

**EL DORADO COUNTY DEVELOPMENT SERVICES  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** April 18, 2007  
**Item No.:** 5.a.  
**Staff:** Michael C. Baron

**PARCEL MAP**

**FILE NUMBER:** P06-0032

**APPLICANT:** Gene and Joan Thorne

**AGENT:** Gene E. Thorne and Associates, Inc.

**REQUEST:** A tentative parcel map creating three (3) parcels ranging in size from ten (10) acres to 11.5 acres on a 31.52-acre site (Exhibit B).

Design waiver(s) have been requested for the following:

1. Reduce the required on-site road width from 24-feet to 18-feet with two-foot (2') shoulders per State Responsibility Area Fire Safe Regulations.
2. Reduce the required off-site road width from the encroachment onto Jayhawk Drive to Deer Valley Road from 24-feet to 18-feet without two-foot (2') shoulder improvements.
3. Request to make no road improvements to the portion of Jayhawk Drive along the northern property frontage of proposed Parcel 2.

**LOCATION:** On the south side of Jayhawk Drive, 0.5 mile west of the intersection with Deer Valley Road in the Rescue area, Supervisorial District IV (Exhibit A)

**APN:** 102-120-13

**ACREAGE:** 31.5 acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit B)

**ZONING:** Estate Residential Ten-acre (RE-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Conditionally approve Parcel Map P06-0032  
Deny Design Waiver requests 1, 2 and 3.

**BACKGROUND:** The current parcel was created by grant deed and a boundary line adjustment from a portion of Parcel 3 of Parcel Map 42-127.

**STAFF ANALYSIS**

**Project Description:** The applicant is requesting a tentative parcel map creating two (2) ten-acre parcels and one (1) 11.5-acre parcel from a 31.5-acre site.

**Site Description:** The project site lies on the western slope of central Sierra Nevada in the Rescue area at an approximate elevation of 2,025 feet above mean sea level with a gentle increase in elevation to 2,195 feet at the southwestern corner of the property. The woodland habitat, as identified by the El Dorado County Draft Environmental Impact Report, is characterized as approximately 44 percent blue-oak and foothill pine. The soil type is predominantly a mix of rescue very stony sandy loam and rescue extremely stony sandy loam (RfE and RgE2) which can both be characterized by well-drained soils that are underlain by gabbrodiorite rocks at a depth of more than 40 inches. This land type has rapid surface runoff and moderate to high erosion. Existing improvements on the site include one single family dwelling, two wells, tennis courts, pool, horse arena, garage, and barn. The proposed parcels would eventually be developed using both well and septic systems.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	RR	Improved Residential
<b>North</b>	RE-10	RR	Improved Residential
<b>South</b>	RE-10	RR	Improved Residential/County Property
<b>East</b>	RE-10	RR	Improved Residential
<b>West</b>	RE-10	RR	Improved Residential

**General Plan:** The General Plan designates the subject site as Rural Residential which permits a minimum parcel size of ten (10) acres. The proposed minimum ten (10) acre parcels therefore conform to the General Plan land use designation. The following General Plan Policies apply to this project:

Policy 2.1.1.7: Requires that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.

Policy 5.7.1.1: Requires that applicants demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Policy 6.2.3.2: Requires that the applicant 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. Adequate utilities, and other public services, exist and are available for both existing parcels.

Discussion: The proposed parcel map has been reviewed by the Rescue Fire Protection District and has been conditioned to create a wildland fire safe plan, which would ensure consistency with *General Plan Policies 2.1.1.7, 5.7.1.1, and 6.2.3.2*. Furthermore, all access roads are required to meet all applicable California State Responsibility Area Fire Safe Regulations.

Policy 7.1.2.1: Prohibits the development on slopes of 30 percent or greater. The proposed parcel map would create parcels that have buildable area on slopes less than 30 percent. Prior to issuance of any ministerial building permit for any proposed parcels, the property owner would be required to demonstrate compliance with *General Plan Policy 7.1.2.1*, prohibiting development on slopes greater than 30 percent.

Discussion: The applicant has created parcels that would provide adequate building sites on slopes that do not exceed 30 percent, which can be referenced by the slope analysis provided by the applicant.

Policy 7.4.4.4: 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 one percent (1%) total canopy cover or (2%) are less than an acre and have at least ten percent (10 %) 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; 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*.

**Discussion:** The applicant has submitted a tree canopy analysis that identifies 44 percent canopy coverage for the entire 31.5 acre site. Estimated tree canopy retention after road improvements and lot development has been proposed to be 100 percent. However, to ensure consistency with *Policy 7.4.4.4*, any future ministerial building permits shall be consistent with the canopy retention standards set forth in the aforementioned policy.

**Zoning:** The subject site is zoned Estate Residential Ten-acre (RE-10) which permits a minimum parcel size of ten (10) acres and shall be consistent with the Development standards noted in *Chapter 17.70.110* for the RE-10 Zone District.

**Discussion:** As discussed above, staff finds that the project conforms to the Estate Residential Ten acre (RE-10) Zone District Development Standards. The proposed parcels are a minimum of ten (10) acres, exceed 100 feet in width and any future residential development would be able to satisfy the minimum 30-foot building setbacks as required by the RE-10 Zone District.

**Design Waiver(s) Discussion:** Design waivers have been requested for a reduction of road improvements from 24-feet to 18-feet with two-foot (2') shoulders for the on-site portion of Jayhawk Drive. The proposed parcels would require encroachments onto the existing on-site driveway onto Jayhawk Drive. Further, due to the existing 18-foot roadway from the encroachment to Deer Valley Road, the applicant is requesting a design waiver reducing the required 24-foot wide improvement to 18-feet with no shoulder improvements. The applicant has also requested a design waiver to do no improvements to the northern portion of the property that fronts Jayhawk Drive because there is no encroachment currently proposed. The Department of Transportation would request a *101C Roadway Standard* as described in the *County Design and Improvement Standards Manual. Section 16.08.020(A)(2)* of the *El Dorado County Subdivision Ordinance* requires that four specific findings must be made in order to approve a design waiver.

**Conclusion:** Design Waiver 1 request to reduce the on-site road improvements from 24 feet to 18-feet with two-foot (2') shoulders per *State Responsibility Area Fire Safe Regulations* can be approved as the appropriate findings for the reduction in road width have been made as noted in Attachment 2. However, Design Waiver 2 and 3 requests cannot be approved, as the appropriate findings cannot be made as noted in Attachment 2. Staff's recommendation to deny Design Waivers 2 and 3 is based on recommendations from the Department of Transportation and inconsistency with State Responsibility Area Fire Safe Regulations.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, it has been determined that the project would avoid any potentially significant environmental effects. Staff has determined that there is no substantial evidence that the proposed project as conditioned would have a significant effect on the environment, and a Negative Declaration has been prepared.

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**NOTE:** This project is 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 \$1,800.<sup>00</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.<sup>00</sup> 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 States fish and wildlife resources.

## **RECOMMENDATION**

1. Adopt the Negative Declaration based on the Initial Study prepared by staff and approve the parcel map as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modification of the project to include conditions itemized in Attachment 1.
2. Approve the Tentative Parcel Map (P06-0032) subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.
3. Deny the following Design waiver requests since appropriate findings cannot be made as noted in Attachment 2:
  1. Reduce the required on-site road width from 24-feet to 18-feet with 2-foot shoulders per California State Responsibility Area Fire Safe Regulations.
  2. Reduce the Required off-site road width from the encroachment along Jayhawk Drive to Deer Valley Road to 18-feet with 2-foot shoulders.
  3. Request to do no improvements per California State Responsibility Area Fire Safe Regulations to Jayhawk Drive that fronts the northern portion of the property.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Assessor's Map
Exhibit B .....	Vicinity Map
Exhibit C .....	Tentative Parcel Map
Exhibit D .....	General Plan Land Use Map
Exhibit E .....	Zoning Map
Exhibit F .....	Environmental Checklist and Discussion of Impacts

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

April 18, 2007 Zoning Administrator Hearing  
File Number P06-0032 - Thorne

### CONDITIONS OF APPROVAL

#### Planning Services

1. This Tentative Parcel Map approval is based upon and limited to compliance with the project description, dated December 20, 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:**

A tentative parcel map creating three (3) parcels, ranging from ten (10) acres to 11.5 acres, from a 31.5 acre site. The project includes design waiver requests to reduce road improvements both on and off-site along Jayhawk Drive. Design Waiver 1 request is to reduce on-site road improvements from a 24-foot wide roadway to an 18-foot roadway with two foot (2') shoulders per State Responsibility Area Fire Safe Regulations. Design Waiver 2 request is to reduce road improvements to an 18-foot wide roadway without two foot (2') shoulder improvements from the encroachment onto Jayhawk Drive extending to Deer Valley Road. Design Waiver 3 request is to do *no improvements* to Jayhawk Drive along the northern frontage of the proposed Parcel 3.

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. 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*.

3. The tentative parcel map shall remain valid for a period of three years from the date of approval unless prior to expiration of the map, the applicant files for a time extension.
4. All fees associated with the parcel map shall be paid prior to recording the parcel map.
5. 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*.

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**

6. The applicant shall widen the on-site access roadway to a width of 18-feet with two-foot shoulders per El Dorado County Standard Plan 101C and State Responsibility Area Fire Safe Regulations prior to filing the parcel map or with an approved improvement agreement with security.
7. The applicant shall improve the off-site portion of Jayhawk Drive from the project boundary to Deer Valley Road to a width of 18-feet with two-foot (2') shoulders per *State Responsibility Area Fire Safe Regulations* prior to filing the parcel map or with an approved improvement agreement with security.
8. The applicant shall provide or verify a turn-around at the end of the on-site roadway that complies with the provisions of *County Standard Plan 114* or *Fire Safe Standards* prior to filing the parcel map or with an approved improvement agreement with security.
9. The applicant shall designate a 50-foot wide road and public utilities easement for the required on-site access roadway as well as a road and public utilities easement for the turn around, prior to filing the parcel map.

10. The applicant shall irrevocably offer to dedicate all on-site road and public utility easements for the roadways and turn around, prior to filing the parcel map. This offer will be rejected by the County.
11. A vehicular access restriction shall be established on Parcel 2 along the entire on-site frontage of Jayhawk Drive along the northern boundary of Parcel 2, prior to the filing of the map.
12. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Deer Valley Road prior to filing the map.
13. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to recording the parcel map.
14. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
15. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
16. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the *Drainage Manual and the Storm Water Management Plan*, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
17. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

### **Rescue Fire Protection District**

18. A Fuel Modification and Wildland Fire Safety Plan by a registered forester shall be submitted to and approved by the Rescue Fire Protection District prior to filing the parcel map.

**County Surveyor**

19. All survey monuments shall be set prior to filing the parcel map.
20. 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 defined in *16.44.120(B)(2)* with the legal right to improve that access as required by the *County Design Manual*.
21. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Parcel Map.
22. Prior to filing 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 the agency have been met.

## ATTACHMENT 2

### FINDINGS

April 18, 2007 Zoning Administrator Hearing  
File Number P06-0032 – Thorne

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 FINDING**

- 1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a negative declaration has been filed. Any impacts from the project on biological resources, traffic, and mineral resources will be less than significant due to existing standards and requirements imposed in the conditioning of the project.
- 1.2 The project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game.
- 1.3 The documents and other materials which constitute the record of the proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Ct, Placerville, CA 95667.

##### **2.0 PARCEL MAP FINDINGS**

##### **2.1 The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District.

##### **2.2 The site is physically suitable for the proposed type and density of development.**

The project site has been determined suitable for residential development by the Environmental Management Department and Planning Services based on the information provided by the applicant. There are numerous building sites on the proposed parcels that would not be constrained by excessive slope, tree canopy, streams or wetlands.

**2.3 The proposed parcel map is not likely to cause substantial environmental damage.**

A negative declaration was prepared for the proposed parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.

**2.4 The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project has been designed in compliance with the Rural Residential Land Use Designation requiring a minimum of ten (10) acre parcel sizes. County regulations, addressing environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff report.

**3.0 DESIGN WAIVERS**

**Findings for Denial of Design Waiver 1**

**3.1** Design waiver request one is for a reduction of the existing on-site road width to 18 feet with 2-foot shoulders per State Responsibility Area Fire Safe Regulations as it encroaches onto Jayhawk Drive.

**3.1.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

The existing on-site road is 18 feet wide with a turn around that is consistent with California State Responsibility Area State Fire Safe Regulations. However, per direction from the El Dorado County Board of Supervisors, no design waiver for road-width reduction shall be approved.

**3.1.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

The increased improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. There are drainage ditches, fences, and utilities along both sides of the on-site roadway. However, per direction from the El Dorado County Board of Supervisors, no design waiver for road width reduction shall be approved.

**3.1.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

The design waiver request reduces the road improvements to 18-feet with two-foot (2') shoulders, which is consistent with State Responsibility Area Fire Safe Regulations. The Rescue Fire Protection District has required that the project meet all the requirements of the State Responsibility Area Fire Safe Regulations. However, per direction from the El Dorado County Board of Supervisors, no design waiver for road width reduction shall be approved.

**3.1.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**

A reduction in road width is consistent with *Title 17 of the Zoning Ordinance, General Plan, California State Responsibility Area Fire Safe Regulations*, however, findings have not been made to approve the design waiver request per direction from the El Dorado County Board of Supervisors.

**Findings for Denial of Design Waiver 2**

**3.3 Request for a reduction of on-site road width from the encroachment to deer valley road to 18 feet without shoulder improvements.**

**3.3.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

The current off-site portion of Jayhawk Drive from the encroachment to Deer Valley Road is an 18-foot wide roadway without two-foot (2') shoulder improvements, which is not consistent with State Responsibility Area Fire Safe Regulations

**3.3.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

The increased improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. There are drainage ditches, fences, and utilities along both sides of the on-site roadway. However, there are no provisions to allow for the creation of residential parcels on a road that is already sub-standard.

**3.3.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Jayhawk Drive does not meet minimum California State Responsibility Area Fire Safe Regulations and could pose a threat to public health safety and welfare in the event of a wild fire.

**3.3.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**

A reduction in road improvements is not consistent with *Title 17 of the Zoning Ordinance, General Plan, California State Responsibility Area Fire Safe Regulations*, as findings have not been made to approve the design waiver request.

**Findings for Denial of Design Waiver 3**

**3.3** Request to make no road improvements to the portion of Jayhawk Drive along the northern property frontage.

**3.3.1** **There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

Jayhawk Drive runs along the northern frontage of the property. DOT recommends that all on-site roads be improved to a minimum of 18-feet with two-foot (2') shoulders per California State Responsibility Area Fire Safe Regulations and Department of Transportation Design and Improvement Standards Manual.

**3.3.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

The improvements would benefit the proposed parcel by providing another means of access.

**3.3.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Jayhawk Drive along the northern property line does not meet minimum California State Responsibility Area Fire Safe Regulations and could pose a threat to public health safety and welfare in the event of a wild fire.

**3.3.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**

The reduction in road improvements is not consistent with *Title 17 of the Zoning Ordinance, General Plan, California State Responsibility Area Fire Safe Regulations*, as findings have not been made to approve the design waiver request.