado Fire Protection District**

7. Entrance roads at the gate shall have a minimum unobstructed width of 15 feet each lane if divided or 20 feet total width if not divided. In all cases, unobstructed vertical clearance shall be not less than 13 feet 6 inches.
8. All automatic gates shall be equipped with a “Knox” emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements.
9. All automatic gates shall also be equipped with a linear receiver device and transmitters (approved by the Fire Department) to allow remote activation by emergency vehicles. Gates that serve four or more homes, or greater than one mile of roadway, shall require an Opticon receiver to open the gate.
10. Automatic gates shall be equipped with a mechanical release.

11. A loop system located on the inside of the portion of the access roadway shall permit vehicular traffic within the gated area ability to open the gate and exit without any special knowledge, action, or codes. The loop system shall also keep the gate open as long as a vehicular traffic is passing through it.
12. All automatic gates shall be designed to automatically open and remain in fully opened position during power failures.
13. Gates creating a dead-end road in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
14. The gradient for the fire apparatus access road shall not exceed the maximum approved by the Fire Department. The intent is to provide a level landing area a minimum of thirty (30) feet either side of the gate to allow emergency apparatus to be parked in a safe manner when it is necessary to exit the vehicle for manual gate activation.
15. All vehicle access control devices or systems must reach the fully open position within a total time not to exceed one second for each one foot from the gate location.
16. The receiving devices shall be installed so the signal from the transmitter will open the gate approximately 25 feet from the gate location.
17. On order to ensure that the gate/access control devices are properly maintained, a copy of the yearly maintenance contract for the control device or system is required to be supplied to the Fire Protection District. The maintenance contract shall include an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gate shall be locked in the open position and will remain locked open until such time as the maintenance contract is restored.
18. Prohibited devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes are prohibited. No device may be used which will delay ingress or egress of emergency responders, including but not limited to speed bumps. The total number of vehicle access control gates or systems through which emergency equipment must pass to reach any address shall not exceed one.
19. Plans for installation of automatic gates on fire apparatus roadways shall be submitted to the Fire District for approval prior to installation.
20. Gates and access control equipment shall not be placed into service prior to being inspected and tested by the Fire District.



# **ATTACHMENT 2 FINDINGS**

File Number S06-0013  
Planning Commission Hearing

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:

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA FINDING**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Although not specifically listed, an electronic gate is similar to the items listed in Section 15303 of the CEQA Guidelines.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 SPECIAL USE PERMIT FINDINGS**

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

The gate proposal as conditioned is consistent with General Plan Policy 6.2.3.2 in that the gate will allow emergency vehicle access and private vehicles can evacuate the area.

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

The El Dorado-Diamond Springs Fire Protection District has determined that with inclusion of the proposed conditions the automatic gate will not have a significant affect on response times and would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

- 2.3 The proposed use is permitted by special use permit pursuant to Chapter 17.14.

The Single-family Two-acre Residential (R2A) Zone District allows by special use permit “other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16, and 17.18.” Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a special use permit from the Planning Commission must be obtained.