

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



Agenda of: March 18, 2026
Staff: Spencer McKenna

MINOR USE PERMIT

FILE NUMBER: MUP25-0002/Hasser Spa

APPLICANT: Christopher Hasser

REQUEST: Minor Use Permit to allow a reduction of a 100-foot riparian setback from the South Fork of the American River to 58 feet for the permittance of an existing spa and electrical connection.

LOCATION: The project is located on the north side of Petersen Lane, approximately 1,000 feet west of the intersection with Bassi Road, in the Lotus area (Exhibit A).

SUPERVISOR DISTRICT: 4

APN: 105-080-008

ACREAGE: 5 acres

GENERAL PLAN

LAND USE DESIGNATION: Low-Density Residential (LDR) (Exhibit B)

ZONING DESIGNATION: Residential Estate 10-Acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

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

1. Determine that pursuant to CEQA Guidelines Section 15301, Existing Facilities, that the project is categorically exempt; and
2. Approve Minor Use Permit MUP25-0002 based on the Findings, and subject to the Conditions of Approval as presented.

PROJECT DESCRIPTION

The applicant is requesting a Minor Use Permit to allow the reduction of a 100-foot riparian setback from the South Fork of the American River to 58 feet for the permittance of an existing spa and electrical connection (Exhibit E). The total reduction in the side yard setback requested is 42 feet. Specific Riparian Setbacks are allowed to be reduced under the scope of a Conditional Use Permit or Minor Use Permit as stated in Title 130.30.050.F.5. of the El Dorado County Zoning Ordinance. The area is located on a steep slope above the river.

EXISTING CONDITIONS

Access to this site is from privately maintained Petersen Lane. This parcel is Lot A on Record of Survey Map 39/61, recorded in September 2024 (Exhibit D). The site is currently developed with a single-family dwelling, shed, barn, retaining wall, water storage tank, propane tank, chicken coop, as well as a garage approved under Variance V24-0002. The subject parcel is covered with native trees and foliage. The lot is five (5) acres and hilly, with a gradual downward slope to the northeast towards the South Fork of the American River.

The spa and electrical connection are located in the northeast portion of the parcel, 41.9 feet from the ordinary high-water mark, on a rocky flat area above a steep slope greater than 45 degrees.

STAFF ANALYSIS

A biological site assessment was completed on July 30, 2021, by Jeremy Waites from Sierra Ecosystem Associates (SEA). The subsequent report dated August 20, 2021, determined that the project is not likely to cause significant impacts to riparian resources (Exhibit F).

Environmental Review

The project has been found Categorical Exempt pursuant to Section 15301 (Class 1; Existing Facilities) of the CEQA Guidelines. The Class 1 exemption consists 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 existing or former use.

The applicant may, in accordance with CEQA Guidelines Section 15062, initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant may submit a \$50.00 recording fee within 48 hours of project approval to the Planning Division for the County Recorder to file the Notice of Exemption.

Public and Agency Comments

The project was distributed to all applicable public agencies and organizations for review and comment including the El Dorado County Board of Supervisors District 4, El Dorado County Planning Commissioner District 4, Coloma Lotus Advisory Committee (CLAC), El Dorado County Assessor's Office, El Dorado County Building Division, El Dorado County Cemeteries & Rail Roads, El Dorado County Stormwater Unit, El Dorado County Environmental Management Department (EMD), El Dorado County Surveyor's Office, El Dorado County Department of Agriculture, El Dorado County Department of Transportation (DOT), El Dorado County Fire Protection District, El Dorado Irrigation District (EID), Pacific Gas & Electric (PG&E), U.S. Army Corps of Engineers – Sacramento District, U.S. Department of Fish & Wildlife, and California Department of Fish & Wildlife – North Central Region. No comments were received from any agency or County Department listed above. To date, no public comments have been submitted for the project.

Public Outreach

No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was sent to the County's Zoning Administrator email subscription list and posted on the Planning Division's Zoning Administrator webpage. No physical sign posting is required for Minor Use Permits.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Vicinity Map
Exhibit B	General Plan Land Use Designation
Exhibit C	Zoning
Exhibit D	Record of Survey
Exhibit E	Site Plan
Exhibit F.....	Biological Report

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FINDINGS

Minor Use Permit MUP25-0002/Hasser Spa Zoning Administrator/March 18, 2026

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

- 1.1 The project, MUP25-0002, has been found categorically exempt pursuant to Section 15301 (Class 1; Existing Facilities) of CEQA because the project consists of post-construction entitlement of an existing spa and electrical connection accessory to an existing single-family residence built in a residential zone. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found in CEQA Guidelines Section 15300.2.

Exception (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The project location is not environmentally sensitive; therefore, this exception does not apply.

Exception (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed project does not anticipate further development. Therefore, this exception does not apply.

Exception (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances at the location of this proposed project; therefore, this exception does not apply.

Exception (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The proposed project is not within

a scenic highway corridor; therefore, this exception does not apply.

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

Exception (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The location of the proposed project on the subject site does not include historical resources. Therefore, this exception does not apply.

- 1.2 The documents, and other materials which constitute the record of proceedings upon which this decision is based, are in the custody of the El Dorado County Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.5.2.

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

Rationale: The subject parcel has been designated Low-Density Residential (LDR), which enables single-family home development in rural areas. Residential uses include accessory structures, such as spas for personal use. The project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

All projects must be designed in such a way that ensures compatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining

uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The subject parcel has similar land use as neighboring parcels, with single-family homes and accessory structures. As conditioned, this project is consistent with this policy.

2.3 The project is consistent with General Plan Policy 5.1.2.1.

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. 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 Program (CIP) project is funded and authorized which will increase service capacity.

Rationale: The subject parcel will not increase service capacity. As conditioned, this project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 5.1.2.2.

Provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users.

Rationale: The project was distributed to all applicable agencies who make no mention of reduction of service. As conditioned, this project is consistent with this policy.

2.5 The project is consistent with 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 project was distributed to all applicable agencies, including El Dorado County Fire Protection District, who did not provide any comments or

mention of reduction of service. As conditioned, this project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 6.2.2.2.

The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as Wildland Urban Interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional and as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or Cal Fire.

Rationale: The subject parcel is in a Moderate wildland fire hazard zone, therefore does not require a WUI Fire Safe Plan. As conditioned, this project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

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: The project has been distributed to El Dorado County Department of Transportation (DOT) and El Dorado County Fire Protection District. These agencies did not comment nor provided Conditions of Approval regarding emergency access. As conditioned, this project is consistent with this policy.

2.8 The project is consistent with General Plan Policy 7.3.3.4.

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

Rationale: The project, as conditioned, is consistent with this General Plan policy. The project site and surrounding environment have been analyzed by a

professional biologist, who determined that the existing electrical outlet associated with a spa was constructed 41.9 feet to the southwest of the South Fork of the American River's Ordinary High Water Mark, and that it has not resulted in impacts to the sensitive riparian area or the waters of the American River (Exhibit F).

2.9 The project is consistent with General Plan Policy 7.4.4.4.

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, identified in Policy 7.4.2.8.

Rationale: This structure was constructed in 2013; therefore, any past impacts would not be out of compliance with the ORMP. No additional construction is involved under the scope of this Minor Use Permit. As conditioned, this project is consistent with this policy.

2.10 General Plan Policy TC-Xa does not apply to the project.

Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the County.

Rationale: The project will not create residential units; therefore, this policy does not apply.

The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voter's approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

Intentionally blank as noted in the General Plan.

Intentionally blank as noted in the General Plan.

The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

Intentionally blank as noted in the General Plan.

Before giving approval of any kind to a residential development project of five (5) or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: This project will not result in five (5) or more units or parcels of land for residential development.

2.11 General Plan Policy TC-Xb does not apply to the project.

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the county preparing a CIP, preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.12 General Plan Policy TC-Xc does not apply to the project.

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.13 The project is consistent with General Plan Policy TC-Xd.

LOS for County-maintained roads and state highways within the unincorporated areas of

the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual.

Analysis periods shall be based on the professional judgement of DOT which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: This project will not worsen LOS for any County-maintained road or state highway.

2.14 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two-percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily; or
- B. The addition of 100 or more daily trips; or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will not generate more than 10 trips in the peak hour, or more than 100 daily trips.

2.15 The project is consistent with General Plan Policy TC-Xf.

At the time of approval of a tentative map for a single-family residential subdivision of five (5) or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the

necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: This post-construction approval would not worsen LOS as defined in General Plan Policy TC-Xe, because the garage is existing and would not contribute to additional anticipated vehicular trips. This project is consistent with this policy.

2.16 The project is consistent with General Plan Policy TC-Xg.

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project will not worsen LOS as defined in General Plan Policy TC-Xe.

2.17 The project is consistent with General Plan Policy TC-Xh.

All subdivisions shall be conditioned to pay the TIM fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will not create a subdivision.

2.18 General Plan Policy TC-Xi does not apply to the project.

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is directed to the County to coordinate with other agencies.

3.0 ZONING FINDINGS

The project is consistent with Title 130.

3.1 The project is consistent with Table 130.24.020 – Residential Zone Use Matrix.

Table 130.24.020 prescribes allowed uses and associated structures within the Residential Estate 10-Acre (RE-10) zone district.

Rationale: The project, as designed and existing, is consistent with the Zoning Ordinance because the use of the parcel for a single-family dwelling and associated accessory structures is a use allowed by right in the zone.

3.2 The project is consistent with Table 130.24.030 – Residential Zone Development Standards.

Table 130.24.030 prescribes site-specific development standards for parcels within the RE-10 zone district.

Rationale: The project, as designed and existing, is a by-right allowed use as an associated accessory structure to a single-family structure. The location of the existing spa and electrical connection does not meet zoning setback standards, which is why this Minor Use Permit is requested.

3.3 The project is consistent with Chapter 130.30.050.F.3 – Protection of Wetlands and Sensitive Riparian Habitat.

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

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

3.4 The project is consistent with Chapter 130.30.050.F.5 – Protection of Wetlands and Sensitive Riparian Habitat – Exceptions; Conditionally Permitted Uses.

Chapter 130.30.050.F.5 states that uses and structures allowed in applicable zones are allowed within riparian areas with an approved Minor Use Permit.

Rationale: The proposed single-family residence is allowed by right within RE zoned parcels. As proposed, the project is consistent with Chapter 130.30.050.F.5.

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

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

Rationale: The applicant is currently pursuing a Minor Use Permit to reduce the 100-foot setback from the South Fork of the American River to 58 feet. As conditioned, the proposed project is consistent with Chapter 130.30.050.F.7.

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

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

Rationale: The project was submitted to California Department of Fish & Wildlife and the U.S. Army Corps of Engineers. Neither agencies commented on the project. The project has been conditioned to require that any applicable permits required by the agencies be submitted before building permits will be issued. As proposed, the project is consistent with Chapter 130.30.050.F.8.

4.0 MINOR USE PERMIT FINDINGS 130.52.020

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

Rationale: The proposed use is consistent with the policies and requirements of the General Plan as discussed in the General Plan section of the Staff Report.

The proposed use is consistent with all applicable General Plan policies as set forth in Finding 2.0 above.

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

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

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

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

CONDITIONS OF APPROVAL

**Minor Use Permit MUP25-0002/Hasser Spa
Zoning Administrator/March 18, 2026**

Planning Division

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

Exhibit ESite Plan

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project would reduce the 100-foot setback from the South Fork of the American River to 58 feet for the permittance of an existing spa and electrical connection.

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 and hearing exhibits above and the Conditions of Approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

- 2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the location of buildings shall require Planning Division review and approval.
- 3. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit, the applicant shall provide a

written description, together with appropriate documentation, showing conformance of the project with each Condition imposed as part of the project approval.

4. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this Minor Use Permit, otherwise this permit shall become null and void. The applicant may request a time extension with the Planning and Building Department at least 30 days prior to permit expiration. If a timely request is filed, the County may, at its discretion, extend this time limit by not more than 36 months. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.
5. **Legal Indemnity/Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County.