

FINDINGS

Conditional Use Permit Revision CUP-R20-0059/Enchanted April Acres Planning Commission/March 10, 2022

1.0 CEQA FINDINGS

- 1.1 The Conditional Use Permit revision CUP-R20-0059 has been found to be Categorically Exempt pursuant to Section 15301 Existing Facilities stating that Class 1 exemptions consist “of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination”. Approval of the Conditional Use Permit revision is not an expansion of use beyond what was approved with the original project and therefore qualifies for the exemption.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

Policy 2.2.1.2 General Plan Land Use Designation, Rural Residential (RR): This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential (LDR) and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Rationale: With the approval of the Conditional Use Permit Revision, the proposed project would discontinue the Bed & Breakfast within the primary residence and instead offer overnight lodging accommodations for up to six (6) guests total in three (3) campsites, and nine (9) parking spaces. Each campsite has its own 8-ft x 12-ft Tack Shed. This use is similar to the original approval. The proposed revision would be consistent with Policy 2.2.1.2.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

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

Rationale: The proposed Conditional Use Permit Revision is a discretionary project. The proposed modifications would be consistent with the originally approved uses and therefore consistent with Policy 2.2.5.2.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is developed with a main residence and several accessory structures including the three (3) Tack Sheds, horse paddocks, a barn, outdoor arena, pond, garden, and other property improvements including fencing, landscaping, parking, and one (1) sign at the project entrance. The property is designed for residential uses and is compatible with adjoining residential land uses. No new construction is proposed with the revision. The project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where, according to the purveyor responsible for the service or utility as provided in Table 5-1, demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a Capital Improvement Project (CIP) is funded and authorized which will increase service capacity.

Rationale: The proposed revision would not generate an increase in demand for utilities beyond what was approved in the original use permit. PG&E responded with standard conditions and did not require any new improvements for utility service. The project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 5.2.3.4.

General Plan Policy 5.2.3.4 requires all applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question.

Rationale: The proposed project would be served by an existing well. The Environmental Management Department reviewed the project and provided comments/conditions that would apply to the proposed revision. The project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 5.3.1.3.

General Plan Policy 5.3.1.3 In Rural Centers, the County may allow community wastewater systems and other alternative solutions as an acceptable option to traditional wastewater treatment for mobile home parks, commercial and industrial centers, and multifamily residential. The applicant must prove and the County must find that the proposed system will be adequately and safely operated and can accommodate the highest possible demand of the project.

Rationale: The proposed project would be served by an on-site septic system. The Environmental Management Department reviewed the project and provided comments/conditions that would apply to the proposed revision. The project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The proposed project was reviewed by the El Dorado County Fire Protection District. No formal comments or conditions were received therefore standard conditions would be applied to the revision and improvements plans would be reviewed at time of building permit submittal to convert the three (3) existing accessory structures/Tack Sheds into campground structures intended for sleeping (no kitchens in units). The project is consistent with this policy.

2.8 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2 states that as a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Access to the project site is from Salmon Falls Road, a County-maintained roadway. County Department of Transportation (DOT) reviewed the project and provided comments that stated they take no exception and no conditions required. The project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 7.4.2.9.

General Plan Policy 7.4.2.9 states that The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

Rationale: The property is located within an IBC however there is no new grading, no new structures, and no new construction as a result of the revision, therefore there would be no potential impacts to wildlife, and the project is consistent with this policy.

2.10 The project is consistent with General Plan Policy 7.4.4.4.

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

Rationale: There would be no impact to oak woodlands and no trees are proposed for removal as a result of the revision. The project is consistent with this policy.

2.11 The project is consistent with General Plan Policy 7.5.1.3.

General Plan Policy 7.5.1.3 requires cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center (NCIC) at California State University, Sacramento, the Museum of

Paleontology, University of California, Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

Rationale: A Record Search was conducted by NCIC on 2/04/21. The property has a moderate potential for cultural resources. The project was reviewed by the Shingle Springs Band of Miwok Indians and the United Auburn Indian Community. Based on the results of the NCIC report, the Tribes initially expressed interest in the proposed project, however, once it was clarified that there would be no new grading, no new structures, and no new construction the Tribes were satisfied with standard protective conditions and AB-52 consultation was closed. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.21.010 (Zones Established; Applicability)

Rationale: 130.21.010 C.6 - Rural Lands, Ten-Acre (RL-10): The RL zone is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

Response: The proposed revision would discontinue the Bed & Breakfast within the primary residence, and instead rent the three (3) existing 8-ft x 12-ft Tack Sheds as campground structures. Each Tack Shed has its own 1,000 sq. ft. campsite, which is an allowed use in the RL-10 zone with approval of the Conditional Use Permit. The revision is consistent with this policy.

3.2 The project is consistent with Section 130.40.100 A. (Campgrounds, Standards)

Rationale: 130.40.100 A. - Applicability. The provisions of this Section shall apply to all campgrounds and recreational vehicle parks, as defined in the Glossary of this Title, where the allowed use matrices for the zones allow these uses.

Response: The property is in the RL-10 zone and the Matrix of Allowed Uses allows campgrounds by approval of a Conditional Use Permit. The proposed Conditional Use Permit revision would convert the three (3) existing 8-ft. x 12-ft Tack Sheds into campground structures for overnight accommodations. Each Tack Shed would have its own campsite of 1,000 sq. ft. area. The project is consistent with this section.

3.3 The project is consistent with Section 130.40.100 B. (Campgrounds, Standards)

Rationale: 130.40.100 B. - Temporary Camping. It shall be unlawful to place, maintain, use, or occupy any vehicle or temporary structure, such as a tent, lean-to, or other makeshift enclosure for which no building permit has been issued, on any lot of real property for the purpose of camping, dwelling, maintaining, or establishing a temporary or permanent residency for more than 30 days unless such placement, maintenance, use, or occupancy is authorized in compliance with this Section or Temporary Mobile Home Permit Planning Permit Processing) of this Title.

Response: A Building Permit is required to convert the accessory structure Tack Sheds into campground structures for overnight accommodations. There would be no kitchens or bathrooms within the units. Guests would use the existing kitchen and bathroom located within an existing barn. Each Tack Shed campsite area is 1,000 sq. ft. Further, the project is conditioned to limit guest stays for no more than 30 days. The project is consistent with this section.

3.4 The project is consistent with Section 130.40.100 C. (Campgrounds, Standards)

Rationale: 130.40.100 C. - Compliance with State Law, all campgrounds shall comply with the minimum standards of the Special Occupancy Parks Act (California Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (California Code of Regulations, Title 25: Housing and Community Development Mobile Home Parks and Installations Regulations, Chapter 2) including, but not limited to setback and separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.

Response: The project is conditioned to require a Building Permit to convert the Tack Sheds from accessory structures in to campground structures. Further, the use would be considered a small organized campground by the County and would not require a State permit. As conditioned, the project is consistent with this section.

3.5 The project is consistent with Section 130.40.100 D. (Campgrounds, Standards)

Rationale: 130.40.100 D. - Development Standards. The following general standards shall apply to new campgrounds and recreational vehicle (RV) parks or proposed revisions to existing facilities, subject to a Conditional Use Permit in compliance with Conditional Use Permit and Planning Permit Processing.

Response: The project has been analyzed in accordance with the Zoning Ordinance requirements for the Conditional Use Permit revision, and the required Campground Findings. The proposed Conditional Use Permit revision is consistent with this section.

3.6 The project is consistent with Section 130.40.100 D.1. (Campgrounds, Standards)

Rationale: 130.40.100 D.1. - Minimum Area and Density. The minimum area of a campground or RV park shall be three acres. At least 50 percent of the total site shall be left in its natural state or be landscaped. The remaining 50 percent of land is eligible for development. The maximum number of campsites, RV spaces, dormitory rooms, park model units or cabins shall not exceed nine (9) sites per developable acre and each individual campsite or RV space shall be no less than 1,000 sq. ft. The average overnight population per campsite, RV space, or cabin shall not exceed four (4) persons.

Response: The subject property is 10-acres total divided into three (3) sections. The three (3) existing Tack Sheds are located in an area of three acres in size. Each campsite area is 1,000 sq. ft. The project is consistent with this section.

3.7 The project is consistent with Section 130.40.100 D.2. (Campgrounds, Standards)

Rationale: 130.40.100 D.2. - Fencing. A fence, wall, landscaping screen, earth mound or other screening approved by the Director, or otherwise required by this Title, shall be required as needed for public safety.

Response: The entire 10-acre property is fenced with white vinyl, chain link, and aluminum fencing which separate the different sections of the property. The project is consistent with this section.

3.8 The project is consistent with Section 130.40.100 D.3. (Campgrounds, Standards)

Rationale: 130.40.100 D.3. - Access. Campground and recreational vehicle park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite, RV space, dormitory room or cabin to a public roadway.

Response: Access to the property is from Salmon Falls Road, a County-maintained roadway. Then there is a private driveway to the campsites with nine (9) parking spaces for guests who rent the Tack Shed campsites. Further, DOT has reviewed the project and provided comments stating that they take no exceptions and have no conditions. The project is consistent with this section.

3.9 The project is consistent with Section 130.40.100 D.4. (Campgrounds, Standards)

Rationale: 130.40.100 D.4. - Trash Collection Areas. Trash collection areas shall be adequately distributed and enclosed by a six foot high landscape screen, solid wall or fence, which is accessible on one side. Bear resistant garbage can containers are required in accordance with Subsection 130.30.030.C.3.g (Bear Resistant Garbage Can Containers) in Site Planning and Project Design Standards of this Title.

Response: The project has been conditioned to provide trash enclosures. The project is consistent with this section.

3.10 The project is consistent with Section 130.40.100 D.5. (Campgrounds, Standards)

Rationale: 130.40.100 D.5. - Parking. The campground and recreational vehicle park shall provide off street parking spaces for each campsite and guest parking in accordance with Chapter 130.35 Parking and Loading.

Response: The main driveway branches off into three (3) separate private gravel driveways: 1) a driveway to the outdoor horse arena, barn, and 21 parking spaces; 2) a gravel driveway turnaround with center island and the pond which extends to provide access to the horse paddocks, three (3) campsites, and nine (9) parking spaces; and 3) a private gravel driveway to the primary residence. The project is consistent with this section.

3.11 The project is consistent with Section 130.40.100 D.6. (Campgrounds, Standards)

Rationale: 130.40.100 D.6. - Signs. Campground and recreational vehicle park entrance signs shall comply with the provisions under Chapter 130.36 (Signs).

Response: The project would continue to use the existing 4-ft x 6-ft (24 S.F.) non-internally illuminated sign located at the project entrance on Salmon Falls Road. The sign meets the criteria of the RL-10 zone which allows one sign up to 50 S.F. per establishment. The existing sign is consistent with the requirements of this section.

3.12 The project is consistent with Section 130.40.100 D.7. (Campgrounds, Standards)

Rationale: 130.40.100 D.7. - Water Supply and Sewage Disposal. The County Environmental Health Division shall determine that adequate water supply and/or septic capability is available to serve the project.

Response: The Environmental Management Department reviewed the project and provided comments which have been incorporated as conditions of approval. As conditioned, the project is consistent with this section.

3.13 The project is consistent with Section 130.40.100 D.8. (Campgrounds, Standards)

Rationale: 130.40.100 D.8. - Commercial Use. The construction of a structure within the campground or recreational vehicle park that is under the ownership or control of the park and can provide commercial use to the public shall be reviewed by the County for potential impacts on local services under the Conditional Use Permit in compliance with Conditional Use Permits.

Response: No new structures or construction is proposed as a result of the revision. The proposed project would be privately managed by the property owners, not by a commercial operator. The project is consistent with this section.

3.14 The project is consistent with Section 130.40.100 D.9. (Campgrounds, Standards)

Rationale: 130.40.100 D.9. - Length of Stay. The maximum length of stay in any campground or recreational vehicle park shall not exceed 30 days.

Rationale: The three (3) campsites would be rented for short-term stays only and would not exceed 30 days. As conditioned, the project is consistent with this section.

3.15 The project is consistent with Section 130.40.100 D.10.a. (Campgrounds, Standards)

Rationale: 130.40.100 D.10.a. - Structures are limited to restrooms/showers and one clubhouse which may contain one commercial kitchen facility.

Response: Each of the three (3) campsites/Tack Sheds would be for overnight sleeping accommodations. The guests would have access to the

existing bathroom and shower in an existing barn structure. The project is consistent with this section.

3.16 The project is consistent with Section 130.40.100 D.10.b. (Campgrounds, Standards)

Rationale: 130.40.100 D.10.b. - Structures and Recreational Facilities. The total area of the structures or portions of structures intended for sleeping that may include restrooms/showers shall be limited to an average of 300 square feet per structure. Structures intended for sleeping may not include any kitchen facilities.

Response: Each campsite features an 8-ft x 12-ft Tack Shed for overnight sleeping accommodations for up to six (6) guests total. There are no kitchens or bathrooms in the units. The guests would use the existing kitchen and bathroom in the existing barn. The project is consistent with this section.

3.17 The project is consistent with 130.40.100 D.10.c. (Campgrounds, Standards)

Rationale: 130.40.100 D.10.c. - Campgrounds may include minor accessory recreational uses or structures such as swimming pools and tennis courts.

Response: No new accessory recreational uses or structures are proposed with the revision. Guests would be permitted to use the existing facilities already onsite as approved with the original Special Use Permit S10-0001.

3.18 The project is consistent with 130.40.170 B.8. (Transient Occupancy Tax)

Rationale: 130.40.170 B.8. - The operation of a lodging facility shall be subject to Title 3 (Revenue and Finance), Chapter 3.28 (Transient Occupancy Tax), and Title 5 (Business Taxes, Licenses, and Regulations, and Chapter 5.08 (License Requirements and Procedure) of the County Code of Ordinances.

Response: The project is conditioned to require the applicants to obtain an updated business license, and subject to the Transient Occupancy Tax (TOT). As conditioned, the project is consistent with this section.

3.19 The project is consistent with 130.54.070 C. (Revisions to Permit or Authorization)

Rationale: 130.54.070 C. - Revisions to a permit or authorization which result in an expansion or substantial alteration of the project, which may only be approved by said authority following a public hearing.

Response: The Conditional Use Permit revision is being considered at a public hearing by the Planning Commission. The project is consistent with this section.