

DEVELOPMENT SERVICES DEPARTMENT

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MEMORANDUM

DATE: October 1, 2007 **Hearing Date:** October 17, 2007

TO: Roger Trout, Zoning Administrator **Item** 4.c.

FROM: Larry Appel, Deputy Director
Planning Services

**SUBJECT: Reconsideration of S04-0033
Majors Caretaker's Home**

REQUEST: Request of Robert Laurie, agent for George Majors to reconsider denial of S04-0033 to permit construction of a caretaker's residence on APN 039-060-02, containing 118 acres and zoned Timber Preservation Zone (TPZ). The property is located west of Highway 88 in the Silver Springs area, Supervisorial District II.

BACKGROUND: The project was first considered by the Zoning Administrator on September 21, 2005 where it was continued. On October 26, 2005, the Zoning Administrator denied the application. Since it is unclear from the record what findings were made to support the verbal denial, and that the owner may have been unclear about the right to appeal the decision, this item is being reconsidered by the Zoning Administrator. Once the project is denied with findings (Attachment 1), the owner will have ten business days to appeal the decision to the Board of Supervisors.

PROJECT ANALYSIS: Issues raised during review of the project centered around the necessity of a caretaker's residence on property that had no active timber operation. Staff from both the Agricultural Department and Planning Services reviewed reports prepared for the owner that offered justification for the caretaker's residence by saying that a Christmas tree farm would be developed and that the residence was needed to ward off trespassers. Staff and the Registered Forester of the Agricultural Commission questioned the long-term viability of the Christmas tree operation for the following reasons: 1) only 11 acres of plantable tree farm was available based on the rocky nature of the site, 2) the short growing season and heavy snow packs would stunt the tree growth and require 7-15 years for trees to reach a salable size due to the high altitude (7,200 feet), 3) the eight foot tree spacing and anticipated 50 percent die back of the crop would significantly reduce the ultimate tree crop to one that would be marginally viable, if at all, 4) retail sales from the site would be impossible since sales typically begin after Thanksgiving and the site would most likely be inaccessible due to snow, and 5) high snow loads at that elevation would most likely stunt the growth and deform the trees.

The Agricultural Commission met to consider the project and voted on October 12, 2005 to rescind their previous recommended approval. They did not believe evidence was presented to justify the need for a caretaker's residence at that time. They were also concerned that the residence was proposed within the only prime growing area and that if the timber crop was the primary reason for the project that the proposed house should be moved. They were also concerned that the trees had not been planted despite the owner's intent to plant 1000-2500 trees in 2004 and 2005. To date, no notification has been received that the trees have been planted. The Agricultural Commission finally recommended that the permit be denied until the owner planted all the trees and then returned to the Commission in 1-2 years to report on the health of the trees. If after the 1-2 year period the trees were determined to be a viable commercial operation, then the Commission would reconsider their previous action to deny the request. The Commission also suggested that the owner consider a roll out of the TPZ zone and then build a house the size he originally planned for his family (2,912 square feet). That option remains the preferred choice of the Agricultural Department and Planning staff.

RECOMMENDATION:

1. Deny S04-0033 based on the Finding in Attachment 1.

Attachment 1 - Findings

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ATTACHMENT 2
FINDINGS

MAJOR'S CARETAKER'S RESIDENCE

APN 039-060-02

FILE NUMBER S04-0033

October 17, 2007

1.0 CEQA FINDINGS

- 1.1 The project is found to be exempt from CEQA pursuant to Section 15303 (a) New Construction.
- 1.2 The Zoning Administrator finds that the proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINSTRATIVE FINDINGS

2.1 Special Use Permit S04-0033 Findings

2.1.1 The Agricultural Commission found that three consecutive years of intensive management of lands had occurred on the property in the past. However, no evidence has been presented to the county that any harvesting or planting has taken place in recent years. Therefore, findings can not be made that a caretaker's residence is warranted at this time.

2.1.2 The project is inconsistent with Section 17.44.050 since the Agricultural Commission did not find the timber plan constituted an intensive management operation (October 11, 2005).

2.1.3 The proposed caretaker's residence can not be justified at this time since the proposed Christmas tree farm operation has not been established and verified 1-2 years after planting by the Agricultural Commission.

2.1.4 The location of the proposed caretaker's residence prohibits use of the best soils on site by building the proposed residence where the Christmas trees should be planted.

2.1.5 Residential use of timberland is in general inconsistent with growing and harvesting of timber.