

MUP24-0001/Dragnea Vacation Home - As approved by the Zoning Administrator on May 7, 2025

Findings

Based on the review and analysis of this project by staff and affected agencies, 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 MUP24-0001 has been found Categorically Exempt pursuant to Section 15303(a), New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA) Guidelines because the project proposes construction of a one single-family residence built in a residential zone. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found in CEQA Guidelines Section 15301.

Exception (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The project site is adjacent to the American River and an associated wetland; however, the location of the building site is beyond the Biologists' recommended 15-foot setback to the wetland. Minor Use Permits (MUPs) allow for Riparian Setback reductions in compliance with Title 130.30.050.G.5. of the El Dorado County Zoning Ordinance.

Exception (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed project represents the primary allowed use for a parcel with this zoning. Any future accessory or addition to the primary use would have to conform to the same setback. Therefore, no cumulative impacts are anticipated.

Exception (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Biologist Garth Alling visited the project location on May 20, 2024, to analyze the site for

the submitted Sierra Ecotone Solutions' Biological Resource Assessment, remarking that if the proposed structure is constructed at least 15 feet north of the wetland boundary "There will be no impacts on the sensitive riparian features or the waters of the American River" (Exhibit G).

Exception (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The project site is visible from a scenic highway. The proposed structure would be consistent with existing single-family residences in the vicinity and would not significantly degrade the viewshed from U.S. Highway 50 or damage scenic resources in the area.

Exception (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The project site does not include historical resources. Therefore, impacts to historical resources would not occur.

- 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 Planning and Building Department, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.1.2.2.

General Plan Policy 2.1.2.2 establishes areas of higher intensity development within Rural Centers throughout the County. The High-Density Residential (HDR) land use designation provides El Dorado County with housing located in areas of existing infrastructure, public services, and parcelization.

Rationale: The project site has a HDR General Plan land use designation and is surrounded by other HDR designations on all sides. As proposed and conditioned, the proposed use will be compatible with the existing landscape and surrounding commercial uses, and therefore, consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.1.2.3.

General Plan Policy 2.1.2.3 claims that the residents of Rural Centers and Rural Regions should have predominantly commercial and higher density residential development.

Rationale: The project site has a HDR General Plan land use designation and is surrounded by other HDR designations on all sides. The proposed structure is consistent with this policy.

2.3 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 states that all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The MUP is consistent with applicable General Plan policies as discussed in the Staff Report and is consistent with this policy.

2.4 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: As conditioned, the proposed use would be compatible with the surrounding residential development and would be an appropriate use within an area planned for residential uses. The surrounding parcels are of similar backgrounds, being single-family residences along the river. The project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was submitted for review by the Lake Valley Fire District, County Department of Transportation (DOT), the County Environmental Management Department (EMD), and the El Dorado Irrigation District (EID) for adequate public services and utilities. EMD made comments that a conventional septic system could not be installed on the property due to high ground water and setback requirements. Therefore, an incinerator toilet and greywater disposal system permit has been requested to be submitted in conjunction with a building permit. Electric service is currently provided to the project parcel by PG&E and there would be no change to existing electric service as part of the project. As proposed and conditioned, the project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 5.1.2.2

General Plan Policy 5.1.2.2 requires that provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users. Rural Centers require that Environmental Management review solid waste and on-site sewage disposal.

Rationale: The project was submitted for review by EMD. The agency made comments and established requirements, which have been added to the Conditions of Approval. As proposed and conditioned, the project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 5.7.2.1

General Plan Policy 5.7.2.1 requires that responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services.

Rationale: The project was submitted for review by Lake Valley Fire District and California Department of Forestry & Fire Protection. Both agencies stated that they had no comments, and no issue with the project. As proposed and conditioned, the project is consistent with this policy.

2.8 The project is consistent with General Plan Policy 6.2.3.2

General Plan Policy 6.2.3.2 requires that all new development must demonstrate adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project was submitted for review by Lake Valley Fire District. The agency stated that they had no comments, and no issue with the project. The parcel also encroaches directly onto U.S. Highway 50, so existing emergency access is available. As proposed and conditioned, the project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 7.3.3.4.

General Plan Policy 7.3.3.4 requires standard riparian setbacks to be abided by unless sufficient evidence that an exception can be allowed. Development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized.

Rationale: The project, as conditioned, is consistent with this General Plan policy. The project site and surrounding environment have been analyzed by a professional biologist, who determined that the proposed residential structure, which would be constructed north of the proposed setback line (15 feet to the north of the wetland boundary), would not result in impacts to the sensitive riparian area or the waters of the American River (Exhibit G). Biologist Garth Alling stated the following: “I have reviewed California Natural Diversity Database (CNDDDB RareFind 5) (CDFW 2024) for locations of known occurrences of Sierra Nevada yellow-legged frog (*Rana sierrae*) in relation to the subject parcel based on direction from California Department of Fish and Wildlife and El Dorado County. Sierra Nevada yellow-legged frog (SNYLF) are presumed to be extant approximately 600 meters to the east in the marsh/meadow area just below Lake Audrain and just over the ridge of Taking Mountain in Tamarack Lake (and nearby ponds) approximately 4.25 km to the northwest. Despite the fact that no individuals have been observed on the subject parcel and the marginal habitat, there is a *very small chance* SNYLF would occur on the project site as this species is known to occur upstream just below Lake Audrain.” Biologist Alling then determines that installation of a fence would prevent impacts (direct and indirect) to SNYLF. A fence with

specifications recommended by Biologist Alling is incorporated with the Conditions of Approval.

2.10 The project is consistent with General Plan Policy 7.3.3.5.

General Plan Policy 7.3.3.5 requires that rivers, streams, lakes and ponds, and wetlands shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.

Rationale: The project has been analyzed by a professional biologist (Exhibit G). The proposed structure would have no impact on the wetlands found in the southeast of the parcel. As conditioned, the proposed project is consistent with this policy.

2.11 The project is consistent with General Plan Policy 7.3.4.2.

General Plan Policy 7.3.4.2 requires the modification of natural stream beds and flow to be regulated to ensure that adequate mitigation measures are utilized.

Rationale: The project makes no modification of natural stream beds or any impact on the South Fork of the American River. As conditioned, the proposed project is consistent with this policy.

2.12 The project is consistent with General Plan Policy 7.4.2.1.

General Plan Policy 7.4.2.1 requires the coordination of wildlife and vegetation protection programs with the appropriate Federal and State agencies.

Rationale: California Department of Fish & Wildlife were coordinated with extensively during the development of this project. As conditioned, the proposed project is consistent with this policy.

2.13 The project is consistent with General Plan Policy 7.4.2.4.

General Plan Policy 7.4.2.4 requires the protection and preservation of wildlife habitat corridors within public parks and natural resource protection areas to allow for wildlife. It also requires the limitation of residential activities to areas that do not require grading or vegetation removal.

Rationale: The limitation of grading, construction, and residential development is found entirely within areas closer to U.S. Highway 50, leaving the areas with potential habitats for endangered animals and plants untouched, including a 15-foot setback to the upslope of the wetland boundary line. As conditioned, the proposed project is consistent with this policy.

2.14 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new development projects or actions that result in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, the County shall require mitigation as outlined in the El Dorado County Oak Resources Management Plan (ORMP). The ORMP functions as the oak resources component of the County's biological resources mitigation program, identified in Policy 7.4.2.8

Rationale: This policy does not apply because the project is above 4,000 feet in elevation and the ORMP regulates the conservation focus on existing oak woodlands below 4,000 feet.

3.0 ZONING FINDINGS

3.1 The project is consistent with allowed uses in the One-Family Residential (R1) Zone (Table 130.24.020 - Residential Zone Use Matrix).

Table 130.24.020 lists allowable uses for each of the residential zones. For listed uses, this table also indicates whether a use is allowed by right (P), or by Conditional Use Permit (CUP) or other Planning permit.

Rationale: For the R1 zone, single-family residences are allowed by right. As proposed, the project is consistent with Table 130.24.020.

3.2 The project is consistent with the Residential Zone Use Development Standard requirements for the proposed use (Section 130.24.030 – Residential Zone Use Development Standards).

Section 130.24.030 states that a residential structure in a R1 zone has setbacks of 20 feet from the front, 5 feet from the sides, and 15 feet from the rear. It also stipulates a maximum height of 40 feet.

Rationale: The site plans for the building show the single-family residence with setbacks and heights within development standards for R1 zones. As proposed, the project is consistent with Section 130.24.030.

3.3 The project is consistent with the Chapter 130.360.050.G.3 – Protection of Wetlands and Sensitive Riparian Habitat.

Chapter 130.30.050.G.3 states that discretionary development shall avoid or minimize impacts to any sensitive riparian habitat to the maximum extent practicable. It also requires a Biological Resource Assessment to be submitted, along with setbacks to be measured from the ordinary high-water mark of a river.

Rationale: The proposed structure entirely avoids any riparian habitats and has had a Biological Resource Assessment prepared by a qualified professional to confirm this (Exhibit G). As proposed and conditioned, the project is consistent with Chapter 130.30.050.G.3.

3.4 The project is consistent with the Chapter 130.360.050.G.5 – Protection of Wetlands and Sensitive Riparian Habitat – Exceptions; Conditionally Permitted Uses.

Chapter 130.30.050.G.5 states that uses and structures allowed in applicable zones are allowed within riparian areas with an approved MUP.

Rationale: The proposed single-family residence is allowed by right within the R1 zone. As proposed, the project is consistent with Chapter 130.30.050.G.5.

3.5 The project is consistent with the Chapter 130.30.050.G.7 – Protection of Wetlands and Sensitive Riparian Habitat – Specific Setbacks for Major Lakes, Rivers, and Streams.

Chapter 130.30.050.G.7 states that a 100-foot setback is required from the ordinary high-water mark of the American River (as seen on Table 130.30.050.H.1 – Specific Riparian Setbacks) unless a discretionary approval provides a larger or smaller setback.

Rationale: The applicant is currently pursuing a MUP to reduce the 100-foot setback from the South Fork of the American River to 83 feet. As conditioned, the proposed project is consistent with Chapter 130.30.050.G.7.

3.6 The project is consistent with the Chapter 130.30.050.G.8 – Protection of Wetlands and Sensitive Riparian Habitat – Coordination with Other Regulatory Agencies.

Chapter 130.30.050.G.8 requires that all required permits from other regulatory agencies shall be obtained prior to commencement of construction.

Rationale: The applicant has submitted documentation verifying their encroachment permit from California Department of Transportation. California Department of Fish & Wildlife and the U.S. Army Corps of Engineers were coordinated with directly during the application process for this project. The project has been conditioned to require the applicable permits before building permits will be issued. As proposed, the project is consistent with Chapter 130.30.050.G.8.

3.7 The project is consistent with Zoning Ordinance Section 130.30.050.G.5.:

Zoning Ordinance Section 130.30.050.G.5.b states “In addition to the findings required for approval of a Minor Use Permit, the Zoning Administrator shall make all of the following findings for a Minor Use Permit for riparian area development:

- (1) The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area or such location would have a more adverse effect on the stream environment.
- (2) Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.”

Rationale: 130.30.050.G.7 of the Zoning Ordinance requires a 100-foot setback from the South Fork of the American River. While the proposed structure is within the required 100-foot setback, a biological survey concluded that it is not in the riparian area. However, Conditions of Approval #9 has been included for adequate protection of wildlife habitat, water quality, in-stream habitat, and capacity for flood management. As proposed and conditioned, the project is consistent with Zoning Ordinance Section 130.30.050.G.5.

4.0 MINOR USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

Rationale: The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable General Plan policies as set forth in Finding 2.0 above.

4.2 The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

Rationale: The proposed use will not conflict with adjacent uses. As proposed and conditioned, the proposed use would not be detrimental to public health, or safety and welfare and is consistent with this policy.

4.3 The proposed use is specifically permitted by Minor Use Permit.

Rationale: Reduced riparian setbacks are allowed via the approval of a MUP, found under Zoning Ordinance Section 130.30.050.G.7. The proposed project is consistent with this policy.

Conditions of Approval

Planning Division

1. This Minor Use Permit (MUP) is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F.....Site Plan

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:

The proposed project is a request for an MUP to allow the 100-foot setback from the South Fork of the American River to be reduced to 83 feet, allowing the construction of a single-family log cabin vacation home. The subject parcel is a 0.36-acre parcel located in the Twin Bridges area, approximately 320 feet west of Audrain Way, along Highway 50..

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 must be submitted for review and approval and shall be implemented as approved by the County.

2. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this 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 Conditions of Approval.
3. **Legal Indemnity/Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the landowner agrees 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.

The landowner 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 El Dorado County concerning a MUP.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

Environmental Management Department

4. This facility will require an incinerator toilet and greywater disposal system as an alternative to a standard septic system due to high groundwater and setback requirements. The alternative design will need to be submitted in conjunction with a building permit.

California Department of Transportation

5. If any work is done in the State right-of-way, the applicant will be required to apply for an encroachment permit.

California Department of Fish & Wildlife (CDFW)

6. Within three (3) to five (5) calendar days prior to ground-disturbing and in-water activities at the project site, the qualified biologist should perform a pre-construction survey, as specified in the plan, within the boundaries of the project site, plus a minimum 500-foot buffer zone upstream and downstream of the project site, where accessible. The survey should include a description of any standing or flowing water. The proponent should provide pre-construction survey results, notes, and observations to CDFW prior to commencing ground disturbing and in-water activities. Conducting surveys prior to project activities may allow for avoidance of incidental take. If the proponent encounters any life stages of Sierra Nevada Yellow-Legged Frog (SNYLF) during pre-construction surveys, ground-disturbing or in-water activities, work should be suspended at the project site, and CDFW should be notified within 24 hours. Work may not re-initiate in the project site until the proponent demonstrates compliance with California Endangered Species Act (CESA).
7. A nesting bird survey must be conducted if project activities are scheduled to occur between February 1 and August 31, to fully encapsulate the potential nesting season. The survey should take place no more than 15 calendar days prior to ground disturbing activities. CDFW typically recommends a minimum of a 500-foot radius for migrating birds, and a ½ mile radius for nesting raptors. If any special-status species are encountered during project activities, work should be suspended, CDFW notified, and conservation measures should be developed in agreement with CDFW prior to re-initiating the activity. Conversely, if during project activities, any species listed pursuant to the CESA are encountered, work shall be suspended, and CDFW notified. Work may not re-initiate until the project proponent has consulted with CDFW and can demonstrate compliance with CESA.

U.S. Army Corps of Engineers (USACE)

8. To ascertain the extent of waters on the project site, the applicant should prepare an aquatic resources delineation, in accordance with the "Minimum Standards for Acceptance of Aquatic Resource Delineation Reports" and "Updated Map and Drawing Standards for the South Pacific Division Regulatory Program" and submit it to this office for verification. If construction of the proposed project will result in the discharge of fill material into waters of the United States, cultural resource sites within the defined federal permit area will need to be evaluated according to the standards of the National Environmental Policy Act. All eligible or potentially eligible cultural resource sites in the permit area will be subject to Section 106 of the National Historic Preservation Act, 1966, as amended. USACE must also comply with the terms and conditions of the Federal Endangered Species Act. The applicant may be required to create reports on these subjects for USACE to review and process a permit application request.

Biological Resource Assessment, Sierra Ecotone Solutions

9. An exclusion fence shall be placed around the construction site that would prevent any frogs from entering the site. Installation of a fence is required to follow the property lines up to the right-of-way of U.S. Highway 50 from the edge of the proposed setback to prevent impacts (direct and indirect) to SNYLF. Placement of the exclusion fence should be placed after immediately confirming with an additional survey no SNYLF are present within the property. If SNYLF are found present, then further biological analysis and mitigation shall be required.