

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: April 26, 2007
Item No.: 11.a.
Staff: Jonathan Fong

REZONE/TENTATIVE PARCEL MAP

FILE NUMBER: Z06-0017/P06-0017

APPLICANT: Chamy Lee

AGENT: Chamy Lee

REQUEST: Rezone from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A), and a tentative parcel map creating three parcels ranging in size from three to four acres (Exhibit B).

LOCATION: On the east side of Lake Hills Drive, southeast of the intersection with Lake Hills Court, in the El Dorado Hills area, Board of Supervisor District 1. (Exhibit A)

APN: 110-020-08

ACREAGE: 10.4 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: Estate Residential Ten-acre (RE-0) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit requests and issues for Planning Commission consideration are provided in the following sections.

Project Description: The parcel maps would create three parcels. The parcels would range in size from three acres to four acres. The rezone would change the parcel zoning from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A). The Department of Transportation has requested that road improvements be required along the project frontage on Lake Hills Drive and Lake Hills Court. Lake Hills Drive would be widened to a half width of 20 feet pursuant to Standard Plan 101 B. Lake Hills Court would be widened to a half width of 12 feet pursuant to Standard Plan 101C. Individual driveways would be constructed to provide access to the parcels from Lake Hills Court.

Site Description: The ten-acre parcel is located within the El Dorado Hills Community Region. The project site is located at roughly 650 feet elevation with mild slopes. A Biological Survey was performed on the project parcel on August 15, 2006. None of the Pine Hill rare plant species were identified on the project site. Vegetation onsite is primarily wild grasses. An arborist report prepared for the project site dated February 9, 2007, identified 92 oak trees. Oak species onsite are primarily Interior Live Oak (*Quercus wislizenii*) and Blue Oak (*Quercus douglasii*). The nearest riparian feature is New York Creek which is located offsite, approximately one-quarter mile to the east. The project site is currently undeveloped.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Undeveloped Residential Land
North	RE-10	MDR	Single Family Residential
South	RE-5	MDR	Single Family Residential
East	R1	AP	Single Family Residential
West	RE-10	MDR	Single Family Residential

The project parcel is bounded on all sides by residential development. The project would create three residential parcels in a residential setting, and the project would not create conflicts with the surrounding land uses.

General Plan: The project is located within the Medium Density Residential (MDR) land use designation which permits a minimum parcel size of one to five acres. The proposed three to four acre size parcels therefore are consistent with the MDR land use designation.

General Plan Policy 2.2.5.3 requires future rezoning to be evaluated based on the General Plan’s direction as to minimum parcel size or maximum density and to assess whether changes in conditions would support a higher density. Specific criteria to be considered include but are not limited to the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

The El Dorado Irrigation District (EID) submitted a Facilities Improvement Letter (FIL) to the applicants dated May 2, 2006. An eight inch water line exists beneath Lake Hills Court capable of providing water to the proposed residential parcels. The water line is capable of sustaining the required fire flow as required by the El Dorado Hills Fire Department.

2. Availability and capacity of public treated water system; and,

See #1 above.

3. Availability and capacity of public waste water treatment system.

A six inch sewer pipe is located beneath Lake Hills Court which can provide adequate wastewater service to the proposed residential parcels.

4. Distance to and capacity of the serving elementary and high schools;

The project site is located within four miles of existing elementary, secondary, and high school sites. The Rescue Union School District was distributed the project during the initial consultation and did not provide comments regarding the project.

5. Response time from nearest fire station handling structure fires;

The project site is located within the El Dorado Hills Fire Department District. The District has reviewed the project and has determined that adherence to the proposed conditions of approval will provide adequate fire protection. The Fire Department conditions include the requirement to prepare a Wildland Fire Plan, adequate fire flow for water systems, and adherence to State Fire Safe Regulations for all future structures (Conditions 16 through 20).

6. Distance to nearest Community Region or Rural Center;

The project site is located within the El Dorado Hills Community Region.

7. Erosion hazard;

The project site contains Auburn Series soil types which are characterized by a slight to moderate erosion hazard. Road improvements would be required as conditions of approval for the project. The Department of Transportation would require a site improvement/grading plan prior to issuance of a grading permit. The site improvement/grading plan would be in conformance with the Erosion and Sediment Control Ordinance which would reduce any erosion hazards to a less than significant level.

8. Septic and leach field capability;

The project would be served by the EID public wastewater system.

9. Groundwater capability to support wells;

The project will be served by the EID public water system.

10. Critical flora and fauna habitat areas;

The project site is located outside of known Important Biological Corridors and Rare Plant Mitigation Areas. A Biological Survey performed on the project site on August 15, 2006, did not find any listed rare or endangered species on the project site.

11. Important timber production areas;

12. Important agricultural areas;

13. Important mineral resource areas;

The project parcel is not located in or near important timber production areas, agricultural areas, or important mineral resource areas.

14. Capacity of the transportation system serving the area;

The Department of Transportation has reviewed the project and has determined that, with the required road improvements, the project would not significantly affect the transportation system.

15. Existing land use pattern;

The project parcel is surrounded by existing single-family development. The proposed project would not be inconsistent within the existing land use pattern.

16. Proximity to perennial water course;

The project site is located approximately one-quarter mile west of New York Creek. The project would not negatively impact any water courses.

17. Important historical/ archeological sites;

The cultural resource study performed on the project site on August 15, 2006, determined there is an unlikely chance of important historical or archaeological sites being located on the project site.

18. Seismic hazards and present active faults;

The project site is located within the fault buffer zone of the West Bear Mountains Fault. However, the fault is not considered active. The project site would not be subject to significant seismic hazards or active faults.

19. Consistency with existing Conditions, Covenants, and Restrictions;

The project site is governed by CC&R's recorded in Book 1463/Page 426. The proposed project is consistent with the existing CC&R's. The El Dorado Hills Community Services District would require the recordation of the existing CC&R's for the proposed parcels.

General Plan Policy 7.4.4.4 establishes retention and replacement provisions for impacted oak canopy. The arborist report and accompanying Oak/Canopy Site Assessment form identifies one oak tree that would be removed in conjunction with the project. The oak tree would require removal to allow development on Parcel 3.

A site evaluation determined that a total of 3.08 acres of oak canopy is located on the 10.99 acre site. The 28 percent canopy coverage requires 85 percent retention pursuant to General Plan Policy 7.4.4.4. Approximately .050 acres of canopy would be removed. Ninety-eight percent of the existing oak canopy would be retained which is consistent with the retention provisions of the policy. The project has been conditioned to prepare and implement a replacement plan for the replacement of the affected oak canopy (Condition 5).

The parcel map and rezone would create three residential parcels. The proposed parcel sizes are consistent within the MDR land use designation. As discussed above, adequate public services, infrastructure, and fire protection exist that would support the additional residential density. Staff finds the project is consistent with the General Plan.

Zoning: The project would rezone the current parcel from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A). The project would create three residential parcels ranging in size from three to four acres.

As shown on the parcel map (Exhibit E), building envelopes have been proposed with corresponding driveway accesses. As proposed, the parcels would be consistent with the minimum parcel size and development standards of the R3A Zone District.

Staff finds the project is consistent with the Zoning Ordinance.

ENVIRONMENTAL REVIEW

NOTE: This project is not located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination

on the project. This fee, less \$50.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study; and
2. Approve Z06-0017/P06-0017 as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the conditions itemized in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DParcelization Map
Exhibit ETentative Parcel Map
Exhibit FEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER Z06-0017P06-0017

April 26, 2007

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated February 13, 2007, 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:

The project would allow a three-lot parcel map and rezone. The rezone would change the parcel from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A). The parcel sizes are as follows: Parcel 1- 3 acres, Parcel 2- 3.3 acres, Parcel 3- 4.1 acres.

All parcels would take access via private driveways onto Lake Hills Court. A Fire Safe Regulation hammerhead turnaround would be constructed along the driveway access to Parcel 1 approximately 321 feet south of the intersection with Lake Hills Court. Lake Hills Drive would be improved to a half width of 20 feet pursuant to Standard Plan 101B. Lake Hills Court would be improved to 24 feet pursuant to Standard Plan 101C.

One oak tree would be removed on Parcel 3 within the proposed building location as shown on the parcel map. The project would be required to connect to public water and wastewater services.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call.

In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
4. The applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
5. The applicant shall replace the one removed oak tree with a 1:1 replacement ratio. Replacement trees shall be planted on site to the satisfaction of the Development Services Director. An agreement to the satisfaction of County Counsel and the Development Services Director shall be required to ensure the long term maintenance and preservation of the replacement trees. Maintenance shall be required for a 10-year period. Any trees that do not survive during this period shall be replaced. The replacement trees shall be planted prior to final inspection, and the maintenance agreement shall be provided to Planning Services prior to issuance of a building permit.
6. The applicant shall adhere to all oak protection measures enumerated in the February 15, 2007, *Tree Care Incorporated* letter on file with Planning Services.

Department of Transportation

7. The applicant shall improve the property frontage along Lakehills Drive to a total half width of 20 feet from the existing roadway centerline according to El Dorado County Standard Plan 101B (without curb, gutter, and sidewalk). The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
8. The applicant shall improve the property frontage along Lakehills Court to a total width of 24 feet according to El Dorado County Standard Plan 101C. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.

9. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right of way for the on-site portion of Lakehills Drive along the entire property frontage, prior to the recordation of the map. This offer will be accepted by the County.
10. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right of way for the on-site portion of Lakehills Court along the entire property frontage, prior to the recordation of the map. This offer will be rejected by the County.
11. The applicant shall provide a 20 foot wide slope easement contiguous to the right of way along the entire front of Lakehills Drive, prior to recordation of the parcel map.
12. The applicant shall irrevocably offer to dedicate, prior to the recordation of the map, a 30 foot wide road and public utilities easement along the entire eastern boundary line of Parcel 2 which is needed for access to Parcel 1. The offer will be rejected by the County.
13. A vehicular access restriction exists along the entire frontage of Lakehills Drive. Therefore, all parcels shall take access via Lakehills Court.
14. The applicant shall place a vehicular access restriction along the entire driveway access to Parcel 1, which shall be placed along the boundary between Parcel 2 and 3. The Department of Transportation shall verify the vehicular access restriction prior to recordation of the parcel map.
15. The applicant shall adhere to all standard Department of Transportation conditions. The conditions shall be met prior to recordation of the parcel map.

El Dorado Hills Fire Department

16. The potable water system for the purpose of the fire protection shall provide a minimum fire flow of 1,500 gallons per minute (gpm) with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based on a single family dwelling 4,800 square feet or less in size. Any home larger than 4,800 square feet shall be required to provide the fire flow for the square footage of that dwelling or shall be sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department. The Department shall review and approve the system prior to recordation of the parcel map.
17. The applicant shall extend a public water system to service the project. The location and quantity of fire hydrants shall be determined by the Fire Department. The Department shall review and approve the installation of the hydrants prior to recordation of the parcel map.
18. The applicant shall prepare a Wildland Fire Safe Plan. The Department shall review and approve the plan prior to recordation of the parcel map.

19. The driveways serving the new parcels shall be designed to a maximum grade slope of 20 percent. If the driveway exceeds 20 percent, the dwelling shall be conditioned to install a residential fire sprinkler system in accordance with Department requirements. The Department shall review and approve driveway design prior to issuance of a building permit.
20. Any future development shall provide a minimum setback of 30 feet as required by the State Fire Regulations.

Air Quality Management District

21. The applicant shall make applications and pay the appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to commencement of any construction.
22. The applicant shall comply with all District air quality rules during project construction.

El Dorado Hills Community Services District

23. Each parcel will have the existing Covenants, Conditions, and Restrictions (CC&R's) recorded on the new parcels.

County Surveyor

24. All survey monuments must be set prior to filing of the parcel map.
26. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z06-0017/P06-0017

April 26, 2007

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,800 and a \$50 El Dorado County processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

2.1 That the proposed tentative map and rezone is consistent with applicable general and specific plans;

The proposed rezone from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A) is consistent with the General Plan which designates the parcel as Medium Density Residential (MDR) which allows for the proposed parcel sizes. The proposed R3A zoning is consistent within the El Dorado Hills Community Region.

3.0 Tentative Map Findings

3.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;

The Department of Transportation and the El Dorado Hills Fire Department have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. Adequate public water and sewer services exist that would be sufficient to serve the project.

The proposed parcels provide adequate area to meet the development standards of the R3A zone district.

3.2 The site is physically suitable for the proposed type and density of development;

As determined through a Cultural Resource Study, Biological Survey, and Arborist Report the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the project.

The project would require the removal of one oak tree. The project would be conditioned to replace the impacted oak as required by the General Plan.

3.3 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

The required site improvements will not cause significant impacts to the environment or wildlife. As determined by the Biological Survey and Arborist Reports, the project would not result in significant environmental impacts.