


**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
Meeting of September 26, 2006**

**AGENDA TITLE:** Appeal – V05-0007 (District III)

<b>DEPARTMENT:</b> Development Services/Planning	<b>DEPT SIGNOFF:</b> 	<b>CAO USE ONLY:</b>
<b>CONTACT:</b> Gregory L. Fuz/Tom Dougherty <i>100</i>		
<b>DATE:</b> 09/15/2006 <b>PHONE:</b> 5445/5875		

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:** Hearing to consider a request submitted by Wesley Fischer appealing denial of V 05-0007 which would allow an apartment to be 8 feet from the northern property line within a 200-foot agricultural setback and within the 30-foot setback required by the Select Agricultural (SA-10) Zone District. The property, identified by Assessor's Parcel Number 100-100-54, is located on the north side of Larson Drive, at the intersection with Apple Tree Lane, in the Camino area. Applicant: Wesley Fischer.

**RECOMMENDATION:** Uphold the decision of the Zoning Administrator and deny the appeal. Alternative findings and conditions are provided should the Board determine that the appeal should be upheld.

**CAO RECOMMENDATIONS:**

RECEIVED  
BOARD OF SUPERVISORS  
2006 SEP 18 AM 9:38

Financial impact? ( ) Yes (X) No      Funding Source: ( ) Gen Fund ( ) Other

<b>BUDGET SUMMARY:</b>	Other:
Total Est. Cost _____	<b>CAO Office Use Only:</b>
<b>Funding</b>	4/5's Vote Required ( ) Yes ( ) No
Budgeted _____	Change in Policy ( ) Yes ( ) No
New Funding _____	New Personnel ( ) Yes ( ) No
Savings _____	<b>CONCURRENCES:</b>
Other _____	Risk Management _____
Total Funding _____	County Counsel _____
<b>Change in Net County Cost</b> _____	Other _____

**\*Explain**

**BOARD ACTIONS:**

<b>Vote: Unanimous</b> _____ <b>Or</b> <b>Ayes:</b> <b>Noes:</b> <b>Abstentions:</b> <b>Absent:</b> Rev. 04/05	<b>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors</b> <b>Date:</b> _____ <b>Attest: Cindy Keck, Board of Supervisors Clerk</b> <b>By:</b> _____
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**EL DORADO COUNTY  
BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
MEETING OF SEPTEMBER 26, 2006**

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Memo to Board of Supervisors  
September 15, 2006**

**DISCUSSION**

**Background:** The applicant submitted a variance application with Planning Services on December 30, 2005. At the April 12, 2006, public meeting with the County Agricultural Commission, the applicant's application was reviewed to consider allowing the continued use of an apartment that was built on the second floor of a barn without a County approved building permit. The apartment is located within the 200-foot agricultural setback from the rear and side property lines of the parcel.

The Agricultural Commission took no action, because all the required findings could not be made for administrative relief or under *General Plan Policy 8.1.4.1*. The applicant is now requesting a variance with the Planning Services to reduce the 200-foot agricultural setbacks pursuant to *Section 17.06.150 (A) of County Code*, "Special setbacks from agricultural production," for the existing apartment.

There is an active Code Compliance case #154378 that was issued in March 2004 for the apartment. The barn is believed to have been built in 1968 as a single-story building according to information supplied by the applicant. The second-story was built in the late 1970s, also without a building permit. The packing shed and bake shop on the first floor were operating that whole time period. (Wally Thomas letter dated July 7, 2004). The apartment on the second floor was constructed in the early 1980s.

The request was heard by the El Dorado Zoning Administrator August 16, 2006, and was denied.

**RECOMMENDATION:** The Board may deny the appeal, thereby upholding the action of the Zoning Administrator to deny V05-0007, based on the Findings listed in Attachment 2.

**ALTERNATIVE FINDINGS AND CONDITIONS:** Should the Board decide to approve the appeal, the following Findings and Conditions of Approval are recommended:

**Findings**

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant. These circumstances are that the apartment was built approximately 20 years ago has been recognized without formal objections by the surrounding neighbors up until 2005. At the time of construction the parcel was one acre in size.
2. The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity because of the odd shape of the parcel and the existing roadways, zoning and agricultural setbacks that would be imposed on new structures.

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**Memo to Board of Supervisors**

**September 15, 2006**

**RECOMMENDATION** (continued)

3. The variance is the minimum necessary for the reasonable use of the land or building since the portion of the parcel the apartment is located on is separated into a one-acre piece and limited for development by the roadways that surround it on two sides along with required zoning district imposed setbacks.
4. The variance is in conformity with the intent of this article and would be not be detrimental to the public health, safety and welfare or injurious to the neighborhood because the intent of agricultural setbacks is to protect agricultural and timber uses from adjacent non-compatible land uses and the neighboring parcels have residential uses directly adjacent to their parcel boundaries.
5. The project has been found to be Categorical Exempt from CEQA pursuant to *Section 15305 (a)* of the *CEQA Guidelines* which states that minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel are exempt.
6. *General Plan Policy 2.2.5.2* requires discretionary projects to be consistent with the General Plan, and it can be found that the variance request is consistent with *Policies 8.1.3.2 and 8.1.4.1*, because the neighboring parcels have residential uses directly adjacent to their parcel boundaries.

**Conditions**

1. The existing structure housing a residential dwelling unit shall conform to the approved site plan, Exhibit E. All other structures shall comply with the applicable setback requirements set forth in the County Code.
2. No ranch marketing use of the structure shall be authorized without first obtaining approval of a special use permit.
3. All appurtenant structures attached to the main bearing walls on the north side of the subject barn/apartment dwelling shall be removed.

**ATTACHMENTS**

Attachment 1 – Appeal form

Attachment 2 – Final Staff Report with Findings for Denial included

Attachment 3 – Conformed Agenda from Zoning Administrator hearing on August 16, 2006

File Number: V 05-0007  
Date Received: August 29, 2006

Receipt No.: 22485  
Amount: 100.00

**APPEAL FORM**

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Wesley & Ellen Fischer  
ADDRESS 2244/ Jensen Dr. Corning Ca 95709  
DAYTIME TELEPHONE 530 644 1279 - 530 263 305 CELL

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
DAYTIME TELEPHONE \_\_\_\_\_

APPEAL BEING MADE TO:  Board of Supervisors  Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Reason ① There is no impact on the adjacent properties because there are no agricultural uses on those properties  
② The subject property was previously a one acre lot with existing uses that preceded the requirements for the setbacks ③ as is evidenced by the boundary line adjustment between the

DATE OF ACTION BEING APPEALED August 16, 2006 Zoning Administrator

Wesley A Fischer  
Signature

8-29-06  
Date

Neighboring parcels, there was agreement by the neighbors as to the setback requirements.

(4) as shown on the assessor records, of apartment existed and has been Taped as such since 1980.

Walter J. Fischer  
2247 Sarsen Dr.  
Comino Ca. 95709

530 644 1279  
530 263-3052

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INDEXED  
1983 JUN 15 10:04 AM

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** August 16, 2006  
**Item No.:** 6.a.  
**Staff:** Tom Dougherty

**VARIANCE**

**FILE NUMBER:** V 05-0007

**APPLICANT:** Wesley Fischer

**REQUEST:** Variance to allow an apartment to be eight-feet (8') from the northern property line within a 200-foot agricultural setback and within the thirty-foot (30') setback required by the Select Agricultural Ten-Acre (SA-10) Zone District.

**LOCATION:** On the north side of Larson Drive, at the intersection with Apple Tree Lane in the Camino area. (Exhibit A)

**APN:** 100-100-54

**ACREAGE:** 10.2 acres

**GENERAL PLAN:** Agricultural Lands (AL)/Agricultural District (A) Overlay (Exhibit B)

**ZONING:** Select Agricultural Ten-acre (SA-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15305 (a) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Denial

**BACKGROUND:** The applicant submitted a variance application with Planning Services on December 30, 2005. At the April 12, 2006 public meeting with the County Agricultural Commission, the applicant's application was reviewed to consider allowing the continued use of an apartment that was built on the second floor of a barn without a County approved building permit. The apartment is located within the 200-foot agricultural setbacks from the rear and side property lines of the parcel.

The Agricultural Commission decided to take no action because all the required findings could not be made for administrative relief or under *General Plan Policy 8.1.4.1*. The applicant is now requesting a variance with the Planning Services to reduce the 200-foot agricultural setbacks pursuant to *Section 17.06.150 (A)* of *County Code*, "Special setbacks from agricultural production," for the existing apartment.

The apartment was built without a building permit. There is an active Code Compliance case #154378 that was issued in March of 2004 for the apartment. The barn is believed to have been built in 1968 as a single-story building, according to information supplied by the applicant. The second-story was built in the late 1970s, also without a building permit. The packing shed and bake shop on the first floor were operating that whole time period. (Wally Thomas letter dated July 7, 2004). The apartment on the second floor was constructed in the early 1980s.

**STAFF ANALYSIS**

**Project Description:** Variance to allow an apartment to be eight-feet (8') from the northern property line within a 200-foot agricultural setback required by *Section 17.06.150 (A)* and within the thirty-foot (30') setback required by the Select Agricultural Ten-Acre (SA-10) Zone District by *Section 17.36.260*.

**Site Description:** The barn building is set back from Carson Road approximately 150 feet in the front (south) and contains graveled driveway areas, various non-native landscape shrubs and annual grasses. There are apple trees, annual grasses and shrubs to the west within the parcel boundary and non-native conifers overhanging the rear (north) fence from the neighboring parcel. The neighboring parcel has a garage and residence set back from the property line. The barn is set back approximately 18-feet from the edge of the road easement on Apple Tree Lane on the east side, with a graveled area within the setback and apple orchard directly across the road.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	SA-10	AL/A	Single-family Residence/Horticulture
<b>North</b>	SA-10	AL/A	Single-family Residence/Horticulture
<b>South</b>	SA-10	AL/A	Single-family Residence/Horticulture
<b>East</b>	RE-5	RR	Single-family Residence/Horticulture
<b>West</b>	SA-10	AL/A	Single-family Residence/Horticulture

**Discussion:** The predominant uses of the surrounding parcels revolve around the growing and support activities of apple production.

**General Plan:** The General Plan designates the subject site as Agricultural Lands (AL), which permits a maximum of two (2) dwelling units to support agricultural purposes. *Policy 2.2.2.2* and the Agricultural District (A) overlay encourage the expansion and support of agricultural enterprises as well as the protection of important agricultural croplands and their associated activities. The following General Plan policies apply to this project:

**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.”*

**Policy: 8.1.3.2:** *“Agriculturally incompatible uses adjacent to agricultural zoned lands within designated agricultural districts shall provide a minimum setback of 200-feet from the boundary of the agriculturally zoned lands. Administrative relief to these setbacks may be granted by the County Planning Director, where appropriate.”*

**Discussion:** The 10.399-acre project parcel was created by Parcel Map 48-65, recorded on May 30, 2003, which was the end result of a certificate of compliance and then a boundary line adjustment (BLA 01-0127 finalized May 30, 2003). *Section 17.06.150 of County Code* establishes that parcels created subsequent to August 11, 1983, which abut agricultural land located in the Agricultural District land use overlay, are subject to a 200-foot agricultural setback for uses non-compatible with agricultural operations. Additionally, the recently adopted interim guidelines for this policy applies to the setback regardless of the creation date of this parcel.

The subject parcel (APN 100-100-54) is located in the Camino area, and is within the Agricultural District General Plan land use overlay. The parcel is subject to the 200-foot agricultural setback from all property lines, due to the surrounding parcels being located within SA-10 Zone District and located within the Agricultural District land use overlay. The setbacks from the apartment to the property line to the north is eight-feet (8') which is within the 200-foot area meant to be set back for protection and thus conflicts with the stated General Plan policies.

The intent of agricultural setbacks is to protect agricultural and timber uses from adjacent non-compatible land uses. *County Code* defines non-compatible uses as “those uses of land, which are apt to conflict with agricultural uses due to sprays, dust, noise, equipment, or products escaping the agricultural property in a manner, which threatens the health, safety, or welfare of adjacent occupants or land uses. It also means those uses, which are apt to cause conflict and threaten the loss of viability of agricultural use due to trespass, vandalism, theft, complaint, and dog-related problems. It includes, but is not limited to residential structures, nursing homes, public schools, playgrounds, swimming pools, ponds, and churches.” (*Section 17.06.050.GG*).

The parcel to the north is zoned Select Agricultural Ten-Acre (SA-10). Since the apartment is located within the 200-foot setback of the property line, it is inconsistent with Policy 8.1.3.2



**Policy: 8.1.4.1:** “The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving Agricultural District and Williamson Act Contract land, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:”

- A. “Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.”

**Discussion:** The Agricultural Commission reviewed both the request for the variance and decided they could not make the required findings, therefore the apartment is inconsistent with *Policy 8.1.4.1*.

**Conclusion:** As discussed above, staff finds that the project, as proposed/conditioned, does not conform to the General Plan.

**Zoning:** The subject parcel is in the Select Agricultural (SA-10) Zone District, which allows a single-family dwelling by right as specified under *Section 17.36.230(A)*. All development on a parcel within the SA-10 Zone District is subject to the development criteria listed under *Section 17.36.260* of the *County Code*. *Section 17.36.260 (B)* establishes the following minimum yard setbacks:

Front: 30 feet  
Sides: 30 feet  
Rear: 30 feet.

The distance to the parcel boundaries for the apartment, not the barn itself, as it exists are as follows:

Front (south): 160 feet  
West side: 105 feet  
East side: 380 feet to parcel boundary, 18 feet to the edge of the road easement on  
Apple Tree Lane.  
Rear (north): 8 feet

*Section 17.06.150* of *County Code* requires agricultural setbacks for non-compatible uses on parcels adjacent to agriculturally zoned properties.

**Discussion:** A residential structure is defined as a non-compatible use under *Section 17.06.050.GG* of the *County Code*. No matter what the allowed setbacks were at the time of construction, the structure would not be able to get legal non-conforming status because the apartment was built without an approved building permit. The recent boundary line adjustment technically, currently establishes the creation date of the subject parcel as May 30, 2003.

The County Board of Supervisors adopted Resolution 176-97, which provides the required findings for administrative relief. Requests for administrative relief are subject to all required findings of Resolution 176-97, and are approved by the Agricultural Commission. The Development Services Director or designee does not have authority under Resolution 176-97 and the Agricultural Commission could not make the proper findings for Administrative Relief or under General Plan Policy 8.1.4.1.

**Conclusion:** It cannot be found that the existing residential component of the barn structure meets the setbacks required by *Zoning Code Sections 17.36.260* for Select Agricultural (SA-10) required yard setbacks or *17.06.150* for required agricultural setbacks.

**Variance:** A variance is required to allow development of the proposed single-family dwelling within the 200-foot agricultural setbacks from the east (side), west (side), and north (front) property lines.

Any residential development will likely be over 200-feetaway from the north (rear) property line. *Section 17.22.600 (Variance)* of the *County Code* establishes that the purpose of a variance is to provide a procedure in which the provisions of this Title (*Zoning Ordinance*) may be varied or modified in cases where practical difficulties and unnecessary hardships make strict application infeasible.

The granting of a variance requires the making of four (4) findings pursuant to *Section 17.22.630* of the *County Code*. These findings are listed below with a discussion in regards to this variance request.

**Required Finding 1:** *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.*

**Discussion:** Setbacks for agricultural protection in agricultural districts are applied equally for parcels in the County as directed by *General Plan Policy 8.1.3.2* and implemented by *Section 17.06.150* of the *El Dorado County Zoning Ordinance*. The existing apartment was built without a building permit by a previous owner and was not constructed with regard to required setbacks. There are no topographical constraints as the direct project vicinity is generally flat. A single-family dwelling could potentially be constructed elsewhere on the 10.2-acre parcel and meet the required zoning and agricultural setbacks. Finding 1 cannot be made for the requested variance.

**Required Finding 2:** *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

**Discussion:** The strict application of the agricultural setbacks pursuant to *Section 17.06.150* of *County Code* does not prohibit the development of non-compatible uses for the entirety of the 10.399-acre project parcel. A single-family dwelling could potentially be constructed elsewhere on the 10.2-acre parcel and meet the required zoning and agricultural setbacks. Finding 2 cannot be made for the requested variance.

**Required Finding 3:** *The variance is the minimum necessary for the reasonable use of the land or building.*

**Discussion:** As stated above in Finding 2, because there are other locations on the subject parcel that this same use can potentially be allowed, Finding 3 cannot be made for the requested variance.

**Required Finding 4:** *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

**Discussion:** The intent of agricultural setbacks is to protect agricultural and timber uses from adjacent non-compatible land uses. A single-family dwelling is a non-compatible agricultural use pursuant to *Section 17.06.050.GG* of *County Code*.

All parcels adjacent to the boundary lines of the subject parcel are actively engaged in commercial agricultural operations.

**Conclusion:** Staff concludes that the allowance of the continued use of an existing non-permitted apartment on the top floor of an existing barn located within a 200-foot agricultural setback as required by *Section 17.06.150*, and the standard 30-foot rear setback required by *Section 17.36.260* of the *El Dorado County Zoning Ordinance*, would compromise the purpose and intent of the applicable Ordinances and General Plan policies. The findings for approval cannot be made.

**Response to Applicant's "Statement of Facts in Support of Variance Application", (Exhibit G):**

A request for a variance must be looked at against rules and regulations that apply equally to all County residents. Therefore, many of the personal circumstances and accusations cannot become part of the decision in order to remain objective across the board for all citizens.

The previous parcel where the apartment is located was previously one-acre in size. The current subject parcel is 10.2 acres as a result of a Boundary Line Adjustment (BLA 01-0127, recorded May 30, 2003). The present parcel size would potentially allow the construction of a single-family residence that could meet SA-10 Zone District and agricultural setbacks. Any construction on the previous one-acre parcel would have been subject to the setbacks required at the time they were constructed. Because no permit was issued for the construction of the apartment, no “vesting” status for it has been granted.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to *Section 15305 (a)* of the *CEQA Guidelines* which states that minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel are exempt. Pursuant to *Resolution No. 240-93*, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## **RECOMMENDATION**

Planning Services staff recommends that the Zoning Administrator take the following action:

Deny the project as the required findings cannot be made based on the analysis in the staff report and as noted herein.

## **FINDINGS FOR DENIAL**

1. There are no exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant. These circumstances are that the apartment was built within the required 200-foot setback as required by *17.06.150* of the *El Dorado County Zoning Ordinance* without a County approved permit, and there are other potential sites on the parcel suitable for construction of a residence.
2. The strict application of the provisions of the ordinance requested to be varied would not deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone because there are other parts of the 10.2-acre parcel where a second residential unit could potentially be constructed.
3. The variance is not the minimum necessary for the reasonable use of the land or building since, as stated above in Finding 2, because there are other locations on the subject parcel that this same use can potentially be allowed. Further, the granting of this variance would legalize a use that was not recommended or allowed in its current location within required

setbacks at the time the residential component was constructed any more than it would be allowed today.

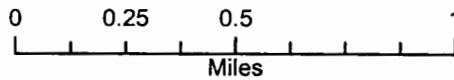
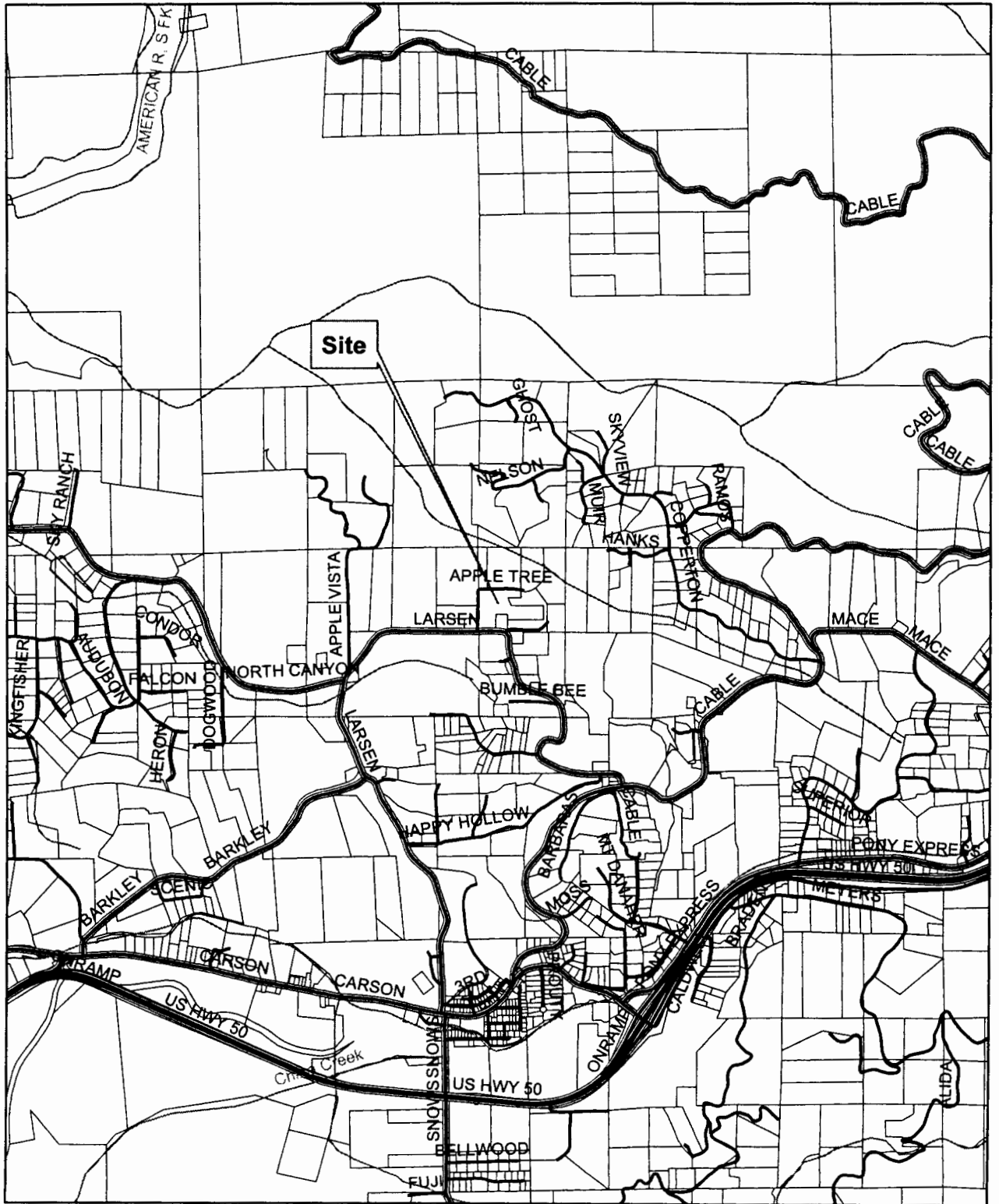
4. The variance is not in conformity with the intent of this article and would be detrimental to the public health, safety and welfare or injurious to the neighborhood because the intent of agricultural setbacks is to protect agricultural and timber uses from adjacent non-compatible land uses. A single-family dwelling is a non-compatible use pursuant to *Section 17.06.050.GG of County Code* and all the adjacent properties surrounding the apartment structure are actively engaged in commercial agricultural operations, thereby compromising the purpose and intent of the applicable Ordinances and General Plan policies.
5. The project has been found to be Categorical Exempt from CEQA pursuant to *Section 15305 (a) of the CEQA Guidelines* which states that minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel are exempt.
6. *General Plan Policy 2.2.5.2* requires discretionary projects to be consistent with the general Plan and it can be found that the variance request is not consistent with *Policies 8.1.3.2 and 8.1.4.1*

## SUPPORT INFORMATION

### Attachments to Staff Report:

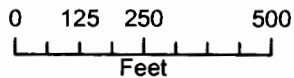
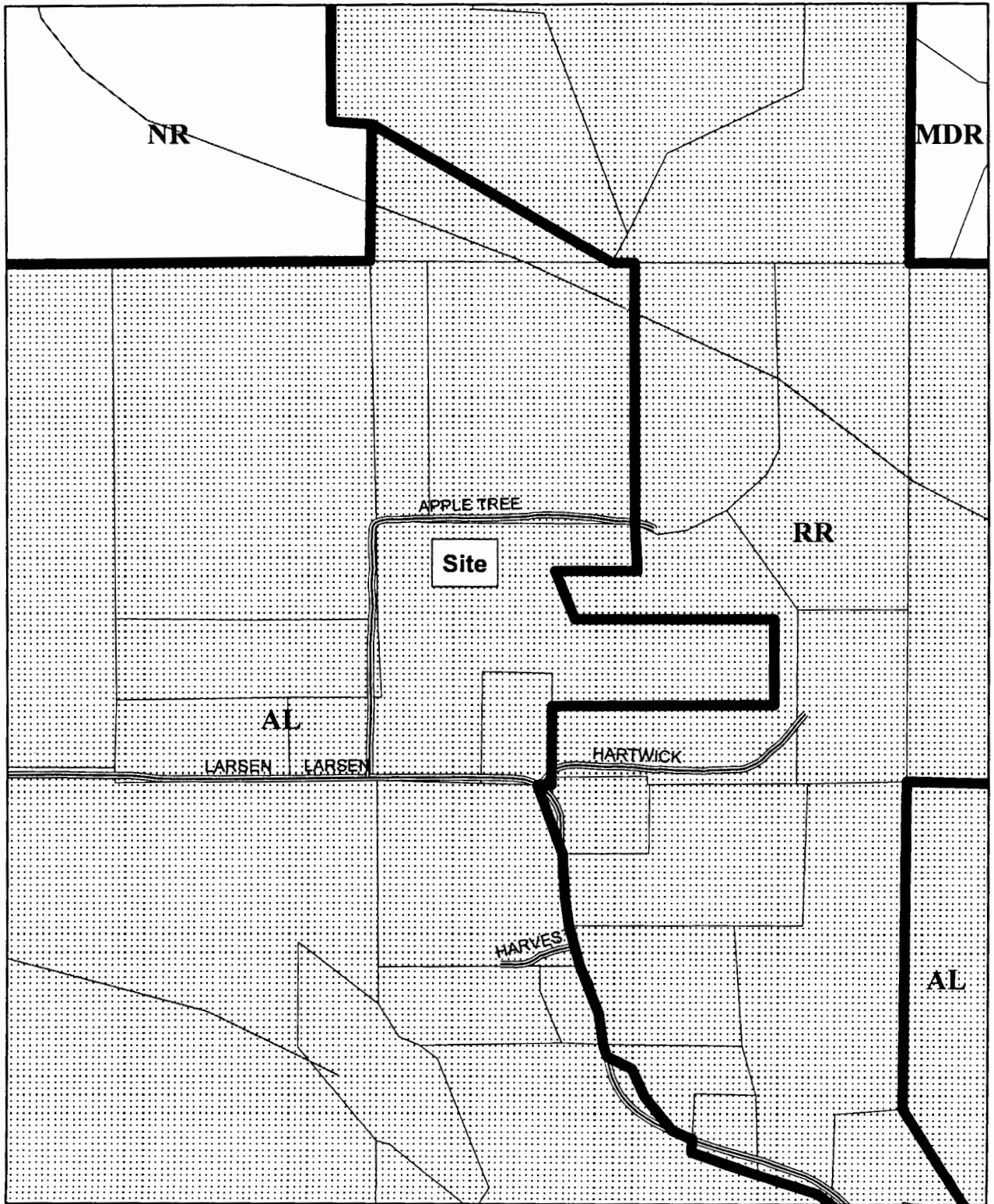
Exhibit A.....	Vicinity Map
Exhibit B.....	General Plan Land Use Map
Exhibit C.....	Zoning Map
Exhibit D.....	Parcel Map 48-65
Exhibit E.....	Site Plan, Sheet C-11 received January 3, 2006
Exhibits F1 thru F5.....	Site Visit Photos
Exhibit G.....	“Statement of Facts in Support of Variance Application,” pages 1-2

# Vicinity



**Exhibit A**

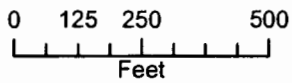
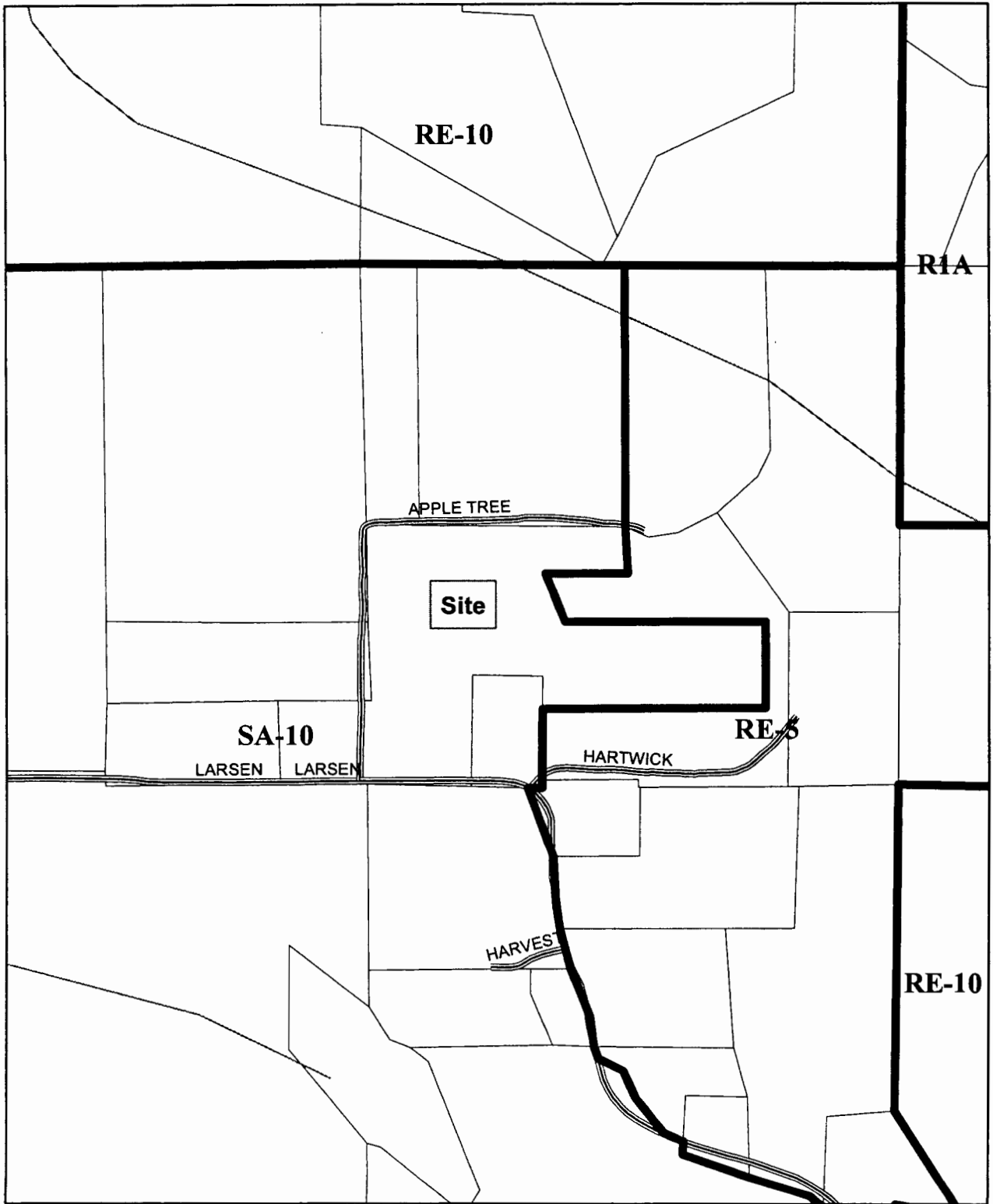
# General Plan Land Use Designation



AL = Agricultural Lands  
RR = Rural Residential  
NR = Natural Resource  
MDR = Medium-Density Residential

 Agricultural District Overlay

# Zoning



SA-10 = Select Agriculture Ten-Acre  
RE-10 = Estate Residential Ten-Acre  
RE-5 = Estate Residential Five-Acre





**OWNER:** WESLEY FISCHER  
 2260 LARSEN DRIVE  
 CAMINO, CA 94531  
**SITE ADDRESS:** 2260 LARSEN DRIVE  
 PLACERVILLE, CA 95667  
**PROJECT:** VARIANCE REQUEST

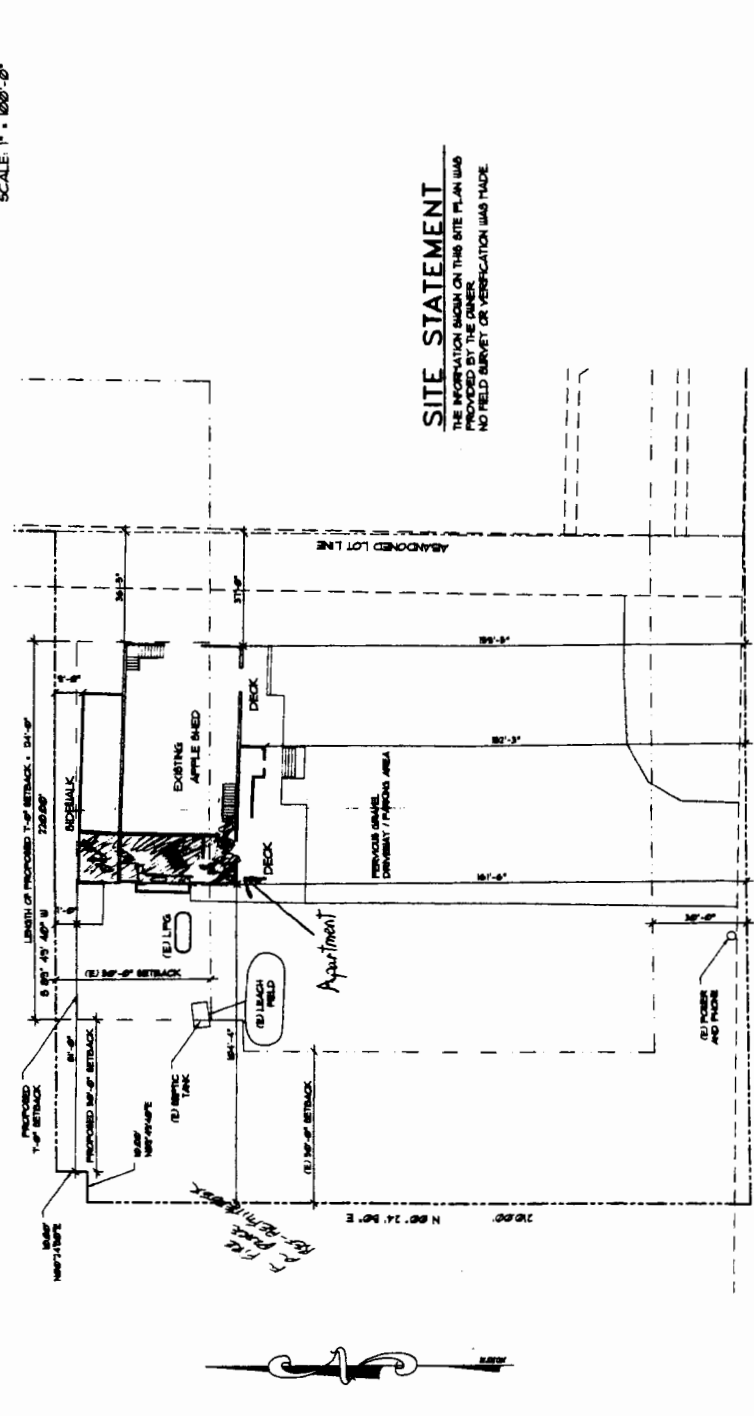
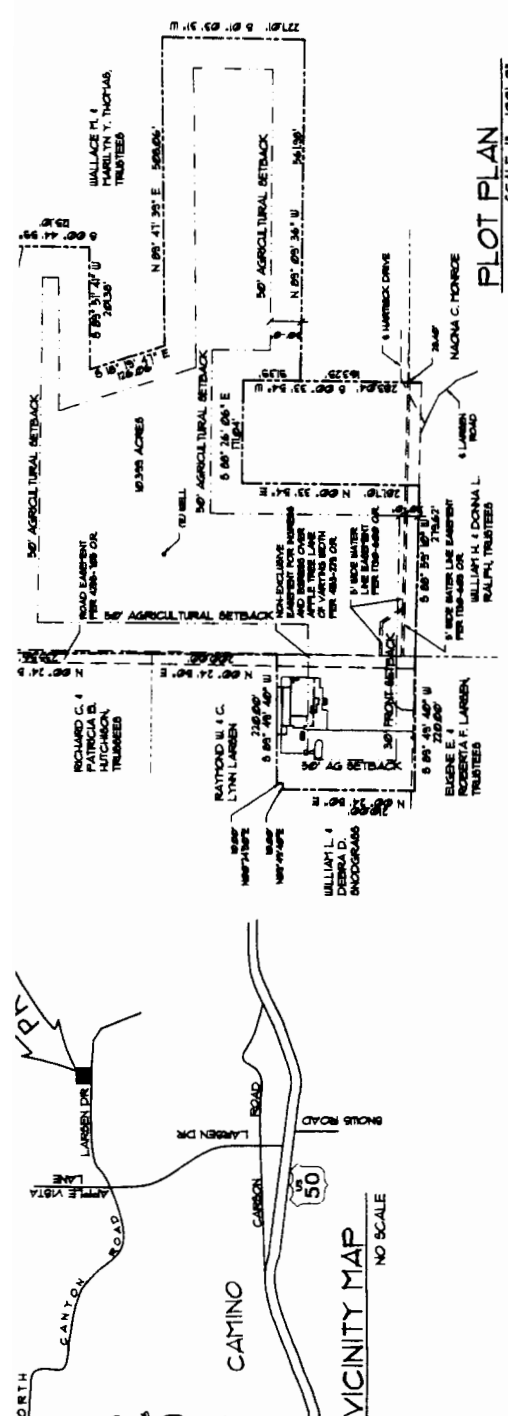
**SITE INFORMATION:**  
 JURISDICTION: EL DORADO COUNTY  
 ASSessor'S PARCEL NO: 002-000-004  
 SITE AREA: 10.398 ACRES  
 ZONE: SA-10  
 FIRE DISTRICT: EL DORADO COUNTY FPD  
 WATER: PUBLIC  
 SEWERAGE DISPOSAL: ON SITE SEPTIC

**OWNER & BUILDER'S NOTE:**  
 THESE PLANS WERE PREPARED BY THE ARCHITECT/DESIGNER FOR THE EXCLUSIVE USE OF THE CLIENT AT THE SPECIFIC SITE SHOWN. NO OTHER USE OR DUPLICATION OF THESE PLANS IS PERMITTED WITHOUT THE PERMISSION OF THE ARCHITECT/DESIGNER.  
 THESE PLANS SHALL NOT BE USED FOR CONSTRUCTION UNTIL APPROVED BY THE LOCAL BUILDING DEPARTMENT. THE BUILDER IS DIRECTED TO FOLLOW THESE PLANS AND CONDITIONS ARE CONSIDERED WITH THESE PLANS BEFORE STARTING WORK. ANY CHANGES TO THESE PLANS ARE UNLESS SPECIFICALLY NOTED OTHERWISE. THE ARCHITECT/DESIGNER SHALL BE RESPONSIBLE FOR THE QUALITY OF THE WORK.  
 WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. IF CONFLICTING INFORMATION IS SHOWN, THE MORE SPECIFIC SHALL GOVERN. THE DESIGNER SHALL BE CONSULTED FOR CLARIFICATION OF ANY PART OF THESE PLANS. THE DESIGNER SHALL BE RESPONSIBLE FOR THE QUALITY OF THE WORK.  
 THE DESIGNER ASSUMES NO RESPONSIBILITY FOR SCHEDULES, FABRICATION, CONSTRUCTION TECHNIQUES, OR MATERIALS OR QUANTITIES USED IN THE WORK. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR FIELD CHANGES, SITE VARIANCES OR DISCREPANCIES NOT BROUGHT TO HER ATTENTION FOR CLARIFICATION.

**SHEET INDEX**

PAGE #	TITLE	SHEET #
1	COVER SHEET / SITE PLAN	C-11

FILE COPY  
 V 05-01



**SITE STATEMENT:**  
 THE INFORMATION SHOWN ON THIS SITE PLAN WAS PROVIDED BY THE OWNER. NO FIELD SURVEY OR VERIFICATION WAS MADE.

Exhibit E

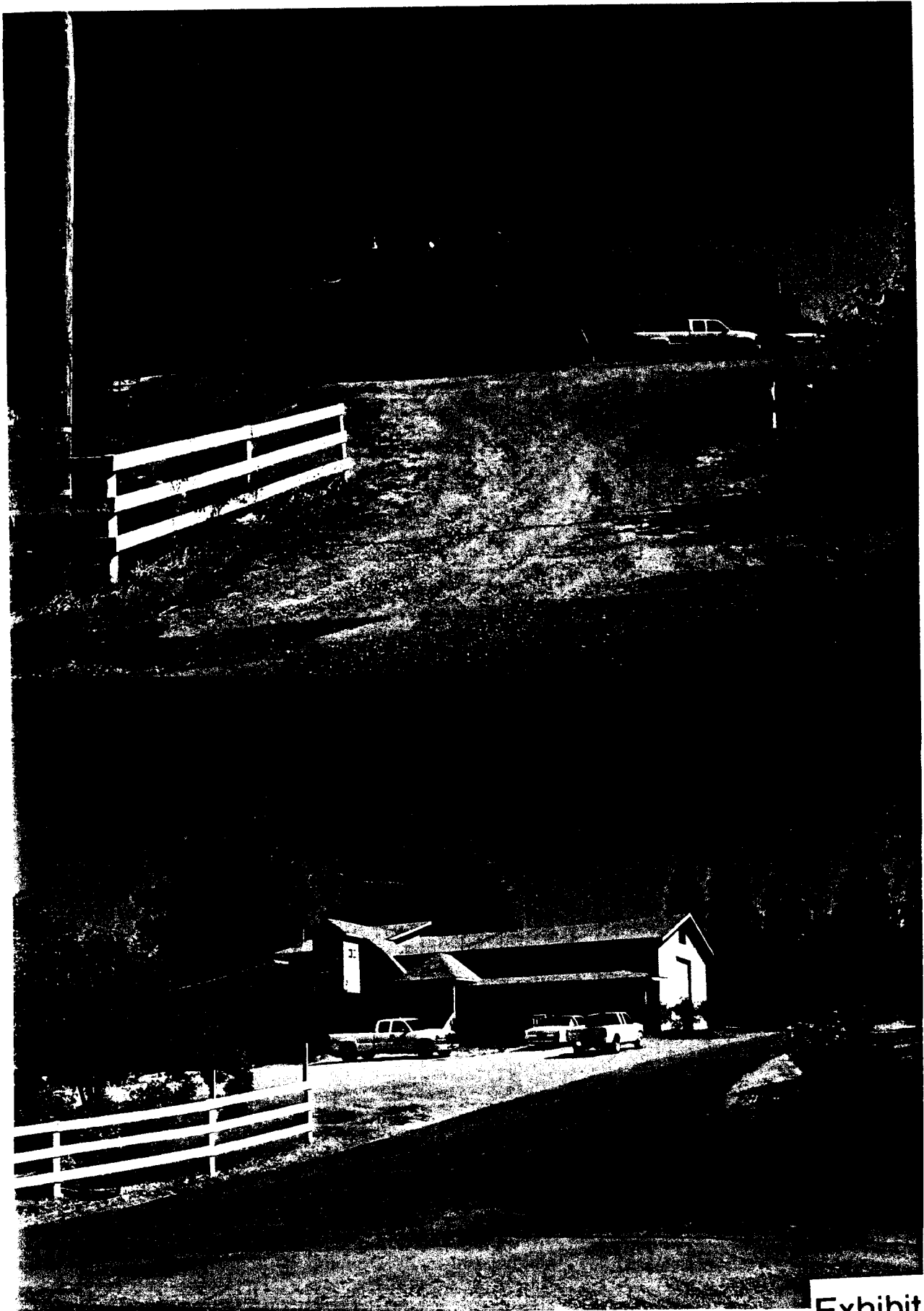


Exhibit F1



Exhibit F2



Exhibit F3

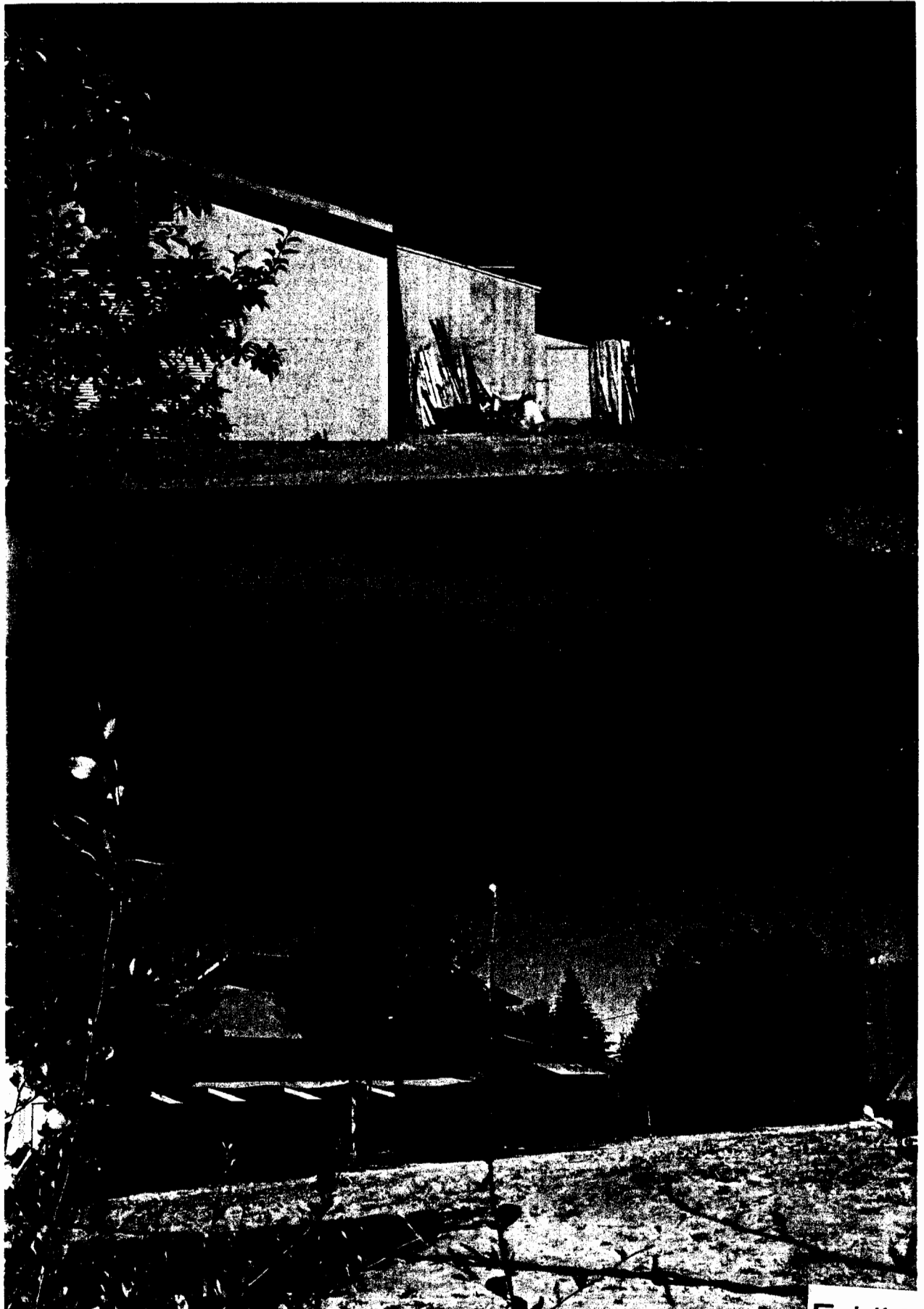


Exhibit F4

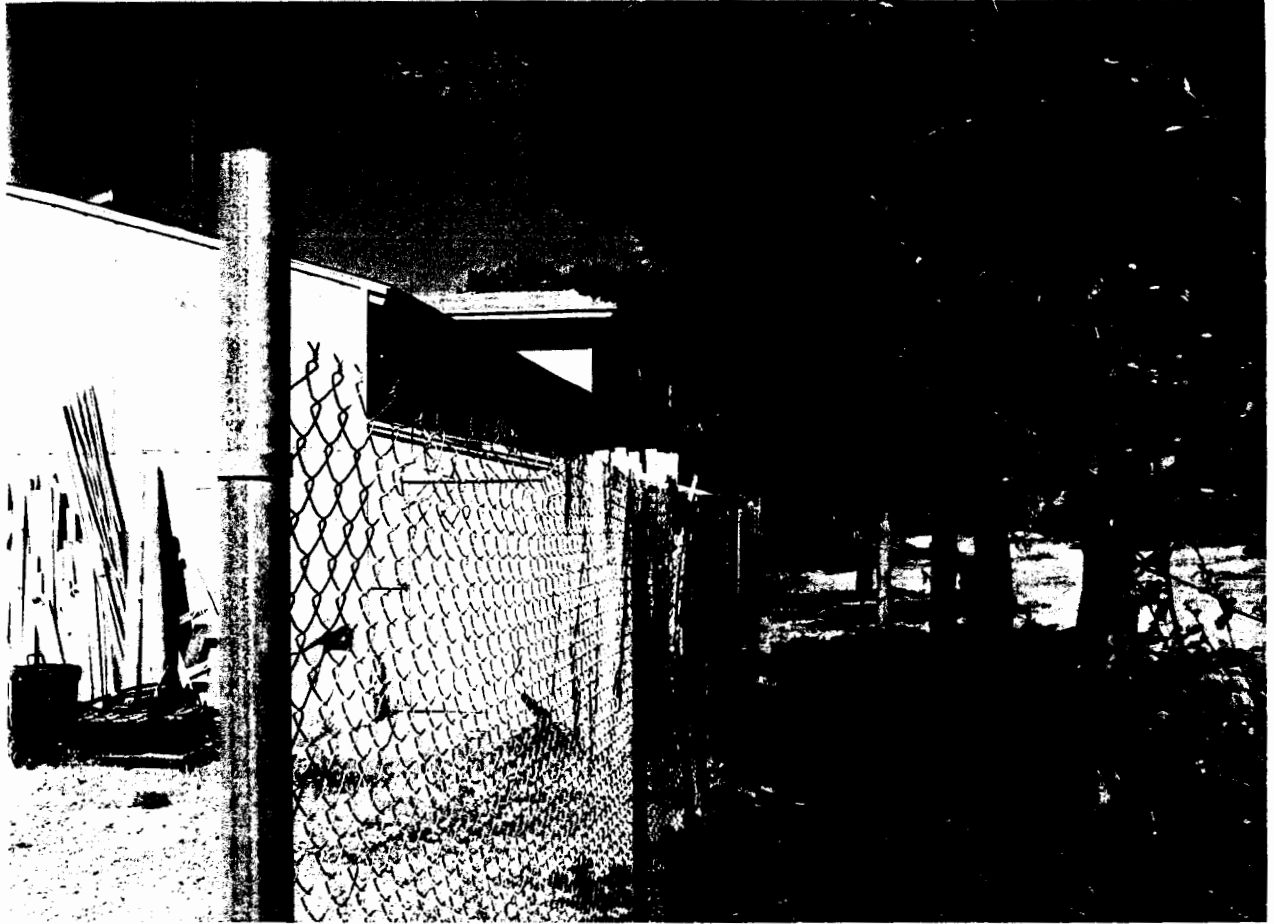


Exhibit F5

## STATEMENT OF FACTS IN SUPPORT OF VARIANCE APPLICATION

The history involving a request for a variance as far as is known to us is as follows:

1. On or about 1966, the one acre parcel referred to in the attached Exhibit A as Parcel 1, was purchased by Wally Thomas. The statement of Wally Thomas is attached hereto, marked Exhibit B. At that time with full permits, he built a packing shed and barn, together with a commercial kitchen and bathroom, including septic. As is stated, the property was used for the packing of apples and pears and baking of products. He sold the one acre property in the mid-70's.

2. At the time the barn was constructed, the adjoining property was owned by a Mr. Hansen. He lived there until the mid-90's when it was sold to Ray and Lynn Larsen. The Larsens have been landowners in the area for a number of years.

3. I am informed and believe that Tim Miller purchased the property in the late 70's, early 80's and constructed the addition to the barn which included a mezzanine, apartment and other improvements. Mr. Miller's mother worked for the County Building Department. We, of course, presume that a permit was obtained for this work.

4. The property was owned by a Mitchell Ellison who in turn sold it to Mr. Bird, who in turn sold it to us. At the time we purchased the property, we intended to use the apartment as a rental, and to our knowledge it has been occupied ever since it was built by Mr. Miller. Mr. Miller occupied the apartment within the packing shed when we purchased the property, all during this time with the knowledge of the Larsens who lived next door. The Larsens were well aware of the packing shed and apartment when they purchased their property and have been aware of it with no complaints until recently.

5. No one complained about the packing shed and/or apartment within the packing shed until a dispute arose during the irrigation district elections. We supported George Osborn in the election and had a coffee for Mr. Osborn. At the time the coffee was had Lynn Larsen came over to our property, looked at the packing shed and apartment and stated that if we did not support the Larsens for their election, that it would have to go. Upon the Larsens losing the election to Mr. Osborn, the Larsens began to contact the County complaining of the barn not being sufficiently set back and this entire process began.



# DEVELOPMENT SERVICES DEPARTMENT

County of  
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

PLANNING  
SERVICES



**PLACERVILLE OFFICE:**

2850 FAIRLANE COURT  
PLACERVILLE, CA. 95667  
(530) 621-5355  
(530) 642-0508 Fax  
Counter Hours: 7:30 AM to 4:30 PM  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)

**LAKE TAHOE OFFICE:**

3368 LAKE TAHOE BLVD., SUITE 302  
SOUTH LAKE TAHOE, CA 96150  
(530) 573-3330  
(530) 542-9082 Fax  
Counter Hours: 8-12 PM and 1-4 PM  
[tahoebuild@co.el-dorado.ca.us](mailto:tahoebuild@co.el-dorado.ca.us)

**EL DORADO HILLS OFFICE:**

4950 HILLSDALE CIRCLE, SUITE 100  
EL DORADO HILLS, CA 95762  
(916) 941-4967 and (530) 621-5582  
(916) 941-0269 Fax  
Counter Hours: 7:30 AM to 4:30 PM  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)

## CONFORMED AGENDA

### EL DORADO COUNTY ZONING ADMINISTRATOR

AUGUST 16, 2006 - 10:00 A.M.

Building C, Hearing Room

2850 Fairlane Court, Placerville, CA

**Public testimony** will be received on each agenda item as it is called. The applicant (where applicable) is allocated ten minutes to speak; individual comments are limited to three minutes; and individuals representing a group are allocated five minutes. The Zoning Administrator reserves the right to waive time limitations.

**Public Forum/Public Comment:** The general public may address items not on the agenda during Public Forum/Public Comment. Comments are limited to five minutes per person. The Zoning Administrator reserves the right to waive time limitations. Please note that Public Forum/Public Comment is for comment only. No action will be taken on these items unless they are scheduled on a future agenda.

**Written Information from the Public:** To ensure delivery to the Zoning Administrator prior to the hearing, any written information from the public must be received by Planning Services by Friday the week prior to the meeting. Planning Services cannot guarantee that any FAX or mail received the day of the hearing will be delivered to the Zoning Administrator prior to any action.

**Project Applicants:** It is important that the applicant or applicant's representative attend the hearing no later than 10:00 A.M., as agenda items may be heard out of order and hearings often proceed quickly. If attendance is not possible, the project planner should be contacted prior to the hearing.

All Zoning Administrator hearings are tape recorded. Anyone wishing to purchase a recorded tape for \$5.00 may do so by contacting Planning Services after action has been taken.

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**HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
INQUIRE WITHIN THE PLANNING SERVICES OFFICE**

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1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**

3. **PUBLIC FORUM/PUBLIC COMMENT**

4. **CONTINUED PROJECTS** (Public Hearing) If applicable, a revised agenda identifying specific continued projects will be posted prior to hearing.

a. NONE

5. **NEGATIVE DECLARATION PROJECTS** (Public Hearing)

- a. **COC 06-0037 –BETTY J. MEULPOLDER**: A Certificate of Compliance for a one-acre parcel identified by Assessor's Parcel Number 079-160-52, zoned Single-family Two-acre Residential (R2A) and located on the east side of Overland Way, approximately 350 feet south of the intersection with Sly Park Road in the Sly Park area. (Negative Declaration prepared)\*

STAFF: Jonathan Fong                      RECOMMENDATION: Conditional Approval  
ACTION: Continued to September 6, 2006 Zoning Administrator Hearing.

6. **CATEGORICALLY EXEMPT PROJECTS** (Public Hearing) If applicable, a revised agenda identifying specific categorically exempt projects will be posted prior to hearing.

- a. **V05-0007 –WESLEY A. FISCHER**: A variance to allow an apartment to be eight (8) feet from the northern property line within a 200-foot agricultural setback and within the thirty (30)-foot setback required by the Select Agricultural Ten-acre (SA-10) Zone District. The property consists of a 10.2 acres parcel identified by Assessor's Parcel Number 100-100-54, is zoned Select Agricultural (SA-10) Zone District and located on north side of Larson Drive, at the intersection with Apple Tree Lane in the Camino area. (Categorically exempt pursuant to Section 15305 (a) of the CEQA Guidelines)\*\*

STAFF: Tom Dougherty                      RECOMMENDATION: Denial  
ACTION: Denied V05-0007 based on Findings contained in the staff report.

7. **ADJOURNMENT**

Respectfully submitted,

Steven Hust  
Zoning Administrators

All persons interested are invited to attend and be heard or to write their comments to the Zoning Administrator. If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator, or prior to, the public hearing. Any written correspondence should be directed to the Zoning Administrator, Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

\*A negative declaration has been prepared for this project and may be reviewed and/or obtained in Planning Services at 2850 Fairlane Court, Placerville, CA 95667, during normal business hours. A negative declaration is a document prepared to satisfy CEQA (California Environmental Quality Act). This document states that there are no significant environmental effects resulting from the project, or that conditions have been proposed which would mitigate or reduce potential negative effects to an insignificant level.

\*\*This project is categorically exempt from CEQA (California Environmental Quality Act) pursuant to the above-referenced section, and it is not subject to any further environmental review.

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September 15, 2006

Wesley and Ellen Fischer  
2244 Larsen Drive  
Camino, CA 95709

Dear Mr. and Mrs. Fischer

Your request appealing denial of Variance V05-0007 has been forwarded to the Board of Supervisors and will be considered on September 26, 2006, at 2:00 p.m., in the Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95667. A copy of the memo to the Board is enclosed for your information. If you have any questions, please contact Tom Dougherty in Planning Services at (530) 621-5355.

Sincerely,

A handwritten signature in cursive script that reads "Jo Ann Brillisour".

Jo Ann Brillisour  
Clerk to the Planning Commission

Enclosure



# EL DORADO COUNTY PLANNING SERVICES

2850 Fairlane Court  
Placerville, CA 95667

<http://www.co.el-dorado.ca.us/planning>

Phone: (530) 621-5355  
Fax: (530) 642-0500

## NOTICE OF PUBLIC HEARING

The **El Dorado County Board of Supervisors** will hold a public hearing in the **Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95667** on **September 26, 2006, at 2:00 p.m.**, to consider a request submitted by WESLEY and ELLEN FISCHER appealing denial of Variance V05-0007 which would allow an apartment to be 8 feet from the northern property line within a 200-foot agricultural setback and within the 30-foot setback required by the Select Agricultural Ten-acre (SA-10) Zone District. The property, identified by Assessor's Parcel Number 100-100-54, consists of 10.2 acres, is located on the north side of Larson Drive, at the intersection with Apple Tree Lane, in the **Camino area**.

All persons interested are invited to attend and be heard or to write their comments to the Board of Supervisors. If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board at, or prior to, the public hearing. Any written correspondence should be directed to Tom Dougherty, Associate Planner; El Dorado County Planning Services; 2850 Fairlane Court; Placerville, CA 95667.

EL DORADO COUNTY PLANNING COMMISSION  
GREGORY L. FUZ, Development Services Director

Date: September 1, 2006

RECEIVED  
PLANNING DEPARTMENT  
SEP 18 PM 4:24

I believe the following Variance to allow an apartment should not be allowed. An apartment of any kind is not in the best interest of Camino, in particular an agriculture area promoting a specific agenda. Thank you, Henry Fox 2261 Harvest Ln Camino Ca