

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



Agenda of: June 6, 2007
Item No.: 4. e.
Staff: Brian R. Baca

SPECIAL USE PERMIT

FILE NUMBER: S07-0012

APPLICANT: John Blevens

REQUEST: Special use permit to allow the installation of a swimming pool adjacent to an existing single-family dwelling located within the Timberland Preserve Zone (TPZ) District.

LOCATION: Approximately 0.5 mile northeast of the intersection of Newtown Road and Pleasant Valley Road in the Pleasant Valley area, 5440 Rainbow Ridge Road, Supervisorial District II. (Exhibit A)

APN: 078-060-16

ACREAGE: 19.79 acres

GENERAL PLAN: Rural Residential (Exhibit B)

ZONING: Timberland Preserve Zone (TPZ) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303 (e) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

The Blevens property is located within the Timberland Preserve Zone (TPZ) District described in *Section 17.44 of the Title 17 Zoning Ordinance*. This Zone District is reserved for properties eligible and enrolled in the timberland preserve program Forest Taxation Reform Act of 1976. Properties within the TPZ District are generally not eligible for residential development. Residential development (i.e. living quarters and outbuildings) is allowed only by special use permit where

intensive management of the land is necessary for timber operations.

The subject parcel is developed with a single-family dwelling recently remodeled under a building permit issued by the County. This dwelling existed prior to the inclusion of the property within the TPZ District. The recent building permit was issued because the proposed construction remained within the historic footprint of the building.

STAFF ANALYSIS

Project Description: The applicant proposes to install a swimming pool immediately adjacent to the existing single-family dwelling on the site. The pool would be located in an un-wooded area characterized by sparse grasses. The area that would be disturbed as part of the proposed project would encompass about 800 square feet.

Site Description: The project parcel encompasses 19.79 acres of woodlands and grassy meadows. The existing single-family dwelling and the proposed swimming pool site are located in a gently-sloping grassy meadow area on the property.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	Rural Residential	Single-family dwelling
North	RE-5	LDR	Single-family dwelling
South	RE-5	Rural Residential	Single-family dwelling
East 1	TPZ	Rural Residential	Single-family dwelling
East 2	RA-20	Rural Residential	Single-family dwelling
West	RE-5	LDR	Single-family dwelling

Discussion: The parcels surrounding the project site are from two (2) to twenty (20) acres in area and are generally developed with single-family dwellings and accessory structures.

Consistency with the General Plan: Discretionary development applications on TPZ-zoned lands are addressed through the implementation of Policy 8.4.2.1 of the Forest Land Conservation and Production section of the General Plan. This policy calls for the review of such applications, and a recommendation to the approving authority, by the Agricultural Commission. In this case, however, the Board of Supervisors reviewed the proposal to install a swimming pool on the subject property and on March 20, 2007 determined that this minor use can be approved and would not violate the intent of the TPZ regulations. Thus, the project has been determined to be consistent with forest land conservation provisions of the General Plan. The required Findings of Policy 8.4.2.1 are listed in Attachment 2 of this staff report.

The General Plan designation of the site is Rural Residential. A swimming pool would be consistent with this designation.

Compliance with the Zoning Ordinance: Residential accessory structures, such as the proposed swimming pool, are not listed in Section 17.44 as either allowed by right or by a special use permit in the TPZ District. On March 20, 2007, however, the El Dorado County Board of Supervisors considered the specific circumstances associated with the subject property as listed below:

1. The proposed pool would not involve the removal of any trees or substantially impair any future timber harvesting operations.
2. A pool could serve as a source of fire suppression water in the event of a wildfire in this remote area.
3. The subject parcel is designated *Rural Residential* in the County *General Plan*. The allowance of a pool would be consistent with this designation.
4. Approximately 85 percent of the perimeter of the subject property adjoins residentially-zoned lands (Estate Residential Five-acre [RE-5], or Residential Agricultural Twenty-acre [RA-20]) where a pool would be allowed. Thus, the character of development in the area would not be substantially altered.

Given the above circumstances, the Board of Supervisors determined that a pool can be allowed as an accessory structure to the existing residence. The Board found that this allowance would not violate the intent of the TPZ regulations.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(e) of the CEQA Guidelines. This section of the Guidelines exempts “accessory (appurtenant) structures including garages, carports, patios, **swimming pools**, and fences.”

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines; and
2. Approve the Special Use Permit (S07-0012) subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BAerial Photograph with Zone Districts
Exhibit CGeneral Plan Land Use Designation Map
Exhibit DPool plans (Building Permit application #175963)

ATTACHMENT 1

CONDITIONS OF APPROVAL

June 6, 2007 Zoning Administrator S07-0012 –Blevens Swimming Pool

1. This special use permit is based upon and limited to compliance with the project description, Zoning Administrator hearing exhibits marked Exhibits A, B, C, and D included in the staff report for the June 6, 2007 hearing, 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.

Project Description: Special use permit to allow the installation of a residential swimming pool, adjacent to the existing single-family dwelling, located on Assessor's Parcel Number 078-060-16 in substantial compliance with the design and location indicated in Exhibit D of the staff report. No other accessory structures or uses are authorized by this permit.

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. The applicant shall obtain a building permit from the Development Services Department prior to any site preparation or construction activities associated with the proposed pool.
3. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (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 the conditions of approval.
4. 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 the County harmless from any legal fees or costs the County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
5. Prior to commencement of any use authorized by this special use permit, the applicant shall pay all Development Services processing fees.

ATTACHMENT 2

FINDINGS FOR APPROVAL

June 6, 2007 Zoning Administrator S07-0012 –Blevens Swimming Pool

Based on the review and analysis of this project by staff and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

- 1.1 El Dorado County has determined that the project is exempt from the requirements of CEQA pursuant to Section 15303(e) of the CEQA Guidelines which exempts “accessory (appurtenant) structures including garages, carports, patios, **swimming pools**, and fences.”
- 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 at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 The project is consistent with the General Plan designation of the subject site as Rural Residential because accessory structures such as pools are consistent with a residential use.
- 2.2 Findings required by Policy 8.4.2.1:
 - A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area.
 - B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities.
 - C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected.
 - D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting.
 - E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The above findings can be made as the proposed swimming pool constitutes a minor accessory structure that would not affect existing or potential future timber production in the area.

3.0 Special Use Permit Findings

- 3.1 **The issuance of the permit is consistent with the General Plan.** As indicated in the staff report and in Section 2.0 of these findings, the applicant's proposal has been determined to be in conformance with the General Plan.
- 3.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report.
- 3.3 **The proposed use is specifically permitted by special use permit pursuant to** County Code Section 17.44.050 based upon the March 20, 2007 determination of the Board of Supervisors.

EXHIBIT A

S07-0012 – Blevens
Assessor's Parcel Number 078-060-16
June 6, 2007 Zoning Administrator

VICINITY MAP

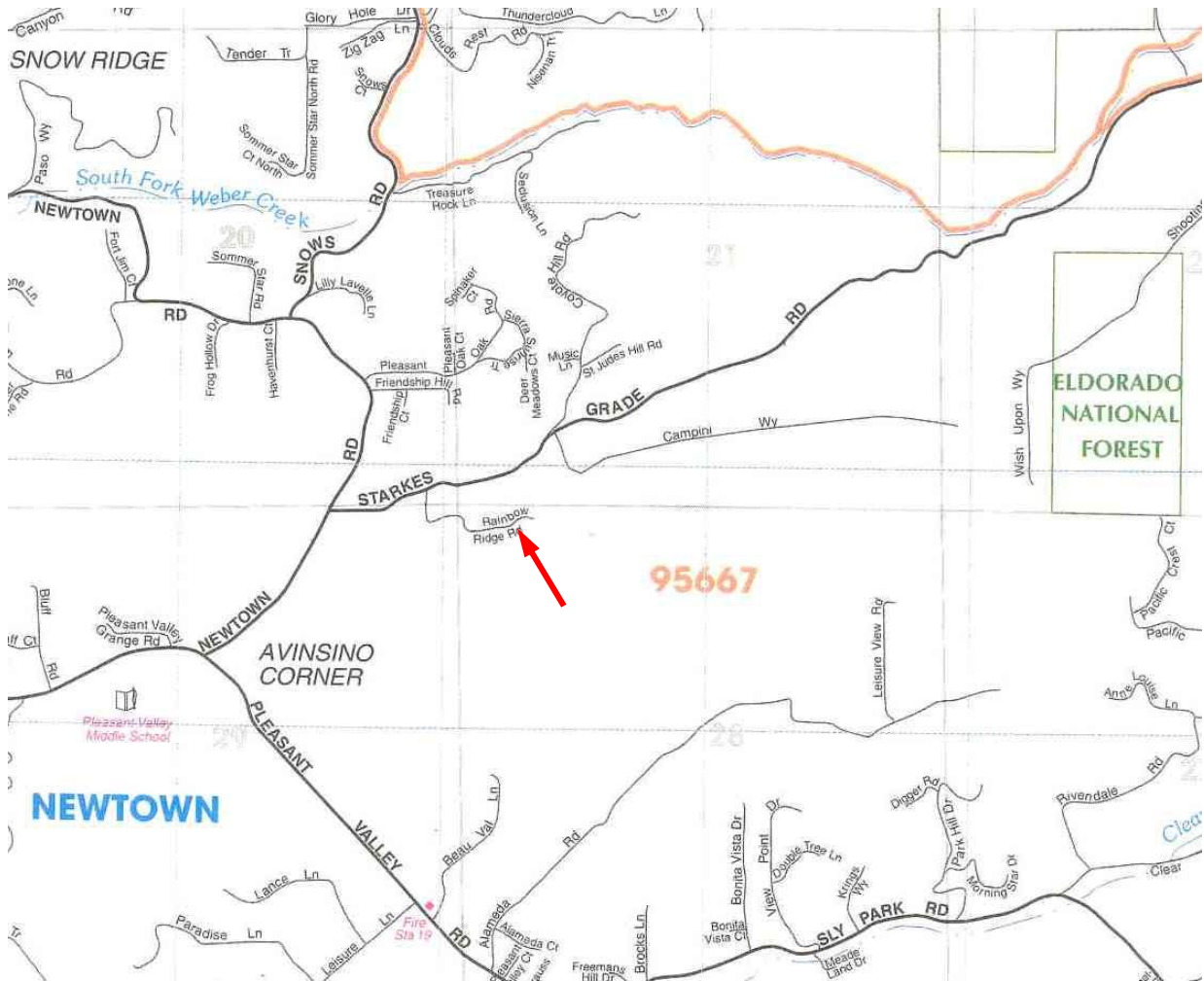


EXHIBIT B

S07-0012 – Blevens
Assessor's Parcel Number 078-060-16
June 6, 2007 Zoning Administrator

AERIAL PHOTOGRAPH
(Zone Districts marked)

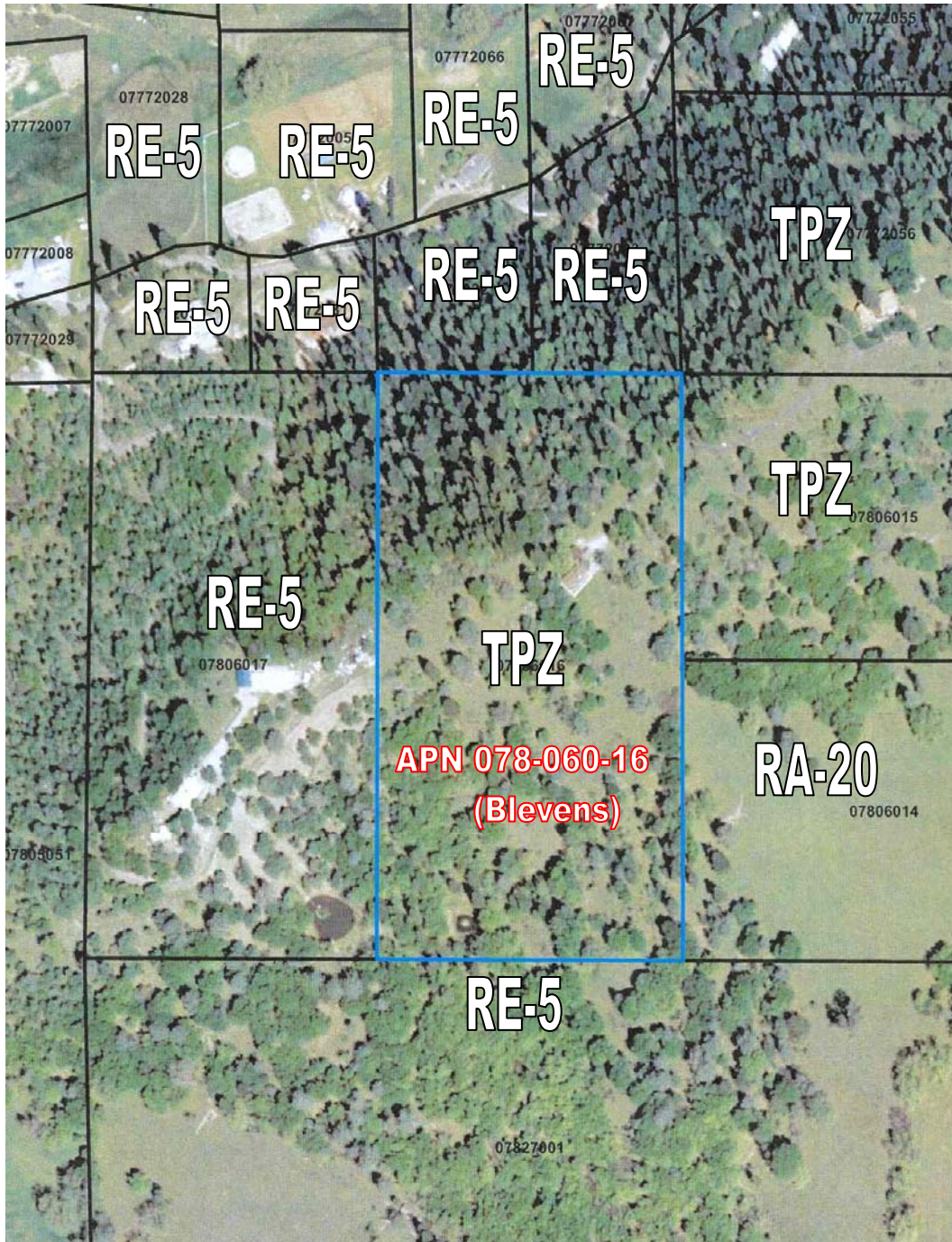


EXHIBIT C

S07-0012 – Blevens
Assessor's Parcel Number 078-060-16
June 6, 2007 Zoning Administrator

GENERAL PLAN LAND USE DESIGNATION MAP

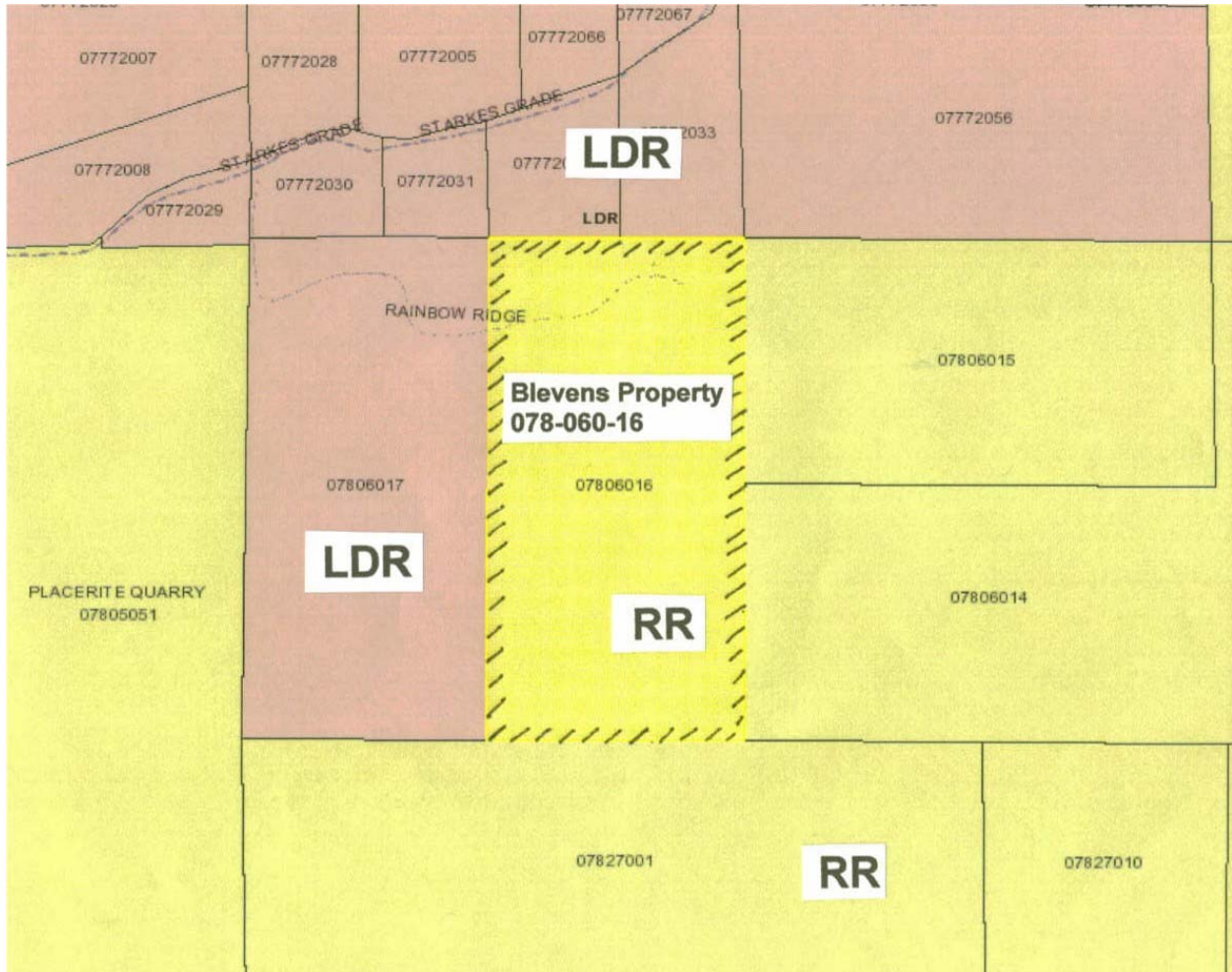


EXHIBIT D

S07-0012 – Blevens
Assessor's Parcel Number 078-060-16
June 6, 2007 Zoning Administrator

PROJECT SITE PLAN FOR PROPOSED POOL (Building Permit application #175963)

