

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: November 19, 2025

Staff: Spencer McKenna

MINOR USE PERMIT

FILE NUMBER: MUP25-0001/Green

APPLICANT: Mitchell Chadwick LLP on behalf of Scott and Emily Green

REQUEST: To allow a post-construction reduction of a front setback for an existing masonry gate, wall, and associated columns.

LOCATION: The property is located on the west side of Marble Ridge Road, north of the intersection with Boulder Ridge Road, in the El Dorado Hills area, Supervisorial District 2 (Exhibit A).

APN: 119-110-032 (Exhibit B)

ACREAGE: 11.12 acres

GENERAL PLAN

LAND USE DESIGNATION: Low-Density Residential (Exhibit C)

ZONING DESIGNATION: Residential Estate-10 (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Sections 15301 and 15305(a) of the California Environmental Quality Act (CEQA) Guidelines (Existing Facilities and Minor Alterations in Land Use Limitations)

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 and 15305(a); and
2. Approve Minor Use Permit MUP25-0001 based on the Findings detailed in Section 4.0, Minor Use Permit Findings, and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The applicant is requesting a Minor Use Permit to allow an existing wall, gate, and six (6) associated columns to remain within 30-foot setbacks. Setbacks are measured from the closest of either a property line, the edge of road easement, or the edge of a right-of-way line to the nearest point of the structure. All structures shall be located on a lot to conform to the setback requirements established for the zone unless, and until, a Minor Use Permit is granted in compliance with Section 130.52.020 (Minor Use Permit). The property is located on the west side of Marble Ridge Road, north of the intersection with Boulder Ridge Road, in the El Dorado Hills area. The property has a Code Enforcement case CE-256933 related to existing location of the walls, columns, gate, and the code case shall be closed prior to issuing the Minor Use Permit. Approval of this permit would satisfy the code case.

BACKGROUND / HISTORY

This 11.12-acre parcel was developed in 2014 with a single-family residence. Access to the single-family residence is from a privately maintained road named Marble Ridge Road. According to the agent, in 2014, the owners constructed two (2) gates, walls, and eight (8) columns along the private road (Marble Ridge Road) without a permit. On May 1, 2017, the Code Enforcement Division mailed a notice to correct the wall, columns, and one (1) gate located within the required front setback.

On May 16, 2024, the applicant filed a Variance request with the Planning Division. The application was deemed complete for processing and routed to affected agencies for a 15-day review period. A Technical Advisory Committee (TAC) meeting was held on July 22, 2024.

Upon further review by the County, it was determined that this project would qualify as a Minor Use Permit rather than a Variance. On February 27, 2025, the applicant submitted a new application accordingly and was deemed complete for processing on March 10, 2025. A second TAC meeting was not held as the project's site plan was unchanged.

EXISTING CONDITIONS

The parcel is currently developed with a single-family residence in a rural setting with related accessory structures. The topography is fairly steep hills with several large oak trees with shrubs and undergrowth ground cover. The site is located on the northwest corner of Marble Ridge Road and Boulder Ridge Road. The lot is 11.12 acres, and neighboring parcels are similarly developed with single-family dwellings and related accessory structures.

PROJECT DESCRIPTION

The applicant is requesting post-construction approval for existing walls, six (6) columns, and one (1) gate to remain within the 30-foot setbacks (Exhibit F). The walls are roughly 66-68 inches tall, 18 inches wide, with columns rising to 8.5 feet. The distance from the gate to the edge of pavement is not less than 7 feet 6 inches. The existing wall, columns, and gate are located along the east and northeast side of the parcel, adjacent to Marble Ridge Road.

Structures in RE zones are required to have a minimum 30-foot setback. Columns and walls are considered structures when they are above seven (7) feet tall and can only be approved through the approval of a Minor Use Permit. A total of eight (8) columns and two (2) gates were constructed without permits in 2014. Six (6) columns and one (1) gate were constructed within the 30-foot setback and will therefore be analyzed under the scope of this Minor Use Permit.

STAFF ANALYSIS

A Minor Use Permit can be granted upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district. Pursuant to Section 130.52.020 of the County Code, a Minor Use Permit shall be granted by the review authority only where the making of three (3) findings is found to apply. The three (3) findings are listed below, and a detailed applicant and staff response is found within the Minor Use Permit Findings C1 – C3.

Zoning: The subject parcel is zoned RE-10, which allows single-family detached dwellings, and accessory uses and structures. If not for the exceptions to standards requested with this Minor Use Permit, the construction of the gates, columns, and fence would be permitted by right in the RE-10 zone district. Pursuant to Section 130.30.070(b)(6) – Fences or walls less than 50 percent open may be allowed up to a height of seven (7) feet in the secondary front yard setback, but not less than 10 feet from the property line, right-of-way, or road easement where the property line is the center line of the road, subject to the cross-visibility area (CVA) restrictions.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15301 and 15305(a) for the permittance of existing facilities. No further environmental analysis is necessary.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062(d) to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to the Planning Division for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Vicinity Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Designation Map
Exhibit D.....	Zoning Map
Exhibit E.....	Parcel Map
Exhibit F.....	Site Plan
Exhibit G.....	Neighbor Testimony
Exhibit H.....	Photos

FINDINGS

Minor Use Permit MUP25-0001/Green Zoning Administrator/November 19, 2025

1.0 CEQA FINDINGS

- 1.1 MUP25-0001 has been found Categorically Exempt pursuant to Sections 15301 and 15305(a) that allow the permitting of existing private structures and facilities that involve negligible or no expansion of existing or former use and setback variances not resulting in the creation of any new parcel. As proposed, the project is consistent with this exemption classification under the California Environmental Quality Act (CEQA). Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found in CEQA Guidelines Section 15300.2.

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 location is not environmentally sensitive; therefore, this exception does not apply.

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 does not anticipate further development. Therefore, this exception does not apply.

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. There are no unusual circumstances at the location of this proposed project; therefore, this exception does not apply.

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 proposed project is not within a scenic highway corridor; therefore, this exception does not apply.

Exception (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The proposed project location is not considered a hazardous waste site; therefore, this exception does not apply.

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 location of the proposed project on the subject site does not include historical resources. Therefore, this exception does not apply.

- 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 El Dorado County Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with General Plan Policy 2.2.5.2: 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 subject parcel is located in the Low-Density Residential (LDR) land use designation. This use has been found to be in accordance with the County Code of Ordinances and the General Plan. Furthermore, residential and accessory structures are a permissible use. The proposed project is consistent with the General Plan.

3.0 ZONING ORDINANCE FINDINGS

- 3.1 The project is consistent with Zoning Ordinance Section 130.30.070: According to 130.30.070.B.1, fences or walls at least 50 percent open shall be allowed up to a height of seven (7) feet in both primary and secondary front yard setbacks, as determined in Subsection 130.30.050.A.4.a (Double Frontage Corner Lots) above in the chapter. Walls/fences that exceed such dimensions are not permissible unless a Minor Use Permit has been applied for and granted in compliance with 130.52.020 (Minor Use Permits) findings.

Rationale: The structure is more than 50 percent open and exceeds seven (7) feet in the primary front yard setback. The applicant is applying for a Minor Use Permit, making the proposed project consistent with the Zoning Ordinance.

- 3.2 The project is consistent with Zoning Ordinance Section 130.67.050: According to 130.67.050, where a structure or use of a lot is not in compliance with the provisions of this Title, no subsequent permit shall be issued by the County for any other structure or use

on the same lot until such time as the illegal structure or use is brought into compliance or otherwise abated, except where such a permit would bring the illegal structure or use into compliance.

Rationale: The structures are being brought into compliance through the approval of a Minor Use Permit.

4.0 MINOR USE PERMIT FINDINGS

Required Findings	Findings
<u>Required Finding No. 1:</u> <i>“The proposed use is consistent with the General Plan;”</i>	The privacy barrier is consistent with the General Plan. The privacy barrier does not violate or contradict any policy, objective, or goal within the General Plan.
<u>Required Finding No. 2:</u> <i>“The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and”</i>	The privacy barrier was constructed in 2014. There have been no occurrences of adverse effects or injuries inflicted on neighbors. The applicants have no plans to relocate or expand the privacy barrier. The privacy barrier was constructed by a licensed contractor in compliance with applicable building safety standards. No agencies have made comment regarding access during emergencies or road encroachment.
<u>Required Finding No. 3:</u> <i>“The proposed use is specifically allowed by a Minor Use Permit pursuant to this Title.”</i>	Walls and gates are permissible uses by right in all zones. The privacy barrier is permissible under the issuance of a Minor Use Permit, as “Fences or walls shall not exceed the requirements of this Section unless and until a Minor Use Permit is granted in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.”

CONDITIONS OF APPROVAL

Minor User Permit MUP25-0001/Green Zoning Administrator/November 19, 2025

1. This Minor Use Permit approval is based upon and limited to compliance with the project description and following exhibits:

Exhibit F.....Site Plan

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall 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:

A Minor Use Permit to allow a front yard setback reduction for post-construction approval for an existing masonry gate, wall, and associated columns to satisfy Code Enforcement case CE-256933.

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. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the location of buildings shall require Planning Division review and approval.
3. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each Condition imposed as part of the project approval.
4. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this Minor 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 conditions of approval.

5. **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 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.

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

El Dorado Hills Fire Department (EDHFD)

6. **Address (Residential):** All parcels shall be provided with an approved address number as issued by the County Surveyor's Office. Approved numbers or addresses shall be placed on all new or existing buildings in such a position as to be easily read from the street or road fronting the property. The minimum size of the numbers shall not be less than four (4) inches. Address shall be internally illuminated or mounted immediately adjacent to a light source and shall also contrast with their background. When a residential building is located more than 150 feet from the provided road serving the residence, an address sign shall be placed at the driveway entrance onto the parcel. Remote address numbers shall be reflective and contrasting in color to the sign background, and with a number height of not less than four (4) inches and with a stroke width of 1/2-inch.
7. **Gates:** Gate operation methods shall be installed, tested, and maintained in accordance with EDHFD Standard B-002.

California Department of Forestry & Fire Protection

8. **Roadway Surface:** Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.
9. **Driveways:** Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. A turnaround shall be provided on driveways over 300 feet in length and shall be within 50 feet of the building.
10. **Roadway/Driveway Grades:** The grade for all roads, streets, private lanes and driveways shall not exceed 16%. Grade may exceed 16%, not to exceed 20%, with approval from authority having jurisdiction.
11. **Gate Entrances:** Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of 14 feet unobstructed horizontal

clearance and unobstructed vertical clearance of 13' 6". All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be always maintained in operational status.

12. **Addresses for Buildings:** All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified. The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9. Addresses for residential buildings shall be reflectorized.
13. **Address Installation, Location, & Visibility:** All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property. Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way. Address signs along one-way roads shall be visible from both directions. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.
14. **Setback for Structure Defensible Space:** All parcels shall provide a minimum 30-foot setback for all buildings from all property lines and/or the center of a road, except as provided in the exception below.
15. **Fuel Breaks:** When building construction meets the following criteria, the local jurisdiction shall determine the need and location for fuel breaks in consultation with the fire authority. Fuel breaks required by the local jurisdiction, in consultation with the fire authority, shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to access routes, buildings, or infrastructure within the development. Fuel breaks shall have at a minimum, one (1) point of entry for fire fighters and any fire apparatus. The specific number of entry points and entry requirements shall be determined by the local jurisdiction, in consultation with the fire authority. The open space on the project will need to act as a fuel break for the project and meet the requirements above.
16. **Maintenance of Defensible Space Measures:** California Public Resource Code (PRC) 4291 requires 100 feet of defensible space to the property line around structures to protect residents, first responders, and property.

17. **Disposal of Flammable Vegetation and Fuels:** Disposal, including chipping, burying, burning or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.