

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



Agenda of: October 11, 2007
Item No.: Consent
Staff: Tom Dougherty

SITE PLAN REVIEW

FILE NUMBER: SPR07-0026/Building Permits #180693 and #180694

APPLICANT: Terri and Richard Sexton

AGENT: Jeff Alvarez, Wildlife Biologist

REQUEST: Request for a Reasonable Use Determination and finding of consistency with the intent of General Plan Policy 7.4.2.9.

LOCATION: On the south side of Gallagher Road, approximately one mile west of the intersection with Salmon Falls Road, in the Pilot Hill area, Supervisorial District IV. (Exhibit A)

APN: 104-160-24 (Exhibit B)

ACREAGE: 9.72 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC)

ZONING: Estate Residential Ten-acre (RE-10)

BACKGROUND: The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 requires retention of 90 percent of the oak tree canopy on Assessor's Parcel Number 104-160-24. Approximately 50 percent of the parcel is covered by indigenous oak tree canopy. The proposed residential development will cause a removal of approximately 2.33 percent of canopy cover resulting in 98 percent canopy retention meeting the requirements of General Plan Policy 7.4.4.4 and the Interim Guidelines. The 9.72-acre parcel is zoned Estate Residential Ten-acre (RE-10) and has a General Plan designation of Rural Residential (RR) with the Important Biological Corridor (IBC) overlay. The parcel is located with the Indian Springs Subdivision which was recorded in April of 1980.

Pursuant to the Interim Guidelines, since the parcel is located within an Important Biological Corridor (IBC), as shown on the General Plan Land Use Map, a determination of consistency with General Plan Policy 7.4.2.9 is required.

The owners have submitted Site Plan Review SPR07-0026 requesting a finding of consistency with the intent of General Plan Policy 7.4.2.9 concurrently with the submittal of the building permit #180693 for grading and #180694 for the construction of a 5,006 square-foot single-family dwelling, 754 square feet of covered decks and porches, and a 1,575 square-foot garage. Both applications were submitted May 2, 2007.

The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4, Option A states that, “any projects (ministerial or discretionary) proposing any oak canopy cover removal within an Important Biological Corridor Overlay Designation shall require the submittal of Oak/Canopy Site Assessment Form, tree survey, and biological report.” The Biological Resources Study must address the requirements of Policy 7.4.2.9 including, but not limited to, the potential for higher oak canopy cover retention and mitigation standards. To satisfy this requirement, a Biological Resources Survey (Jeff Alvarez, Wildlife Biologist, July 20, 2007) has been submitted to supplement this site plan review.

INTERIM GUIDELINES:

The Interim Interpretive Guidelines for policy 7.4.4.4 states that, “all oak trees, of all sizes, are included in the measurement of oak canopy.” Additionally, the Guidelines require the project applicant to replace woodland habitat removed at a 1:1 ratio. The 1:1 ratio for woodland replacement is based on a formula, developed by the County, which accounts for the number of trees and the acreage affected. The square footage of 5,547 square feet of canopy (5,547/43,560) to be removed equates to 0.13 acres. Using this formula, the applicant would be required to replant 26 one-gallon sized blue oak (*Quercus douglasii*) trees (200 trees x 0.13 acres = 26). Alternatively, the applicant may plant 240 acorns [(200 trees x 0.13 acres) x 3 acorns = 78 acorns].

Impact on Sensitive or Important Oak Habitat:

The applicant submitted a Biological Resources Survey, and including a “Proposed Revegetation and Restoration Plan,” by Jeff Alvarez, Wildlife Biologist dated July 20, 2007. The report evaluated the impacts of the project on the Important Biological Corridor including any significant impacts on any substantial migratory corridor for vertebrate species, any special status species, any major interruption of the oak tree canopy or to any significant wetland feature. The report concluded that no significant impact to sensitive habitats, special-status species or oak corridor continuity would result. Finally, the report concludes that the minimal impacts of the proposed removals should not adversely affect the continuity of the IBC.

Tree Canopy Replacement:

Pursuant to the Interim Guidelines for Policy 7.4.4.4, the permit is subject to tree canopy replacement requirements. The areas identified by the biologist as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits H1, H2 and H3. Prior to final occupancy, the applicant will be required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

CONCLUSIONS:

It is staff's opinion that the applicant has demonstrated that the proposed development is located to minimize impacts on oak trees. Staff concludes that the requirements of the Interim Guidelines and General Plan Policy 7.4.2.9 have been met.

RECOMMENDATION: Staff recommends that the Planning Commission find that the proposed residential development and oak tree replanting and maintenance plan is consistent with the intent of General Plan Policy 7.4.2.9, based on the above discussion.

ATTACHMENTS TO STAFF REPORT:

Attachment 1: Conditions of Approval

Attachment 2: Findings

Exhibit A: Vicinity Map

Exhibit B: Assessor's Parcel Map

Exhibit C: Site Plan

Exhibit D: IBC Overlay, Regional

Exhibit E: IBC Overlay, Local

Exhibit F: General Plan Policy 7.4.4.4

Exhibit G: General Plan Policy 7.4.2.9

Exhibits H1, H2, H3: Proposed Revegetation and Restoration Plan

**ATTACHMENT 1
CONDITIONS OF APPROVAL**

**File Number SPR07-0026
October 25, 2007 Planning Commission Hearing**

1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. The area to be planted by the 26, one-gallon sized blue oaks (*Quercus douglasii*), as well as the planting procedures and techniques, shall conform to Exhibits H1, H2 and H3.
3. The applicants shall enter into an oak tree replacement and mitigation monitoring agreement with the County prior to final occupancy for Building Permit No. 180694.

ATTACHMENT 2 FINDINGS

File Number SPR07-0026 October 25, 2007, Planning Commission Hearing

1. *The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources..*

With the exception of areas developed with the existing single-family dwelling, garage, and driveway, the subject parcel is primarily covered by oak trees. The main areas of the parcel not covered by them are the areas proposed to be re-planted as shown in Exhibits H1, H2 and H3. As such, the site chosen for placement of the new home and driveway is as appropriate as any on the site, and does not interfere with any environmental resources, other than oak trees.

2. *The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.*

The project site is surrounded on three sides by ten-acre parcels and located within the Estate Residential Ten-acre (RE-10) zone district. The development area proposed is in keeping with the similar development pattern of the surrounding parcels.

3. *Soil disturbance and tree removal is minimized.*

The depth of excavation and fill beneath the building footprint, as well as outside the footprint, does not exceed five feet. In addition, the configuration of the disturbance area parallels natural topographic features and the project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan.

4. *As the project is located within the Important Biological Corridor Overlay district, A Biological Resources Study and Important Habitat Mitigation Program have been prepared by a qualified professional.*

Biological Resources Survey, and including a “Proposed Revegetation and Restoration Plan,” by Jeff Alvarez, Wildlife Biologist dated July 20, 2007, and was received by the Planning Services July 24, 2007. The information and findings within served as a basis for this decision.