

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



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

SITE PLAN REVIEW

FILE NUMBER: SPR07-0029/Building permit #183107

APPLICANT: Bruce and Claudia Wade

AGENT: Ruth A. Willson, MA, Consulting Biologist

REQUEST: Finding of General Plan Consistency with Policy 7.3.3.4 for reduction of building setbacks to allow construction of a gazebo/canopy on an existing concrete pad. The perennial stream setback would be reduced from 100 to 43 feet.

LOCATION: On the west side of State Route 193, approximately 500 feet west of the intersection with the South Fork of the American River at Chili Bar, in the Placerville area, Supervisorial District IV. (Exhibit A)

APN: 089-180-15 (Exhibit D)

ACREAGE: 22.28 acres

GENERAL PLAN: Natural Resources (NR)

ZONING: Residential Agriculture Twenty-acre (RA-20) (Exhibit C)

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The applicants propose to construct a gazebo canopy over an existing cement pad within the 100-foot setback from the ordinary high water mark of the South Fork of the American River. The subject 22.28 acre parcel has been developed with a single-family residence. This site plan review requesting a finding of consistency with the intent of General Plan Policy 7.3.3.4 has been submitted in concurrence with building permit #183107.

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. Additionally, the guidelines provide a means through which alternative setbacks can be established. An alternative setback can be approved when the applicant demonstrates that the alternative setback would still provide sufficient protection to the affected biological resource(s) and avoid or minimize impacts as required by the General Plan. The proposed site plan requests a reduction of setback from 100 feet to 43 feet to accommodate the gazebo structure.

IMPACT ON THE RIVER:

A biological report prepared by Ruth A. Willson, MA, was submitted to Development Services (*Site Assessment Report*, dated August 2007) to evaluate the sensitivity of the river and any potential impacts the gazebo project may have on it. Ms. Willson's report concludes that the proposed gazebo would have no impact on riparian vegetation, wetlands, wildlife, or special-status species. The report further states that the building would not impact ordinary flows of the American River, though it would be located within the river's floodplain.

DISCUSSION:

The biological report has concluded that the proposed project would have no impact on the river or any species located within or adjacent to said area. The project is, however, located within the floodplain of the river. The area on which the covered gazebo would be placed has flooded twice within the last ten years. The applicant has stated that the structure has been engineered to withstand such floods.

CONCLUSIONS:

The biological report has concluded that the proposed project and subsequent alternative setback would have no impact. As such, the project is consistent with the General Plan. There are no affected biological resource(s) and the project is not located within an Important Biological Corridor (IBC).

RECOMMENDATION:

Staff recommends that the Planning Commission find that the proposed placement of the covered gazebo at 43 feet from the ordinary high water mark of the American River 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 August 15, 2007
Exhibit D: Assessor's Parcel Map
Exhibit E: 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 gazebo shall be located no less than 43 feet from the pond as shown on the approved site plan.
3. Construction of the gazebo shall be subject to the issuance of a building permit from El Dorado County Building Services and shall comply with the provisions of County Code Chapter 17.25, *Flood Damage Prevention Ordinance*.
4. The consulting biologist for the applicant shall set stakes for measurement of setbacks. The setback shall be measured from the outermost edge of the ordinary high water mark. The edge of the ordinary high water mark shall be delineated on the construction plans. Said stakes shall be placed prior to commencing any construction activities.

**ATTACHMENT 2
FINDINGS**

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1. *The project is consistent with the El Dorado County General Plan and the Interim Interpretive Guidelines for General Plan Policy 7.3.3.4*

A biological report prepared for the project by Ruth Willson, MA found the project would have no impact on the riverine area. As such, the alternative setback would still avoid or minimize impacts as required by the General Plan

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 E: