

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



Agenda of: October 25, 2007
Item No.: 9.a.
Staff: Thomas A. Lloyd

SITE PLAN REVIEW

FILE NUMBER: SPR07-0025/Building Permit #177402

APPLICANT: Charles H. Scott

AGENT: Rebecca Wayman, MS, Consulting Botanist, Ecologist

REQUEST: Finding of General Plan Consistency with Policies 7.3.3.4 for reduction of building setbacks to allow construction of a 110-foot by 180-foot covered horse arena. The wetland area setback would be reduced from 50 to 43 feet.

LOCATION: On the west side of State Route 49, approximately 0.25 miles north of the intersection with Cave Valley Road in the Cool area, Supervisorial District IV. (Exhibit A)

APN: 071-390-05 (Exhibit B)

ACREAGE: 9.9 acres

GENERAL PLAN: Medium Density Residential (MDR)

ZONING: Single-family Two-acre Residential (R2A) (Exhibit C)

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The applicants propose to construct a covered horse arena on an existing 9.9 acre lot in the Cool area. The subject parcel currently houses numerous structures including a single-family residence, four barns, an open arena, and a "hot walker" facility. Though possessing a larger overall footprint,

the proposed enclosed arena's location will roughly approximate that of a once existing open arena, recently removed in preparation for this construction. The location of the covered arena is limited due to the large number of structures existing on the parcel in support of equestrian activities. The site is further constrained by Knickerbocker Creek to the north and a Georgetown Public Utility District ditch to the south/southeast (Exhibit F). As such, the encroachment into the wetland setback area is necessary.

Interim Interpretive Guidelines:

The Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 require a minimum setback of 100 feet from all perennial streams, rivers, and lakes, and 50 feet from intermittent streams and wetlands until standards for buffers and special setbacks are established in the zoning ordinance. The proposed site plan requests a reduction of setback from 50 feet to 43 feet to accommodate the covered arena. The owners have submitted Site Plan Review SPR07-0025 requesting a finding of consistency with the intent of General Plan Policy 7.3.3.4 concurrently with the submittal of the building permit. General Plan Policy 7.3.3.4 states, "exceptions to riparian and wetland buffer and setback requirements shall be provided ... where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project."

Impact on the Wetland:

A biological report prepared by Rebecca Wayman, MS, was submitted to Development Services (*Site Assessment for Alternative Setback Request*, dated April 2007) to evaluate the sensitivity of the pond and any potential impacts the covered arena project may have on the pond and identification of any "best management practices" to be followed to reduce or eliminate any impacts.

The wetland of concern is located north of the project site and consists of an artificially created pond maintained by a concrete dam and spillway within Knickerbocker Creek. According to the property owner, both the creek and the pond dry up in the summer months. This has been substantiated through photo evidence (Exhibit D). At the time of Ms. Wayman's site visit (April 23, 2007), it was noted that the creek was flowing and the pond was nearly full (Exhibit C).

The report concludes that riparian or wetland vegetation will not likely be directly or indirectly impacted by the proposed covered arena because the vegetation on the south side of the pond (closest to the project site) is very minimal due to grazing. The report does, however state that the project could have an indirect effect on Knickerbocker Creek and its associated riparian vegetation as a wildlife movement corridor. Such areas are often used as movement corridors for wildlife, especially nocturnal mammals. The proximity of the project to the creek corridor and wetland may decrease the use of the area for wildlife movement. The project has been conditioned, however, to minimize the potential impacts on nocturnal mammals.

Both Ms. Wayman and El Dorado County Building Services staff noted an apparent area of fill in the wetland area, at the point closest to the project site. In *Site Assessment for Alternative Setback Request*, the fill is described as being, "along the southwest edge of the pond [and] appears to have

been placed within the past two years. It is approximately 30 feet wide and extends into the pond approximately 10 feet, with a maximum thickness of approximately 3 to 4 feet. The fill material was covered with a thin layer of straw. The fill material is located in the closest part of the wetland to the project site such that the current distance from the edge of the project site to the edge of the wetland is approximately 53 feet.” Though it is unclear when or why the subject fill material was introduced to the wetland, it should be noted that it represents a direct impact to the wetland.

DISCUSSION:

With the introduction of the fill material to the wetland area, the current distance from the building site to the edge of the wetland area is 53 feet. This Site Plan Review, however, seeks a setback reduction to 43 feet, effectively allowing the 10 feet of fill material to be removed, the proposed construction of the covered horse arena to proceed, and the eventual restoration of the wetland area, should the Commission so desire. The Commission has the option of not requiring the removal of the unauthorized fill.

As conditioned, the project provides best management practices to minimize the impacts on the wetland area. As such, the project’s request to reduce the wetland setback from 50 feet to 43 feet is consistent with the El Dorado County General Plan

RECOMMENDATION:

Staff recommends that the Planning Commission find that the proposed placement of the covered horse arena at 43 feet from the pond is consistent with the intent of General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for said Policy based on the above discussion, subject to the Conditions of Approval in Attachment 1, and based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1: Conditions of Approval

Attachment 2: Findings

- Exhibit A: Vicinity Map
- Exhibit B: Site Plan
- Exhibit C: Site Photos 4/23/07
- Exhibit D: Site Photos August 2007
- Exhibit E: Assessor’s Parcel Map
- Exhibit F: Parcel Map 033-020
- Exhibit G: General Plan Policy 7.3.3.4

**ATTACHMENT 1
CONDITIONS OF APPROVAL**

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1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. The proposed covered horse arena shall be located no less than 43 feet from the pond as shown on the approved site plan.
3. Construction of the covered horse arena shall be subject to the issuance of a building permit form El Dorado County Building Services.
4. The consulting biologist for the applicant shall set stakes for measurement of setbacks, including the wetland area previously filled. This fill material shall be removed and the wetland area shall be restored to its pre-fill condition. The setback shall be measured from the outermost edge of hydric soils existent before the fill. The edge of these hydric soils shall be delineated on the construction plans. Said stakes shall be placed prior to commencing any construction activities.
5. Construction fencing shall be established between the project site and the wetland during construction and until vegetation is reestablished on disturbed areas. Placement of the construction fencing shall be shown on the construction plans and shall be in place prior to commencing any construction activities.
6. All excavated dirt and construction equipment shall be stockpiled or stored outside of the 50-foot wetland buffer.
7. No equipment refueling shall take place within 50 feet of the wetland.
8. The existing electric fence shall remain in place to keep construction activities and equipment away from the wetland.
9. Any temporary or permanent lighting shall be directed away from the wetland and creek to minimize the disturbance of nocturnal animals.

**ATTACHMENT 2
FINDINGS**

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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 no resulted from any act of the owner or applicant;*

The project site is constrained by Knickerbocker Creek to the north and a Georgetown Public Utility District ditch to the south/southeast.

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;*

Similar parcels in the area also support equestrian activities, requiring like structures and facilities. As the applicant is proposing to replace a once open arena with an enclosed arena, the proposed project is a reasonable use, not attainable with current wetland setback provisions.

3. *The variance is the minimum necessary for the reasonable use of the land or building;*

To accommodate the proposed arena, the wetland setback will be reduced from 50 feet to 43 feet. This is the minimum necessary to allow the applicant to build the covered arena on the footprint of a once existing horse arena structure and thus minimize grading and disturbance.

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.*

A reduction in the setback from the wetland from 50 feet to 43 feet would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

5. *The alternative setback is consistent with the General Plan.*

The alternative setback of 43 feet would not affect the wetland which is an artificially created pond maintained by a concrete dam and spillway on the subject property. The project, therefore, is consistent with General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of the pond.

GENERAL PLAN POLICY 7.3.3.4

The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Exhibit G