

## **ATTACHMENT 1**

### **CONDITIONS OF APPROVAL**

#### **MAJOR'S CARETAKER'S RESIDENCE**

**APN 039-060-02**

**FILE NUMBER S04-0033**

January 15, 2008

1. This Special Use Permit approval is based upon and limited to compliance with the project description, dated January 15, 2008, 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:**

Issuance of a Special Use Permit (S04-0033) to allow construction of one (1), owner or caretaker occupied single-family detached dwelling to not exceed 3,000 square feet, and an accessory structure to not exceed 900 square feet within the Timber Preserve Zone (TPZ) district. The property shall continue timber harvesting operations, and shall begin a commercial Christmas tree operation.

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.

### **PROJECT SPECIFIC CONDITIONS**

#### **Planning Services**

2. 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.

3. 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 the subject Special Use Permit.

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.

4. The County shall notify the applicant of any claim, action, or proceeding, and the County will cooperate fully in the defense.
5. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
6. The applicant shall continue to process the rezone application on file with Development Services and shall revise the application to rezone the property from TPZ to RA-80 prior to issuance of a building permit.
7. The applicant shall provide a tree health report for the red fir trees prepared by a registered professional forester (RPF) to the Agricultural Department every two (2) years during the TPZ rollout period. The report from the RPF shall provide a map showing the location of the trees, replacement tree planting schedule if a 50 percent survival rate is not being maintained. The Agricultural Department staff shall inspect site to review the trees health and vitality, to ensure the trees are prospering, if warranted.
8. All site improvements shall conform to Exhibit F (for location of residential unit only).

### **Department of Transportation**

9. The applicant shall be subject to the County's traffic impact mitigation fee programs. The amount of the fee shall be that in effect at time of building permit. The applicant shall pay all appropriate fees to the Department of Transportation prior to issuance of building permit.
10. The applicant may be subject to an encroachment permit from Cal Trans for the driveway encroachment onto Highway 88. The applicant shall provide the appropriate encroachment permit from Cal Trans prior to issuance of a building permit.

### **El Dorado County Department of Environmental Management**

11. The applicant shall obtain the necessary permits from the El Dorado County Environmental Health Department in compliance with the Sewage Disposal Plan dated October 15, 2003, prior to installing the septic system.

#### **El Dorado County Building Services**

12. The applicant shall obtain a building permit from the El Dorado County Building Services prior to commencement of all construction.

#### **El Dorado County Air Quality Management District**

13. The applicant shall obtain the necessary permits from the El Dorado County Air Quality Management District prior to commencement of all construction.

#### **Department of Forestry and Fire Protection**

14. The project shall comply with the following requirements of the Department of Forestry and Fire Protection which include but shall not be limited to:
  - a. The applicant shall provide a minimum 10 foot wide all weather access road with roadway clearance of 10 feet each side of road and unobstructed vertical clearance of 15 feet. The minimum inside turning radius for the road is 40 feet. Road grades shall not exceed 16 percent. The access road and turnaround shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.
  - b. The applicant shall install an access road with turnouts every 400 feet of road length, turnouts shall be a minimum of 10 feet wide and 35 feet long and shall have same surface and same vegetation modification as the driveway. The road grade shall not exceed 16 percent. The Department of Forestry and Fire Protection shall review and approve the location and design of the access road prior to issuance of a building permit.
  - c. The applicant shall provide a minimum 40 foot turnaround by the structure. The Department of Forestry and Fire Protection shall review and approve the turnaround prior to issuance of a building permit.
  - d. The applicant shall provide a minimum defensible space clearance around the building of 100 feet, per NFPA 903.1 Fire Flow. The Department of Forestry and Fire Protection shall review and approve the defensible space clearance prior to issuance of a building permit.
  - e. The project plans shall be reviewed and approved by the Department of Forestry and Fire Protection prior to issuance of a building permit.

**ATTACHMENT 2**  
**FINDINGS**

**MAJOR'S CARETAKER'S RESIDENCE**

**APN 039-060-02**

**FILE NUMBER S04-0033**

January 15, 2008

**1.0 CEQA FINDING**

- 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.
- 1.4 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.

**2.0 ADMINSTRATIVE FINDINGS**

**2.1 Use Permit S04-0039 Findings**

Issuance of a Special Use Permit (S04-0033) to allow construction of one, owner or caretaker occupied single-family detached dwelling within the TPZ district, pursuant to Section 17.44.050 of the El Dorado County Code.

**2.1.1 The issuance of the permit is consistent with the General Plan**

The 2004 General Plan designates the subject site as Natural Resources. Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided

documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

### **2.1.2 The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood**

It has been found that the proposed use will comply with the regulations specified by the El Dorado County Code, with the State Department of Forestry and Fire Protection regulations and with the various laws and rules governing timber operations.

### **2.1.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title**

It has been found by the Agricultural Commission that three consecutive years of intensive management of lands have been shown; therefore, the Zoning Administrator may grant a Special Use Permit for construction of a one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation.

### **2.2.0 The proposed use is consistent with the policies in the El Dorado County 2004 General Plan.**

The 2004 General Plan designates the subject site as Natural Resources. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The following policies apply to the subject project:

Policy 2.2.5.2: Applications for discretionary projects or permits, including special use permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

Policy 2.2.5.20: Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstration compliance.

The proposal is for one, 3,000 square foot owner or caretaker occupied single-family detached dwelling within the TPZ district. A Special Use Permit is required for the owner or caretaker occupied dwelling. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and that the project will comply with all County ordinances and regulations.

Policy 7.4.4.1: The Natural Resource land use designation shall be used to protect important forest resources from uses incompatible with timber harvesting.

The applicant has provided documentation consisting of a Timber Harvesting Plan and a Forest Management Plan to support the application, which demonstrates that the important forest resources are to be protected. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

Policy 8.3.1.1: Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned Timber Production Zone (TPZ) or Forest Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.

The applicant intends to maintain timber production and associated activities on the property, which include the planting of Christmas trees.

Policy 8.4.2.1: The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- 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; and
- e. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The Agricultural Commission reviewed the application on August 10, 2005, and October 12, 2005, and found that three consecutive years of intensive management of lands had been shown by the landowner. However, they did determine that an owner or caretaker occupied single-family detached dwelling should not be constructed on the site until it could be demonstrated that a viable crop of Christmas trees could be cultivated on the site.