

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



Agenda of: May 24, 2007
Item No.: 10.a.
Staff: Jonathan Fong

REZONE/PARCEL MAP

FILE NUMBER: Z06-0028/P06-0024 Scott Lewis

APPLICANT: Scott Lewis

AGENT: Dennis Johnson

REQUEST: Request to rezone portions of the subject parcel from Estate Residential Five-acre (RE-5) to One-acre Residential (R1A), and parcel map to create two parcels. Parcel 1 would be 6.9 acres in size, and Parcel 2 would be 1.1 acres. Two design waivers have been proposed with the project:

1. To waive the onsite road width improvement requirement for Parcel 1 to 24 feet per Standard Plan 101C; and
2. To waive the on-site road width improvement requirement for Parcel 2 to 28 feet per Standard Plan 101B.

LOCATION: On the south side of Green Valley Road one-half mile south of the intersection with Green Valley Road and Miller Road, in the El Dorado Hills Area, Supervisorial District I. (Exhibit A).

APN: 124-311-17

ACREAGE: 8.22 acres

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

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend approval of Z06-0028/P06-0024, and denial of design waivers 1 and 2

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 applicant has requested a rezone and a parcel map. The parcel map would create two residential parcels. Parcel 1 would be 6.9 acres, and Parcel 2 would be 1.1-acres. Parcel 1 would be accessed from Hillview Court and Parcel 2 from Hillview Drive.

The rezone would affect a 1.127-acre portion of the parcel identified as Parcel 2 on the tentative parcel map (Exhibit D). The portion of the parcel shown as Parcel 2 would be rezoned from Estate Residential five-Acre (RE-5) to One-acre Residential (R1A). The rezone from RE-5 to R1A would allow Parcel 2 to be 1.1-acres which would be inconsistent within the RE-5 Zone District. The portion of the property identified as Parcel 1 would be unaffected by the rezone.

As required by the Department of Transportation, road improvements would be necessary as part of the project. The on-site portion of Hillview Drive which fronts Parcel 1 would be improved to Standard Plan 101C which requires a 24-foot wide roadway. The on-site portion of Hillview Drive which fronts Parcel 2 would be improved to Standard Plan 101B which requires a 28-foot wide roadway. Additionally, the off-site portions of the Hillview Drive to the intersection of Miller Road would be improved to 18 feet as required by the Design and Improvement Standards Manual.

Because the parcel has been developed with an existing primary and secondary residence, no utilities or service extensions would be necessary to serve the project.

Site Description: The project parcel is located at an elevation of approximately 1,000 feet above sea level. The parcel slightly slopes to the west with the majority of the slopes falling within the 11 to 20 percent slope range. Eleven oak trees are located on site with five of the oaks located within the 20 foot road easement established for Hillview Drive and Hillview Court.

The project site has been developed with a primary and secondary residence. The second residence is 1,200 square feet and is consistent with the development standards of the RE-5 Zone District. Each dwelling is served by individual driveways. The primary residence is accessed via Hillview Court and the secondary residence from Hillview Drive.

Access: The project site is located approximately 2,000 feet down a dead-end road at the northeast corner of the intersection of Hillview Drive and Hillview Court. From the parcel boundary Hillview Drive extends north approximately 750 feet and becomes Miller Road. Miller Road extends approximately 150 feet to the intersection with Green Valley Road.

Miller Road is a County maintained road which has been improved to provide for a minimum 18 foot roadway. Miller Road ends at a sharp curve where the road becomes Hillview Drive which is a

privately maintained road approximately 18 feet wide. Hillview Court is a privately maintained road and is approximately 10 feet wide.

The Design and Improvement Standards Manual establishes that a dead-end road may exceed 500 feet but may not exceed 2,650 feet provided the street will not serve more than 24 parcels. Hillview Drive currently provides access to 12 parcels. The proposed parcel map would create one additional parcel and would not exceed the dead-end road length or parcel limit.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	MDR	Single Family
North	RE-5	MDR	Single Family
South	RE-5	MDR	Single Family
East	RE-5	MDR	Single family
West	RE-5	MDR	Single family

The project would create one additional residential parcel. Parcel 2 as shown on the site plan would be zoned R1A and 1.1-acres in size. The surrounding parcels are currently zoned RE-5, and many have been developed with residences. The rezone and parcel map would create one additional residential-zoned parcel in the area which would not result in a negative impact to the surrounding land uses.

Parcel sizes along Hillview Drive vary from two to five acres. The project site is currently 8.2-acres and is the largest parcel along Hillview Drive.

General Plan: The 2004 El Dorado County General Plan designates the project site as Medium Density Residential (MDR). The MDR designation establishes a parcel size range of one to five acres. The proposed rezone from RE-5 to R1A and the two lot parcel map is consistent within the MDR land use designation.

General Plan policy 2.2.5.3 requires rezone requests to be reviewed to determine the potential for a parcel to support the proposed higher density. Listed below is an analysis of important criteria:

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

The project parcel is currently served by EID public water.

2. Availability and capacity of public treated water system;

The project parcel is currently served by EID public water.

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

The project parcel is currently served by two septic wastewater treatment systems. Any future development on the parcels would be required to connect to the public wastewater system.

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

The project is located within the Rescue Union School District. The site is located within a mile of elementary and secondary schools. The school district was contacted as part of the initial consultation for the project, and no conditions were recommended.

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

The El Dorado Hills Fire Department is responsible for providing fire protection to the site. The Department has required a Fire Safe Plan to be prepared for the project. Implementation of the plan would require the road widening and on-site improvements as required by the Fire Safe Regulations.

6. Distance to nearest Community Region or Rural Center;

The project parcel is located within the El Dorado Hills Community Region. The project would result in two residentially zoned parcels within a residential area.

7. Erosion hazard;

According to the *Soil Survey of El Dorado Area, California 1974*, the soils on the project site are classified as Auburn very rocky silt loam 2 to 30 percent slopes (AxD) and Auburn very rock slit loam 30 to 50 percent slopes (AxE). AxD and AxE soils are classified as having slight to moderate and moderate to high erosion hazards. No development is proposed in conjunction with the project since two homes are already developed onsite. However, road improvements would be necessary as part of the Fire Safe Plan. Any grading activities necessary for road widening are subject to the provisions of the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce potential erosion hazards.

8. Septic and leach field capability;

The residences on the project parcel are served by existing septic systems. The Department of Environmental Management was contacted as part of the initial review of the project. The Department determined that the existing systems are suitable for the existing development. Any future development on the parcels would require connection to public wastewater systems.

9. Groundwater capability to support wells;

A private well exists on portions of the project parcel that would be located in Parcel 1 of the parcel map. EID has commented that the project parcel is currently served by EID public water. Any future development on the parcels would require connection to public water.

10. Critical flora and fauna habitat areas;

The project site is located within Mitigation Area 2. No known critical flora or fauna habitat is located on the project site. The parcel has been disturbed, and residential development has been constructed.

11. Important timber production areas;

The project site is not located near any timber production areas.

12. Important agricultural areas;

The project site is located within a residential area of the El Dorado Hills Community Region. No important agricultural areas would be affected.

13. Important mineral resource areas;

There are no important mineral resource areas in the project vicinity

14. Capacity of the transportation system serving the area;

Green Valley Road is the nearest County maintained road which provides through access to the project site. Green Valley Road is identified as a Four Lane Divided Road on the 2004 General Plan Circulation Map. The project site is directly accessed via Miller Road that becomes Hillview Drive which is a dead end private road. Hillview Drive currently provides access to 13 residential parcels. The project would increase the number of parcels served by Hillview Drive to 14. Impacts to the transportation system would be less than significant.

15. Existing land use pattern;

The project site is located within an area of residential land uses. The project would result in a change in the zoning of portions of the project site and a two lot parcel map. The project would not significantly impact the existing land use pattern.

16. Proximity to perennial water course;

There are no perennial water courses located on or in the vicinity of project site.

17. Important historical/ archeological sites;

The project site has been disturbed with residential development. Review of the cultural resources study performed for the project site determined that there is a low possibility of impacting historical or archeological resources.

18. Seismic hazards and present active faults.

There are no seismic hazards or active faults near the project site.

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

The project site is governed by Tract Restrictions recorded in Book 432 Page 588. The recorded restrictions establish a minimum residence size of 1,300 square feet. The existing secondary residence is 1,200 square feet which is not consistent with the CC&R's.

General Plan Policy 7.4.4.4 establishes retention and replacement requirements for oak canopy affected as part of the project. Because the project site has been developed with a primary and secondary residence, no additional development would be proposed on-site. However, the required road improvements along Hillview Court and Hillview Drive may require the removal of oak canopy. Approval of the requested design waivers to reduce the road improvements would allow the canopy to remain.

In the event the design waivers are not approved, the applicant would be required to obtain the appropriate studies to determine the extent of the impacted canopy and provide a replacement plan consistent with the requirements of General Plan Policy 7.4.4.4.

The proposed rezone is for a 1.1-acre portion of the project parcel from RE-5 to R1A. Because the project parcel is located within the El Dorado Hills Community Region and within the Medium Density Residential land use designation, the proposed rezone is consistent with the General Plan.

Zoning: The site is currently zoned Estate Residential Five-acre (RE-5) which allows a minimum parcel size of five acres. In order to subdivide the 8.2-acre site, the applicant has proposed to rezone a portion of the parcel to One-acre Residential (R1A) which allows a minimum parcel size of one acre.

The parcel map would create two parcels. Parcel 1 would be 6.1-acres which is consistent within the RE-5 Zone District. Parcel 2 would be 1.1-acres which is consistent within the R1A zone district. As proposed, the rezone and parcel map would be consistent with the Zoning Ordinance.

Design Waivers: The applicant has requested two design waivers for this project:

1. To waive the onsite road width improvement requirement for Parcel 1 to 24 feet per Standard Plan 101C; and
2. To waive the onsite road width improvement requirement for Parcel 2 to 28 feet per Standard Plan 101B.

Because the project would create a parcel less than two acres in size and is located within an urban area, Standard Plan 101B is applicable. Subsequently, the applicant would be required to improve the frontage along Parcel 2 to provide for a 28-foot wide roadway as required by the Design and Improvement Standards Manual.

The El Dorado Hills Fire Department was contacted as part of the initial review of the project and determined that the proposed design waivers would be acceptable upon the completion and implementation of a Fire Safe Plan for the parcel. The Fire Safe Plan includes fuel modification measures and compliance with Fire Safe Regulations for future development on the site.

The Fire Department recommended approval of the design waivers due to the existing conditions of the project site. Any future subdivisions of the parcel would be opposed by the Department.

The proposed design waivers would not be consistent with the Standard Plans established by the Design and Improvements Standards Manual. Section 16.08.020 of the Subdivisions Ordinance establishes that a design waiver may be approved provided all of the following findings can be made:

- a. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The project parcel is currently developed with a primary and secondary residence. The parcel map and rezone would subdivide the parcel to separate the two residences. No additional development would result other than the existing residential structures.

- b. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required road improvements would require grading and tree removal. Because Parcel 2 would be less than two acres, the Design and Improvement Standards Manual would require 28 feet of paved road surface.

- c. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The El Dorado Hills Fire Department reviewed the project and determined that the existing roads and the preparation of a fire safe plan would be adequate for emergency access to the project site.

- d. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The Design and Improvement Standards Manual requires road improvements along the project frontage and to the nearest County maintained road. The proposed design waivers would not be consistent with the onsite and offsite requirements for parcel maps.

Because the proposed design waivers would not be consistent with the Design and Improvement Standards Manual, the waivers would have the effect of nullifying an ordinance applicable to the subdivision. Therefore, the required design waiver findings cannot be made, and pursuant to Section 16.08.020 of the Subdivisions Ordinance, Planning Services staff recommends denial of the proposed design waivers.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit E) to determine if the project will have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

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 Department of Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The total fee will be forwarded to the California Department of Fish and Game via the County Recorder's Office and is used to help defray the cost of managing and protecting State fish and wildlife resources.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Z06-0028 and PD06-0028 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2; and
3. Deny design waivers 1 and 2 as the required findings cannot be made.

SUPPORT INFORMATION

Attachments:

Attachment 1Conditions of Approval
Attachment 2Findings of Approval

Exhibit AVicinity Map/ A.P.N. page
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DParcel Map
Exhibit EEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

May 24, 2007
Z06-0028/ P06-0024

Planning Services

1. This parcel map and rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit D, dated July 24, 2006, 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 parcel map would create two residential parcels. Parcel 1 would be 6.9 acres, and Parcel 2 would be 1.1 acres. The rezone would change the zoning of Parcel 2 from Estate Residential Five-acre (RE-5) to One-acre Residential (R1A). Road improvements to Hillview Court and Hillview Drive would be required as part of the project. No development is proposed in conjunction with the project.

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. 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.
3. The applicant shall be required to pay the Park in-lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.

4. In the event oak canopy is removed, an arborist report identifying the affected canopy shall be submitted. The impacted canopy shall be identified in the report and shall be submitted to Planning Services prior to issuance of a grading permit.
5. The applicant shall replace the affected oak canopy 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. All Development Services fees shall be paid prior to recordation of the parcel map.
7. 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.
8. The subdivider 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 of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

Department of Transportation

9. The applicant shall widen the on-site portion of the Hillview Drive to Standard Plan 101B for a 28-foot wide road without curb, gutter, and sidewalk along the frontage of Parcel 2. 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.
10. The applicant shall improve the on-site portion of Hillview Drive to Standard Plan 101C for a 24-foot wide road along the frontage of Parcel 1. 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.

11. The applicant shall improve the off-site portion of Hillview Drive to 18 feet pursuant to the Design and Improvement Standards Manual. 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.
12. The applicant shall improve the intersection of Hillview Drive and Miller Road with a minimum 20-foot radius (inside curb) and a minimum 50-foot radius (outside curb). 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.
13. The applicant shall improve the encroachment of Hillview Drive and Hillview Court to the provisions of Standard Plan 114. 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.
14. The applicant shall irrevocably offer to dedicate the on-site road and public utilities easement along the project frontage of Hillview Road and Hillview Court prior to recordation of the parcel map. This offer will be rejected by the County.
15. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement to construct the improvement of Hillview Drive and Hillview Court. The Improvement Agreement shall be submitted and approved prior to recordation of the parcel map.
16. The applicant shall join and/or form an entity satisfactory to the County to maintain all roads not maintained by the County, both on-site and off-site roads, that are required for access to County or State maintained roads.
17. The applicant shall adhere to all Department of Transportation standard conditions.

Air Quality Management District

18. The applicant shall prepare a Fugitive Dust Plan. The plan shall be reviewed and approved by the District prior to issuance of a grading permit.

El Dorado Hills Fire Department

19. The applicant shall implement and develop a Wildland Fire Plan for the project. The Department shall review and approve the plan prior to recordation of the parcel map.
20. Each dwelling shall post address numeral at the intersection of Hillview Drive and the Driveway entrances. The Department shall review and approve the addressing prior to recordation of the parcel map.

21. The limited comments and conditions of this parcel split are based on existing conditions. Any future splits of this parcel shall be opposed by this Department.

El Dorado Hills Community Services District

22. The parcel shall have the existing Covenants, Conditions and Restrictions (CC&R's) recorded on the new parcels.
23. In accordance with the CC&R's, Section 2, the minimum size for each residence shall be 1,300 square feet.
24. Each residence shall have its own cable television hookup service available.
25. Each residence shall have its own mandatory solid waste collection and recycling services.
26. Any utility connections are to be underground.

County Surveyor

27. All survey monuments must be set prior to filing the parcel map.
28. The applicant shall provide a parcel map guarantee, issued by a title company, showing proof of access to a state or County maintained road as designed in Section 16.44.120 B2 with the legal right to improve that access as required by the County Design Manual.
29. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

ATTACHMENT 2 FINDINGS OF APPROVAL

**May 24, 2007
Z06-0028 P06-0024**

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 proposal.
- 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, 95667.

2.0 ADMINISTRATIVE FINDINGS

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

The proposed rezone and parcel map conform to the General Plan, because the proposed rezone from Estate Residential Five-acre (RE-5) to One-family Residential (R1A) would be consistent within the Medium Density Residential (MDR) land use designation.

- 2.2 **The proposed rezone and parcel map are consistent with the Zoning Ordinance**

The proposed parcel sizes are consistent within the RE-5 and R1A zone districts.

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 One-family Residential (R1A) and Estate Residential Five-acre (RE-5) zone districts.

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

The project site has been previously developed with residential development. The project would create two residential parcels. The project would be consistent with the density requirements of the Medium Density Residential (MDR) land use designation and consistent with the development standards of the R1A and RE-5 zoning districts.

3.4 That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;

The project site has been previously developed with residential structures. No site development would occur in conjunction with the project. No riparian areas would be disturbed nor will any special status species be affected as part of the project.