

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



Agenda of: October 25, 2007
Item No.: Consent – 7.a.
Staff: Thomas A. Lloyd

SITE PLAN REVIEW

FILE NUMBER: SPR07-0021/TMA07-0018/Building permit #180360

APPLICANT: Wolfgang Rostin

AGENT: Ruth A. Wilson, M.A., Consulting Biologist

REQUEST: Reasonable Use Determination granting relief from replanting requirements of Policy 7.4.4.4 (Option A). This determination is necessary to allow approval of Site Plan for a hardship second residential unit.

LOCATION: On the west side of Pilot Creek Lane, approximately 500 feet northwest of the intersection with Jackass Mine Road, in the Pilot Hill area, Supervisorial District IV. (Exhibit A)

APN: 104-250-26 (Exhibit B)

ACREAGE: 6.0 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor (LDR-IBC)

ZONING: Estate Residential Five-Acre (RE-5)

BACKGROUND:

The applicant has approval for placement of a temporary hardship manufactured home (TMA 07-0018) on the subject property. One single family residence, a detached garage and a swimming pool are currently on the property. Surrounding parcels to the north, south, and east of the project site are five acre, single-family residential lots. The parcel to the west is an eighty acre lot.

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 Study and Important Habitat Mitigation Program have 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. Using this formula, the applicant would be required to replant 80 one-gallon trees ($200 \text{ trees} \times 0.4 \text{ acres} = 80$). Alternatively, the applicant may plant 240 acorns [$(200 \text{ trees} \times 0.4 \text{ acres}) \times 3 \text{ acorns} = 240 \text{ acorns}$].

DISCUSSION:

The “Biological Resources Evaluation Report,” prepared by Ruth A. Wilson, M.A., and submitted to Planning Services on July 16, 2007 catalogs the total oak canopy found on the 6.0 acre subject parcel at 78 percent. The proposed site plan shows grading and building placement on approximately 0.4 acres, southwest of the existing single-family dwelling. Most of the trees slated for removal have already been felled over the last several months. The 0.4 acres, or 34 trees, which have been, or will be removed, constitute 9 percent of the total oak canopy. This number is well below the 30 percent (1.4 acres) eligible for removal under policy 7.4.4.4. Finally, the Report notes that, when existing improvements (e.g., buildings, driveway, swimming pool, and lawn) are removed from the equation, the oak canopy encompasses more that 96 percent of the parcel, thus eliminating the potential for on-site replanting. As such, no schedules for replanting or maintenance have been provided. This evidence has been substantiated through aerial photography.

CONCLUSION:

While the Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 do not specifically outline a procedure through which relief from replanting requirements may be granted, the Subsection titled, *Reasonable Use Provisions for Development on Existing Legal Lots*, does grant Planning Commission relief, provided certain findings can be made. The site chosen for placement of the new home and driveway is as appropriate as any on the site, and other than oak trees, does not interfere with any environmental resources.

RECOMMENDATION: Given that there is no potential for off-site mitigation (Option B), and that the subject parcel is covered by oak trees making replanting impossible, staff recommends the following:

That the Planning Commission find the proposed placement of the second residential dwelling and subsequent removal of oak canopy without replacement is consistent with the intent of General Plan Policy 7.4.4.4, based on the above discussion, subject to the Conditions of Approval in Attachment 1, and based on the Findings in Attachment 2.

SUPPORT INFORMATION

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

ATTACHMENT 1
CONDITIONS OF APPROVAL

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1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. Construction of the second residential dwelling shall be subject to the issuance of a building permit from El Dorado County Building Services.

ATTACHMENT 2 FINDINGS

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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, swimming pool, and driveway, the Rostin property is covered by oak trees. 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 five-acre parcels and located within the Estate Residential Five-acre (RE-5) zone district. Second residential dwelling units are a use allowed by right in this zone district. Additionally, second residential units are encouraged by the General Plan as a means of providing for affordable housing needs (Housing Element, Measure HO-F).

3. *Soil disturbance and tree removal is minimized.*
 - b. Depth of excavation and fill beneath the building footprint, as well as outside the footprint, does not exceed five feet.
 - c. Configuration of the disturbance area parallels natural topographic features.
 - f. 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 Evaluation Report” was prepared by Ruth A. Wilson, M.A., as a Consulting Biologist. This report is dated July 2007, and was received by the Planning Department July 16, 2007. The information and findings within served as a basis for this decision.

GENERAL PLAN POLICY 7.4.4.4 (Option A)

For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
80-100	60% of existing canopy
60-79	70% of existing canopy
40-59	80% of existing canopy
20-39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

Exhibit F:

GENERAL PLAN POLICY 7.4.2.9

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

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Game);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
- More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

The standards listed above shall be included in the Zoning Ordinance.

Wildland Fire Safe measures are exempt from this policy, except that Fire Safe measures will be designed insofar as possible to be consistent with the objectives of the Important Biological Corridor

Exhibit G: