

File Number: V 08-0005-A

Receipt No.: 250915

Date Received: 8/12/08

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 Ren Reinders dba Fudge Factory Farm
ADDRESS 2860 High Hill Rd. Placerville, Ca. 95667
DAYTIME TELEPHONE 644-3492 - 391-3681 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.)

Please see attached:

- A
- B To follow
- C
- D
- E
- F
- G, H, I

RECEIVED
PLANNING DEPARTMENT
08 AUG 12 PM 12:34

DATE OF ACTION BEING APPEALED August 6, 2008 (ZA)

Signature Ren Reinders

Date 8/12/08

Attachment A-

I am appealing the approval of variance V08-0005. The packing shed and sales structure is built on a deeded easement and not 4 feet from the edge of a 50-foot wide easement. Also there is a denial by the Visman's that this deeded easement exists.

1. We will submit a surveyed and engineered map that will show the extent the building encroaches on the easement.(Attachment B-to be submitted before hearing)
2. We will submit a letter dated 7/14/08 to the Zoning Administrator, Roger Trout explaining our concerns regarding the variance. (Attachment C)
3. We will submit a copy of a memo to the Board of Supervisors dated 4/2/02 as confirmation of the fact that they close down the easement due to the congestion caused by this building. (Attachment D)
4. We will submit photos of the overburdening of the easement by Visman. (Attachment E)
5. We will submit a copy of Grant Deed book 1471 page 222 and 223 a copy of the Deed and recorded easement. (Attachment F & G)
6. We will submit a copy of the Parcel Map Book 13 page 13 showing the deeded easement. (Attachment H)
7. We will submit a copy of the Parcel Map Book 2 page 80 verifying the course and direction of the easement. (Attachment I)

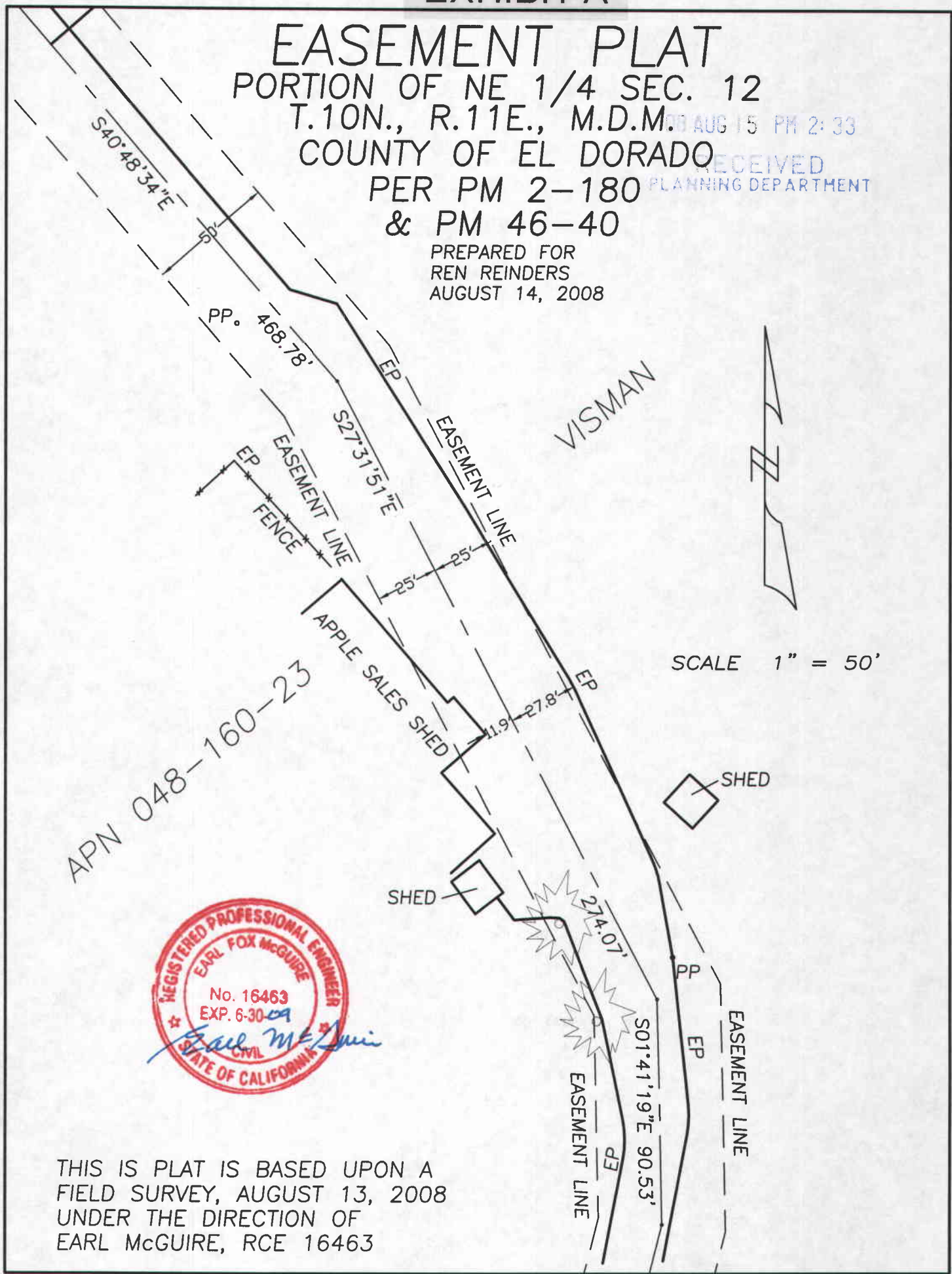
EXHIBIT A

EASEMENT PLAT PORTION OF NE 1/4 SEC. 12 T.10N., R.11E., M.D.M. COUNTY OF EL DORADO

PER PM 2-180
& PM 46-40

PREPARED FOR
REN REINDERS
AUGUST 14, 2008

RECEIVED
PLANNING DEPARTMENT
AUG 15 PM 2:33



THIS IS PLAT IS BASED UPON A
FIELD SURVEY, AUGUST 13, 2008
UNDER THE DIRECTION OF
EARL MCGUIRE, RCE 16463

Ren and Jean Reinders, dba Fudge Factory Farm
2860 High Hill Road
Placerville, Ca. 95667

07/14/2008

El Dorado County Planning Services
2850 Fairlane Court
Placerville, Ca. 95667
Att: El Dorado County Zoning Administrator, Roger Trout

Re: Concerns for Variance V08-0005 High Hill Road.

- The site map showing the location of the apple sales building and food facilities in relationship to the easement are incorrect. There is a recorded easement through High Hill Ranch property on record. High Hill Ranch owners have not had the easement surveyed, and as such, they do not understand where the easement lies. There are no fixed points of reference on their map to determine the location of the building in relationship to the easement.
- To allow this variance on the easement would create great impact on the traffic flow. During the Apple Hill season, High Hill chooses to block the easement due to the bottleneck created at the apple sales and food facilities building. This building was built against setback requirements, without the benefit of building permits and in so doing High Hill Ranch has created a traffic nightmare at this location, causing a great concern for public safety. Many friends, relatives and customers have complained they were unable to get to our home or Fudge Factory Farm business because the road was blocked. They have been forced to park on High Hill Ranch property and walk to our property. I sight the April 2, 2002 report to the Board of Supervisors that states when county staff came out to report on the Fudge Factory Farm's parking, they were forced to park on High Hill Ranch property.
- Ten years ago I had my easement surveyed and filed the complaint about the building being on the easement. High Hill Ranch has benefited from the location during this period and fails to yield to requests to leave the easement open. High Hill Ranch places barricades and fences on the road to stop traffic from being able to get to our property
- The building is presently 12'-13' on the easement. I suggest High Hill Ranch survey the easement and verify its location and proximity of the apple sales and food facilities to the required county setbacks and pertinent structures.

Regards,



EL DORADO COUNTY
AGENDA TRANSMITTAL
MEETING OF April 9, 2002

06 MAY 31 AM 11:48
RECEIVED
PLANNING DEPARTMENT

Page 4, S85-70R
Review/Status Report
Memo to Board of Supervisors
April 2, 2002

BACKGROUND (continued)

Condition 5

A minimum of 126 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area and two employees shall be assigned to direct traffic to the parking lot from 11:30 a.m. to 4:00 p.m. on weekends and holidays.

Discussion: The Board of Supervisors acted to modify Condition 5 requiring the Fudge Factory provide a total of 126 on-site parking spaces and that two employees on weekends between the hours of 11:30 a.m. to 4:00 p.m. be used to direct Fudge Factory patrons to the on-site parking lot.

During the Apple Hill season of 2001, Planning staff made two unannounced site visits to the Fudge Factory. The first site visit was on Saturday, September 1, 2001, which was Labor Day weekend. At this time the Fudge Factory had one parking employee at the end of High Hill Road adjacent to Carson Road asking people whether they were going to the Fudge Factory. If so, those cars were directed towards the Fudge Factory parking area. The second Fudge Factory parking employee was stationed adjacent to the Fudge Factory building. This employee directed traffic into the handicapped spaces adjacent to the building and onto a dirt road leading behind the Fudge Factory. While staff was attempting to park on the Fudge Factory property, several High Hill Ranch employees forcefully tried to get staff to park on the High Hill Ranch property. Staff declined and parked in the Fudge Factory parking lot. At the time staff made the visit (about 1:30 p.m.), there were approximately 20 vehicles parked in the Fudge Factory parking area. Staff walked to the end of High Hill Road and observed High Hill Ranch employees hindering the Fudge Factory employee by placing traffic cones in the easement and directing the majority of the vehicles entering High Hill Road onto the High Hill Ranch property irregardless of the vehicle occupants stated destination.

The second site visit was on Sunday, November 18, 2001. On this date the weather was cloudy and cool with sporadic rain. Staff turned left onto High Hill Road and observed both the single Fudge Factory employee and multiple High Hill Ranch employees directing traffic. The number of patrons on the site was considerably fewer than the last visit. On this visit, the High Hill Ranch employees had blocked High Hill Road with cones and ribbon and required staff to turn left and park on the High Hill Ranch property. After parking, staff observed the High Hill Ranch employees taunting and obstructing the Fudge Factory employee from directing traffic into the Fudge Factory parking lot.

S 85-0070 R

Attachment E

High Hill Ranch's employees
Placing cones to close off
Easement



Two fences have been placed
On 50ft. easement narrowing
It down to 25ft.

Note craft booth placed on
Easement

Dinning tables placed on
Easement



Fences blew over causing
Even more restriction on
Easement



EL DORADO COUNTY

RECORDING REQUESTED BY

INTER-COUNTY TITLE CO.

AND WHEN RECORDED MAIL TO

Name: Mr. & Mrs. Marinus H. Reinders
Street Address: 22434 Palm Ave.
City & State: Cupertino, Ca 95014

RECORDED BY
INTER-COUNTY TITLE CO.

FEB 9 3 46 PM 1977

REGISTERED BY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 74.80

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grant Deed

ORDER No. 114,647 LW

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

GEORGE C. VISMAN and JANET LOUISE VISMAN, husband and wife

hereby GRANT(S) to

MARINUS H. REINDERS and FRANCES JEAN REINDERS, husband and wife,

the following described real property in the unincorporated area of the County of El Dorado, State of California:

FOR DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

STATE OF CALIFORNIA }
COUNTY OF El Dorado } ss.

On February 7, 1977 before me, the undersigned, a Notary Public in and for said State, personally appeared

George C. Visman and Janet Louise Visman

known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature: *[Handwritten Signature]*

Dated February 7, 1977

[Handwritten Signatures]
George C. Visman
Janet Louise Visman



5708

Mail Tax Statements to Return Address Above

RESERVING to grantor non-exclusive easements for road and public utility purposes upon those portions of the realty first hereinabove described as are designated for such respective purposes upon said Parcel Maps which easements shall be appurtenant to the remaining lands of the grantors and to every part and future subdivision thereof.

RESERVING to grantor non-exclusive easements for use in common with others for road and public utility purposes over, under, through and across that strip of land 50 feet in width along the centerline of an existing road in the North half of said Section 12 as is designated for such respective purposes on those Parcel Maps filed December 8, 1972 in Book 2 of Parcel Maps at Page 80 and November 17, 1976 in Book 13 of Parcel Maps at Page 13, which easements shall be appurtenant to the realty first hereinabove described and to every part and future subdivision thereof.

TOGETHER WITH non-exclusive easements for use in common with others to the POINT OF BEGINNING. In said Book and Page running South 88° 15' 00" West 11.50 feet boundary of the Parcel land conveyed to George C. Vismann et ux (4) South 88° 15' 00" West 77.01 feet, thence leaving the South 120.91 feet; thence (3) South 87° 31' 00" West 175.31 feet; thence 88° 03' 20" West 351.21 feet; thence (2) South 87° 16' 00" West et ux in said Book and Page. Following seven courses: (1) South boundary line of the Parcel of land conveyed to George C. Vismann County Records Office, El Dorado County, pages 79 in April 22, 1964, in Book 686 of Official Records, to the Southeast corner of the Parcel of land conveyed to George C. Vismann et ux recorded thence North 66° 09' 33" East 621.50 feet, to the Southeast corner Township 10 North, Range 11 East, M.D.M.; thence South 88° 23' 30" West 25.23 feet; thence South 88° 09' 33" East 294.00 feet; BEGINNING at the North one quarter Section corner of Section 12,

PARCEL NO. 2:
 All that portion of the North half of Section 12, Township 10 North, Range 11 East, M.D.M., more particularly described as follows:

Section 1 marked by a 2 inch capped iron pipe bears South 88° 15' West 11.50 feet; thence from said point of beginning along a fence line North 5° 07' West 254.96 feet, North 2° 48' 30" West 33.07 feet, to a 1 1/2 inch capped iron pipe; thence leaving said fence line North 88° 06' East 454.50 feet to a similar pipe; thence continuing North District Ditch, then along said centerline of the El Dorado Irrigation 45.00 feet South 26° 15' 40" East 45.23 feet South 20° 51' 40" East 207.48 feet and South 58° 20' 30" East 184.84 feet; thence leaving said centerline, South 88° 03' 20" West along a fence line 351.21 feet South 87° 16' 00" West 120.91 feet, South 87° 31' West 175.31 feet and South 88° 15' West 77.01 feet to the point of beginning. According to a survey made under the direction of Butler and Sanders in February, 1964.

PARCEL NO. 1:
 All that certain real property situate in the County of El Dorado, State of California, more particularly described as follows:
 Range 11 East, M.D.B.L.M., described as follows:
 All that portion of the South half of Section 1, Township 10 North,

DESCRIPTION

Order No. 114,547

EL DORADO COUNTY

Attachment 9

V08-0005 – As Approved by the Zoning Administrator August 6, 2008

CONDITIONS OF APPROVAL

1. This variance is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked as Exhibit D dated August 6, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Variance to reduce the front yard setback from 30 feet to four feet from the edge of a 50-foot wide road easement (High Hill Road) for an existing 6,180 square foot packing shed and sales structure, to allow the structure to remain in its current location, as shown on Exhibit D.

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

Planning Services

2. 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, as provided in *Section 66474.9(b)* of the *California Government Code*.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing 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 variance, which action is brought within the time period provided for in *Section 66499.37* of the *California Government Code*.

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

3. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.

4. Prior to issuance of a building 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.
5. The variance to the setback will be allowed within the area necessary to permit only the project as listed in the project description. Further encroachment into the setback area is prohibited.

El Dorado County Department of Transportation

6. Prior to building permit issuance, the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of the approval of this setback variance. The form of said document shall be reviewed and approved by County Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office. An official copy shall be sent to the Department of Transportation, Placerville office.

FINDINGS

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to *Section 15305(a)* that allows minor alterations in land use limitations which do not result in any changes in land use or density, including, but not limited to minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

2.0 GENERAL PLAN FINDINGS

- 2.1 As stated above, the proposed variance is consistent with the applicable policies of the General Plan including Policy 8.1.1.8 regarding the site's Agricultural Lands land use designation because the existing use is a permitted agricultural ranch marketing use.

3.0 VARIANCE FINDINGS

- 3.1 *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.*

As stated above, the structure was constructed in 1957 and later damaged by a storm requiring roof repairs. The structure was built closer to the property line than the original 1957 structure when it was expanded. Because the structure was later expanded without a building permit, by the property owner, the structure

now has an open code enforcement case concerning building code issues. A building permit cannot be issued to address these building and fire code issues unless approval of the subject variance is granted.

- 3.2 *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.*

The existing packing shed and sales structures is located on the portion of the site zoned Exclusive Agricultural (AE) and is permitted by right within the AE zone district pursuant to 17.36.070.H and I. As such, it is considered a reasonable use of the land to support current agricultural operations. Demolition and relocation of the existing structure would potentially negatively impact existing agricultural operations and cause the applicant undue financial hardship.

- 3.3 *The variance is the minimum necessary for the reasonable use of the land or building.*

This variance request would validate the existing structure in its current location, which has been conditioned to prevent any further structural encroachment within the front yard setback (see Attachment 1). Therefore, the requested variance is the minimum necessary for the reasonable use of the land.

- 3.4 *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.*

The project was distributed to all applicable responsible agencies and no comments were received to prevent approval of the variance. The structure has existed since 1957 and staff is unaware of any known history of access, safety, or utility-related complaints or concerns.

Approval of the requested variance would not impede traffic flow within the easement and would not negatively impact any of the surrounding properties currently using High Hill Road. Therefore, the variance, as conditioned, would not be detrimental to the public health, safety, and welfare of the neighborhood.

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: August 6, 2008
Item No.: 4.b.
Staff: Jason Hade

VARIANCE

FILE NUMBER: V08-0005

APPLICANT: George Visman

AGENT: Jerry Visman

REQUEST: Variance to reduce the front yard setback from 30 feet to four feet from the edge of a 50-foot wide road easement (High Hill Road) for an existing 6,180 square foot packing shed and sales structure.

LOCATION: On the north side of Carson Road, approximately 0.75 miles west of the intersection with U.S. Highway 50 in the Camino area, Supervisorial District III. (Exhibit A)

APN: 048-160-23 (Exhibit F)

ACREAGE: 31.11 acres

GENERAL PLAN: Agricultural Lands – Agricultural District (AL -A) (Exhibit B)

ZONING: Select Agricultural District (SA-10) / Exclusive Agricultural (AE) (Exhibit C)

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

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to Section 15305(a) of the *CEQA Guidelines* and;
2. Approve Variance application V08-0005 subject to the conditions in Attachment 1 based on the findings in Attachment 2.

BACKGROUND: According to the agent, the existing packing shed and sales structure was constructed in the early 1930's. As such, the applicant believes the structure should be considered a legal non-conforming use. However, Building Services research indicates that the structure was initially built in 1957 and later expanded without a building permit. Staff believes the structure was built closer to the property line than the original 1957 structure when it was expanded. An open Code Enforcement case (number 153015) exists at the subject site, partially as a result of the expansion and roof repair of the structure without permits. The agent has applied for a building permit (number 178095) to resolve these issues, but that permit cannot be issued until the setback issue discussed below is addressed by the subject variance application.

STAFF ANALYSIS

Project Description: The applicant is requesting a variance to reduce the front yard setback from 30 feet to four feet from the edge of a 50-foot wide road easement (High Hill Road) for an existing 6,180 square foot packing shed and sales structure (Exhibit D). The variance is requested so that building permit number 178095 may be issued by Building Services to address building code compliance issues.

Site Description: High Hill Ranch is located at the subject site. As such, the site contains a variety of ranch marketing uses and related structures, a trout pond, parking areas, a single family residence, and apple orchards. High Hill Road bisects the property and provides the primary access to the site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	SA-10/AE	AL-A	Agriculture/Ranch Marketing and related structures
North	SA-10/AE	AL-A	Ranch Marketing/Fudge Factory
South	R20K	HDR-PL	Single Family Residences

East	R20K	HDR-PL	Single Family Residences
West	TPZ	AL-A	Single Family Residence

Discussion: As shown in the table above, the site is surrounded by ranch marketing and residential land uses. Approval of the requested variance would not impede traffic flow within the easement and would not negatively impact any of the surrounding properties currently using High Hill Road.

Variance Findings: The granting of a variance requires four findings pursuant to Section 17.24.040 of the County Zoning Ordinance. Findings for approval are included within Attachment 2 of this staff report. Additionally, variance support information submitted by the applicant is attached as Exhibit G.

General Plan: The County General Plan designates the subject parcel as Agricultural Lands with an Agricultural District overlay (AL-A). A broad range of agricultural and ranch marketing activities are permitted by the AL land use designation based on the characteristics identified under General Plan Policy 8.1.1.8. The existing structure is a permitted agricultural use. If approved, the requested variance would have no negative impact on agricultural activities currently being conducted at the site. The granting of this variance, therefore, would conform to the AL land use designation.

Zoning: The existing packing shed and sales structures is located on the portion of the site zoned Exclusive Agricultural (AE) and is permitted by right within the AE zone district pursuant to 17.36.070.H and I. Minimum setbacks for the existing structure would be 30 feet for the front yard. If approved, the requested variance would result in a minimum setback of four feet from the edge of the 50-foot road easement as shown on Exhibit D. As proposed, the requested variance is compatible with the surrounding existing agricultural uses at the site.

Conclusion: As discussed above, staff finds the variance, as proposed and conditioned, would be consistent with all applicable provisions of the General Plan and County Zoning Ordinance Title 17.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305(a) of the CEQA Guidelines that allow minor alterations in land use limitations for a variance. No new construction is proposed. As a result, no further environmental analysis is necessary. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1.....	Conditions of Approval
Attachment 2.....	Findings
Exhibit A	Vicinity Map
Exhibit B.....	General Plan Land Use Map
Exhibit C.....	Zoning Map
Exhibit D.....	Site Plan
Exhibit E.....	Photo of Site
Exhibit F.....	Assessor's Map
Exhibit G.....	Variance Support Information Submitted by Applicant

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number V08-0005/ High Hill Ranch Variance Zoning Administrator/August 6, 2008

CONDITIONS OF APPROVAL

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Planning Services

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El Dorado County Department of Transportation

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ATTACHMENT 2

FINDINGS

File Number V08-0005/High Hill Ranch Variance Zoning Administrator/August 6, 2008

1.0 CEQA FINDINGS

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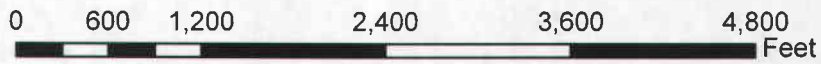
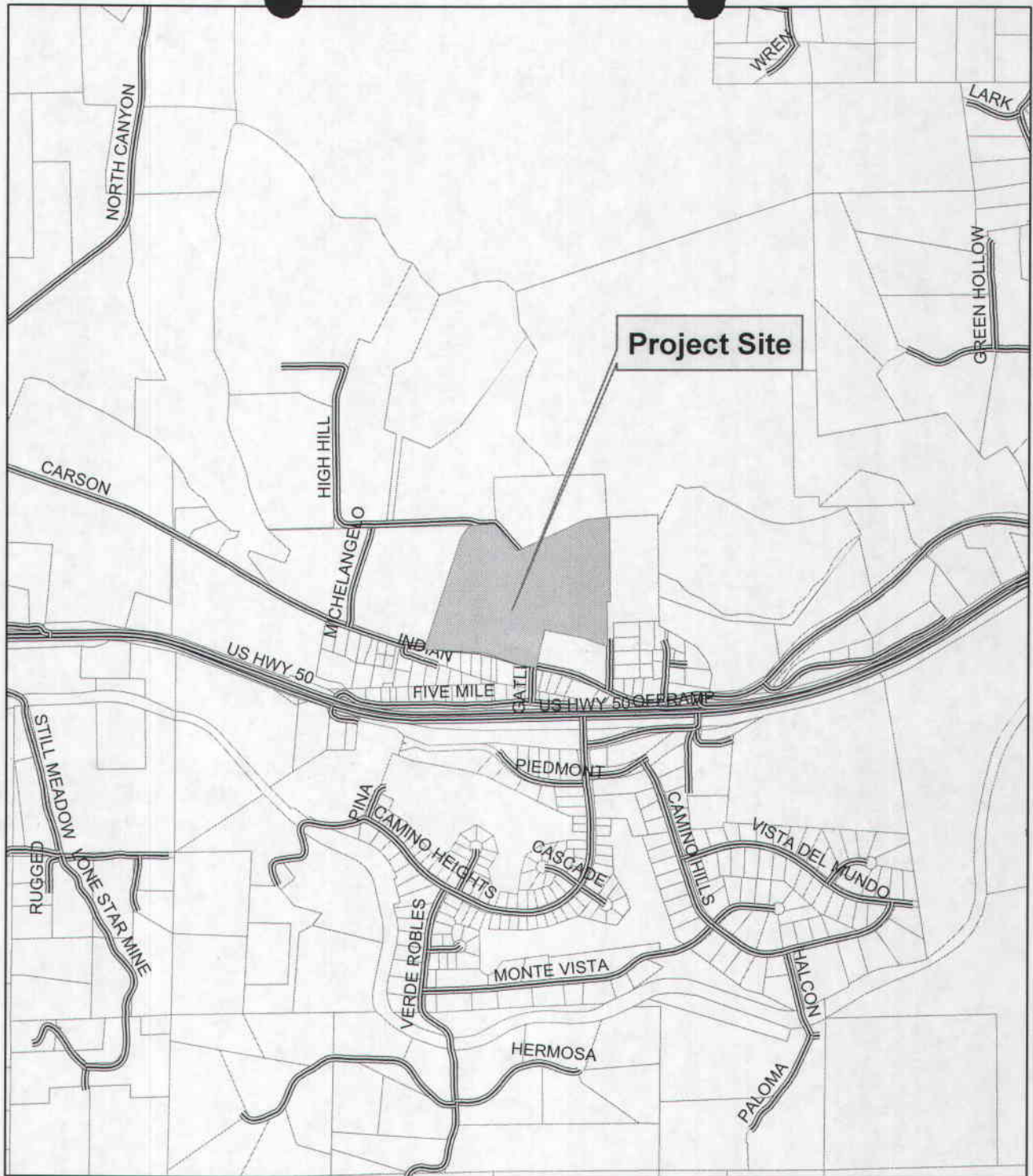
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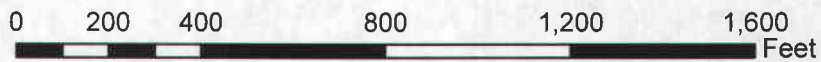
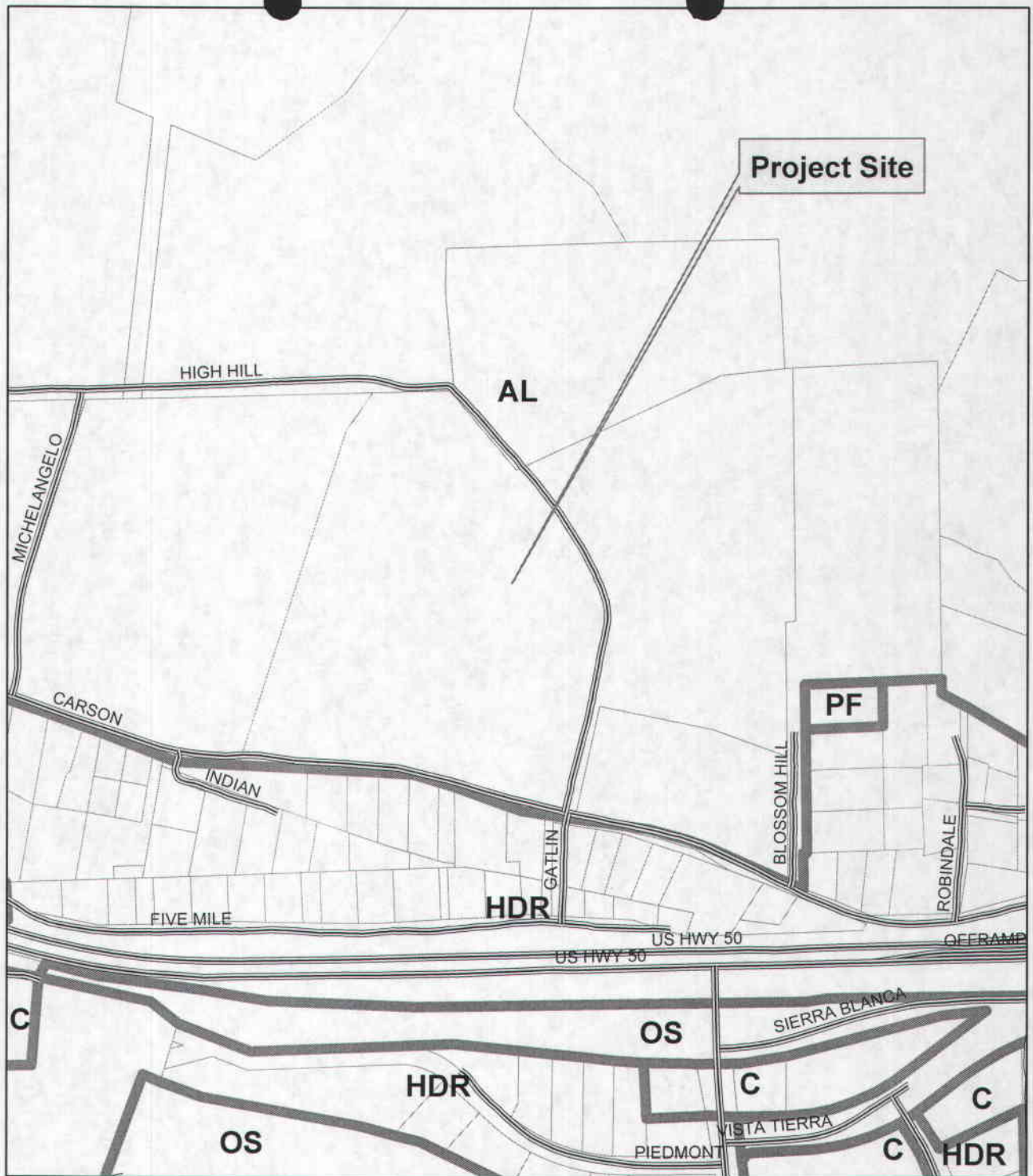
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The project was distributed to all applicable responsible agencies and no comments were received to prevent approval of the variance. The structure has existed since 1957 and staff is unaware of any known history of access, safety, or utility-related complaints or concerns. Approval of the requested variance would not impede traffic flow within the easement and would not negatively impact any of the surrounding properties currently using High Hill Road. Therefore, the variance, as conditioned, would not be detrimental to the public health, safety, and welfare of the neighborhood.



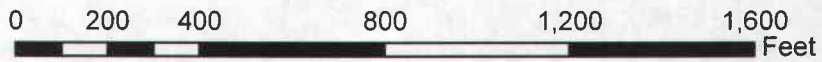
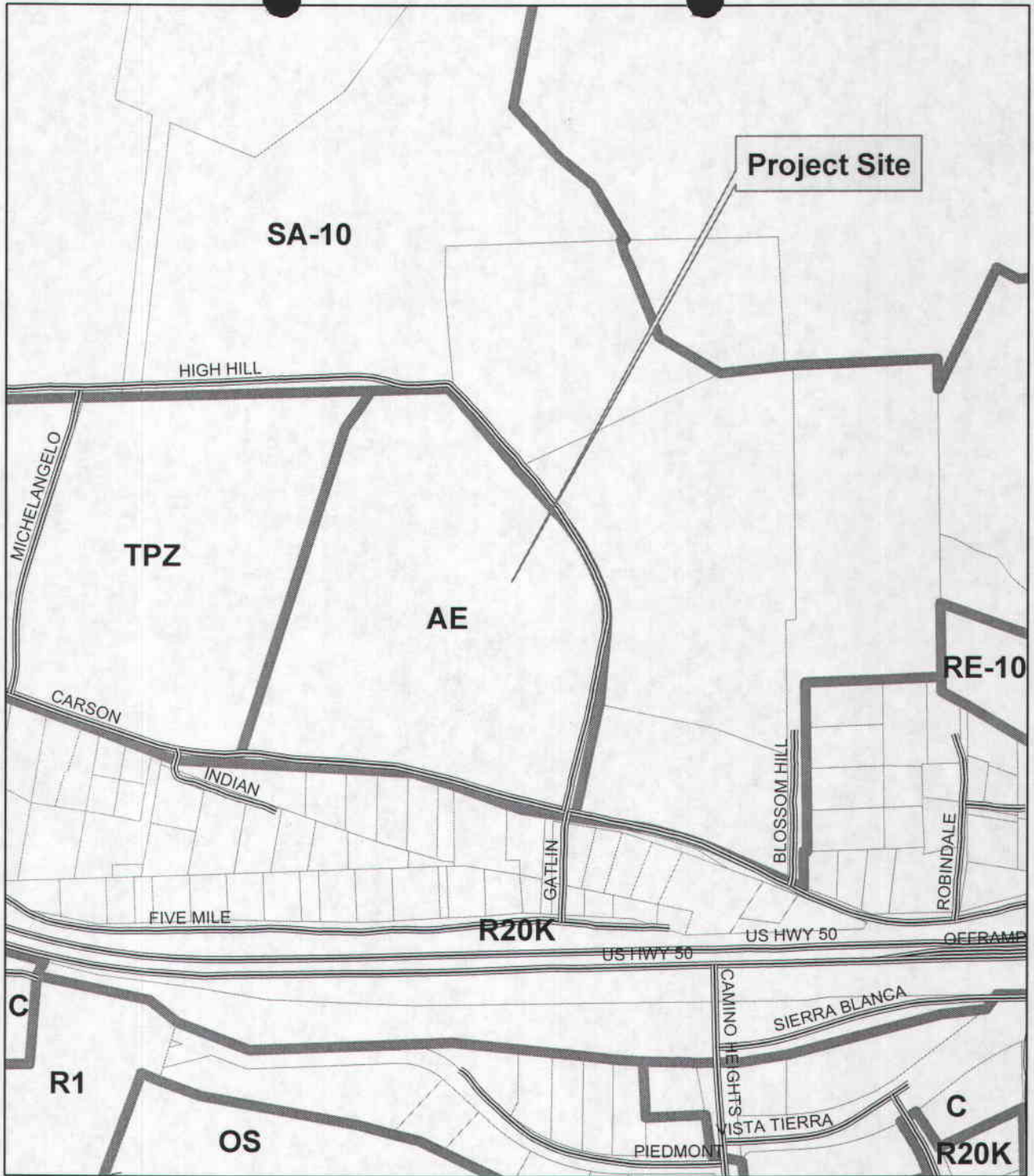
Case No. V08-0005
Vicinity Map

EXHIBIT A



Case No. V08-0005
General Plan Land Use Map

EXHIBIT B



Case No. V08-0005
Zoning Map

EXHIBIT C

T-SHIRT SHOP

STORAGE*
available

Apple stand - Donuts
-en sales
- apples

G

50' Easement
center

24' Road
Paved

4' clear of building

Pie House
Food Se

08 MAR -3 PM 4:20
RECEIVED
PLANNING DEPARTMENT

al access to Fudge Factory - Madrona

H

CIDER A

V 08-0005



V-08-0005

EXHIBIT E

POR. SECS. 2, 11 & 12., T. 10N., R. 11E., M.D.M.
 POR. SUNNYVALE SUBDIVISION
 A-8

Tax Area Code

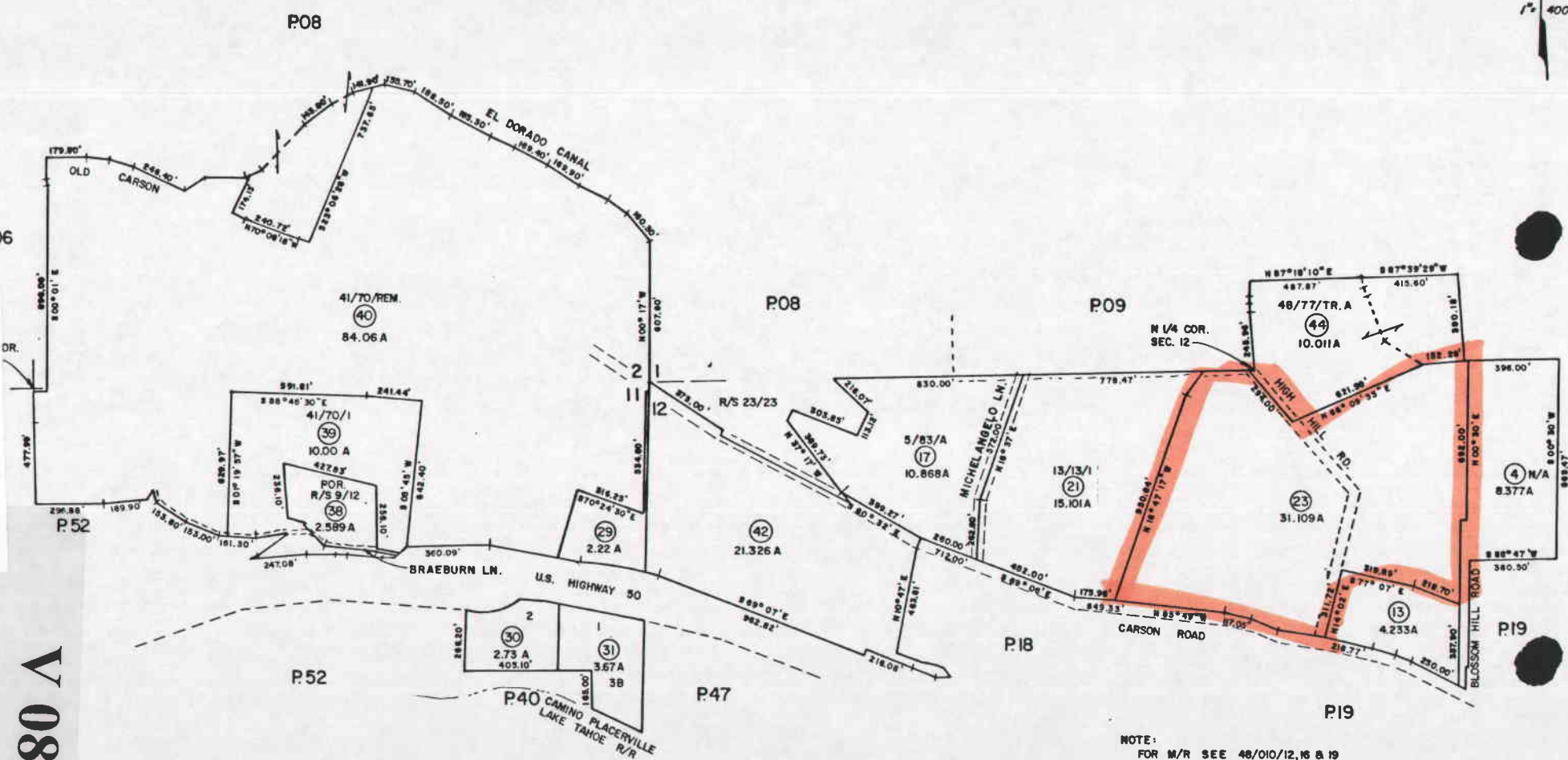
48:16

1" = 400'

EXHIBIT F

V 08-0005

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NOTE:
 FOR M/R SEE 48/010/12, 16 & 19

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 48 - Pg. 16
 County of El Dorado, California

SEP 8 2003



EL DORADO COUNTY PLANNING DEPARTMENT

VARIANCE SUPPORT INFORMATION

The following information must be provided to support your request and assist the Zoning Administrator in making the necessary legal findings to approve the variance. (Attach additional sheets if necessary)

- A) 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;

Please explain: old Apple stand has always been in
the setbacks, the old lean too blew off when
we rebuilt it we made the new one a little larger.

- B) 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;

Please explain: the relocation of buildings or
easements would greatly damage the Agricultural
operation unnecessarily.

- C) The variance is the minimum necessary for the reasonable use of the land or building;

Please explain: the road way at the point of the
Building infringement is still 45 Ft wide
there is no restriction to traffic in either direction

- D) 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.

Please explain: Only one person has an easement
through there, and they have agreed to
use another access road, when necessary

EXHIBIT G

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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



PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bldgdept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

Date: August 29, 2008

REN REINDERS DBA FUDGE FACTORY
2860 HIGH HILL ROAD
PLACERVILLE CA 95667

Dear Mr. Reinders:

Your request appealing the approval for Variance V08-0005 has been forwarded to the Board of Supervisors and will be considered on September 16, 2008 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 the project planner, Jason Hade in Planning Services at (530) 621-5874.

Sincerely,

A handwritten signature in cursive script that reads "Heidi Waskiewicz".

Heidi Waskiewicz
Development Services / Planning

Enclosure

cc: George/Jerry Visman
2901 High Hill Road
Placerville, CA 95667