

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



Agenda of: May 16, 2007
Item No.: 6.b.
Staff: Michael C. Baron

PARCEL MAP

FILE NUMBER: P06-0027

APPLICANT: J.C. and Maria Martines

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: A tentative parcel map creating two parcels ranging in size from 4.81 acres to 5.08 acres on a 9.9-acre site (Exhibit B).

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

- a. Request to allow a reduction of road improvements over an 80 foot on-site portion of Mary Ann Lane from 24 feet to 18 feet with 2-foot shoulders per SRA Fire Safe Regulations.

LOCATION: On the south side of Sand Ridge Road, at the intersection with Mary Ann Lane in the Somerset /Fairplay/Mt. Aukum, Supervisorial District II. (Exhibit A)

APN: 046-410-21

ACREAGE: 9.9 acres

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

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

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15270(b) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Denial based on non-compliance with minimum parcel size for General Plan Land Use Designation

BACKGROUND: The parent parcel was created by parcel map P74-0229 approved 10/16/74. A single-family dwelling was built on the property the following year. In 1985 an application (S85-0061) for a special use permit was processed for a 1,248 square foot hardship mobile home on the property.

STAFF ANALYSIS

Project Description: The applicant is requesting a tentative parcel map creating two (2) parcels ranging in size from 4.81 acres to 5.08 acres, from a 9.9-acre site, with a design waiver to reduce on-site road improvements from 24 feet to 18 feet with 2-foot shoulders along Mary Ann Lane, approximately 80 linear feet.

Project Issues: Three critical issues (minimum parcel size, location within Important Biological Corridor, and road improvements) have been identified by staff as they relate to the proposed parcel map. The applicants are proposing a parcel map that does not meet the minimum acreage required under the Zoning Ordinance, as well as the General Plan. Chapter 17.14.120 “*Parcel Size Exception*” allows for one new parcel of less size than is required in the prevailing zone regulations. However, the parcel map cannot be approved because the minimum parcel size is not consistent with the Low Density Residential General Plan Land Use Designation, which requires a minimum parcel size of five (5) acres. The parent parcel is 4,356 square feet short of the necessary 10 acres. The proposed parcel split lies within the County’s Important Biological Corridor Overlay, which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Access to the proposed parcels would require the existing encroachments on both Mary Ann Lane and Sand Ridge Road to be widened. These issues are discussed in more detail below.

Site Description: The project site lies in the southeastern part of El Dorado County at an approximate elevation of 2,280 feet above mean sea level with a gently rolling aspect from north to south. The woodland habitat is characterized as approximately 45 percent mixed oak and pine species. The soil type is predominantly a mix of Ahwanee very rocky coarse sandy loam and Auberry coarse sandy loam (AdD and ArD) which can both be characterized by well-drained soils that are underlain by granite rocks at a depth of more than 40 inches. This soil type has medium to rapid surface runoff and high erosion. Existing improvements on the site include two single-family dwellings, one of which was originally permitted as a hardship mobile home 20 years ago (S85-61), two wells, horse arena, attached garages, and barn.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR/IBC	Improved Residential
North	RA-20	RR	Improved Residential
South	RE-5	LDR/IBC	Improved Residential
East	RE-5	LDR/IBC	Improved Residential
West	RE-5	LDR/IBC	Improved Residential/Vacant Residential

General Plan: The General Plan designates the subject site as Low Density Residential which permits a minimum parcel size of five acres and within the Important Biological Corridor Overlay. One of the proposed parcels is 4.82 acres, which is below the five-acre minimum required by the Low Density Residential Land Use Designation. Section 17.14.120 of the Zoning Ordinance allows for minimum parcel size exceptions under certain circumstances. However, the proposed parcels do not meet the minimum parcel size required for the Low Density General Plan land use designation noted under Policy 2.2.1.2., which is further discussed below. The General Plan does not provide a similar size exception. The following General Plan policies would also apply to this project:

Policy 2.2.1.2 states, “The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.” The proposed parcel map is not consistent with this policy because it does not meet the minimum 5 acre parcel size required under the Low Density Residential Land Use Designation and therefore cannot be approved.

Policy 5.2.3.5 requires minimum parcel sizes of 10 acres or larger within areas known to have groundwater supply limitations. Also, Policy 5.3.1.2 requires that the creation of lots less than 5 acres in Medium-Density Residential areas relying on on-site septic systems shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than 5 acres.

This project is proposing to create lots considerably smaller than the 10 acre limit noted in Policy 5.2.3.5. Further, Policy 5.3.2.1 does not allow for parcel sizes less than 5 acres without public water. For this project, the applicant provided a well production report for the two existing wells that currently supply the two existing dwellings. The report concluded that the wells are capable of producing 7.1 gpm and 10.7 gpm, which is below the threshold of water required to support a single family dwelling. The Environmental Management Department does not support the parcel map due to these policy requirements.

Policy 5.7.1.1 directs that applicants demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. Further, Policy 6.2.3.2 directs that the applicant must 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 dwellings. The Pioneer Fire Protection District has provided comments for the proposed parcel map stating that adequate access for fire protection services exists. The proposed parcels would provide adequate water supply as shown by well test performed by a contractor hired by the applicant.

Policies 2.2.2.8 and 7.4.2.9 establish the Important Biological Corridor (IBC) overlay which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Both proposed parcels are presently improved with single family dwellings, barns, fencing, wells and septic systems. The project may result in the future development of a second single family dwelling and driveway encroachment that may result in some tree removal. However, any ministerial building permit will be required to retain a percentage of the tree canopy as required under General Plan Policy 7.4.4.4. While the entire parcel is located within the IBC overlay, the creation of two (2), approximately five-acre, parcels will not impede the intentions of this policy in a significant manner. Significant disturbances that are not typical of single-family residential uses would not be expected.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is not consistent with the General Plan due to inadequate parcel size.

Zoning: The subject site is zoned Estate Residential Five-acre (RE-5) which permits a minimum parcel size of five (5) acres. However, *Chapter 17.14.120, Parcel Size Exception* allows for one new parcel of less size than is required in the prevailing zone regulations. Therefore, the proposed 4.82-acre and 5-acre parcels would conform to existing zoning.

Design Waiver(s) Discussion: A design waiver request has been made to allow for an existing 18-foot paved road with 2-foot shoulders to serve as adequate access along Mary Ann Lane in place of a 24-foot 101C road standard. Planning staff has received notification from the Department of Transportation stating that they would be in support of the design waiver request. 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: The design waiver request to reduce road improvements from 24 feet to 18 feet with 2-foot shoulders, per SRA Fire Safe Regulations, along Mary Ann Lane, could be approved as the appropriate findings for the reduction in road width could be made.

ENVIRONMENTAL REVIEW

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to *Section 15270(b)* of the *CEQA Guidelines* allowing an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case the proposed parcel map cannot be approved due to inconsistency with *Policy 2.2.1.2*.

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 \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.⁰⁰ 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. Certify that the project is Statutorily Exempt from CEQA pursuant to Section 15270(b) of the CEQA Guidelines; and
2. Deny the Tentative Parcel Map (P06-0027), based on the findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1 Findings for Denial
Exhibit A Vicinity Map
Exhibit B General Plan Land Use Map
Exhibit C Zoning Map
Exhibit D Important Biological Corridor
Exhibit E Tentative Parcel Map
Exhibit F Assessor's Map

ATTACHMENT 1

FINDINGS FOR DENIAL

File Number P06-0027 – Martines
May 16, 2007 Zoning Administrator Hearing

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 DENIAL

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved.
- 1.2 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 does not conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

One of the proposed parcels does not meet the minimum five (5) acre parcel size. However, Section 17.14.120 provides an exception to the minimum parcel size, thus rendering the 4.81 acre parcel consistent. Additionally, the width and frontage noted in the development standards are consistent with the Estate Residential Five-acre (RE-5) Zone District.

- 2.4 **The proposed use is not consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project has not been designed in compliance with the Low Density Residential Land Use Designation requiring minimum five (5) acre parcel sizes. County regulations, addressing aesthetics, 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.