

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



Agenda of: July 18, 2007
Item No.: 4.b.
Staff: Jonathan Fong

PARCEL MAP

FILE NUMBER: P06-0028

APPLICANT/AGENT: Lieben Immer, LLC

REQUEST: A tentative parcel map creating two (2) parcels ranging in size from 10 to 10.14 acres on a 20.14-acre site. (Exhibit B).

Design waivers have been requested for the following:

1. Allow the creation of new lots exceeding the requirement for the maximum number of parcels located on a dead-end road.
2. Allow the creation of a lot exceeding the 3:1 depth to width ratio.

A Fire Safe Regulations Exception has been requested for the following:

1. Allow the creation of parcels greater than 0.5 mile beyond a dead-end road.

LOCATION: On the east side of Sweet Valley Road, approximately 0.5 miles north of the intersection with Hickok Road in the El Dorado Hills area, IV Supervisorial District. (Exhibit A)

APN: 102-180-09

ACREAGE: 20.14 acres

GENERAL PLAN: Rural Residential Ecological Preserve (RR-EP) (Exhibit B)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION:

Conditional Approval

BACKGROUND: The project parcel is located within the Pine Hill Preserve, Martel Unit and the Rare Plant Mitigation Area 0. A rare plant study was performed on the parcel and determined that no listed rare or endangered plant species were located on-site. The California Department of Fish and Game and the United States Department of Fish and Wildlife Service reviewed the study and concurred, therefore no further review is necessary.

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 Zoning Administrator consideration are provided in the following sections.

Project Description: The project would create two (2) ten-acre parcels. Road improvements would be required as part of the project. The Rescue Fire Protection District has required a Wildland Fire Safe Plan which includes road improvements to a Fire Safe Regulation width of 18 feet and fire protection measures.

Site Description: The 20-acre parcel is located within the Pine Hill Preserve (Martel Creek Unit). Slopes on site are mild with the majority falling within the 0-20 percent range. Martel Creek bisects the project site. Vegetation covers roughly 50 percent of the project site and is found clustered around the creek. The vegetation is comprised of scattered brush, walnut trees and oaks.

Access to the project site is from Sweet Valley Road. Sweet Valley Road is a non-County maintained private road. The project site is located approximately 1.5 miles down Sweet Valley Road which dead ends north of the parcel. The nearest County-maintained through road is Malcolm Dixon Road.

The parcel is developed with an existing residence and accessory structures.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Single Family Residential
North	RE-10	RR	Single Family Residential
South	RE-10	OS	BLM Land
East	OS	OS	BLM Land
West	OS	OS	BLM Land

The surrounding parcels are also located within the Pine Hill Preserve. To the south, east and west of the parcel are lands owned by the Bureau of Land Management. The parcel to the north is developed with a single family residence.

The project would create one additional residential parcel. The potential residential development would be consistent with the development along Hickok Road and Sweet Valley Road.

General Plan: The General Plan designates the subject site as Rural Residential - Ecological Preserve (RR-EP). *General Plan Policy 2.2.1.2* establishes that the minimum parcel size within the RR land use designation is 10-acres. The parcel map would create two (2) ten-acre parcels which is consistent within the RR land use designation.

General Plan Policy 2.2.2.4 states that the purpose of the Ecological Preserve (-EP) overlay designation is to identify those properties in public or private ownership which have potential to be established or have been established as habitat preserve areas for rare or endangered plant and animal species and/or critical wildlife.

Part (B) of this policy establishes that the inclusion of the EP overlay designation does not change the base land use designation of parcels. As such, the RR designation and minimum parcel size requirements are unaffected by the EP overlay designation.

Due to the parcel location within the Pine Hill Preserve, a rare plant study was performed for the site. The study had determined that no listed endangered plants were found on the parcel (*Strange Aquatic Resources, 2000*). The study was forwarded to the California Department of Fish and Game and the United States Fish and Wildlife Service for comment and review. Both agencies reviewed the study and determined that the findings of the study were adequate and no further review was necessary.

General Plan Policy 7.4.4.4 establishes retention and replacement requirements for oak canopy disturbed as a result of development. The southern parcel has been previously developed and would not require the removal of oaks. The northern parcel has adequate areas for a building site and would not require removal of oaks.

Oak canopy removed as part of the road improvements would be exempt pursuant to *Policy 7.4.4.4* which specifically exempts oak canopy removal as required by an approved Fire Safe Plan to protect existing structures.

Staff finds the parcel map is consistent with the General Plan.

Zoning: The project parcel is zoned Estate Residential Ten-acre (RE-10) which permits a minimum parcel size of ten-acres. Therefore, the proposed ten-acre parcels conform to existing zoning.

The development standards for the RE-10 Zone District require a setback of 30 feet from all property boundaries. The parcel map proposed to subdivide the property into two (2) parcels. The southern parcel would contain the existing residence and accessory structures. The parcel map has been designed in order to meet the required setbacks for the existing structures and future development.

The project parcel is located within Mitigation Area 0 which is defined as lands within an Ecological Preserve. *Section 17.71.210* of the Zoning Ordinance requires on-site mitigation within Mitigation Area 0. However, as determined by the rare plant study performed for the project site, no listed rare

plants have been found on site. Therefore, no on-site mitigation would be required as part of the project. The project is therefore consistent with the applicable sections of the Zoning Ordinance.

Design Waiver(s) Discussion: Two (2) Design Waivers and a Fire Safe Regulations Exception have been requested. The Design Waiver requests are as follows:

1. Allow the creation of new lots exceeding 24 parcels on a dead-end road.
2. Exceed the 3:1 depth to width ratio.

Design Waiver 1: allow the creation of more than 24 lots on a dead-end road.

The Design and Improvements Standards Manual (DISM) establishes that a dead-end road shall not serve more than 24 parcels. Currently Hickok Road extends to McCoy Road, Harlan Road and Sweet Valley Road which are all dead-end roads. More than 50 parcels are currently accessed down a dead-end road system. The parcel map would create one additional lot on the dead-end road.

The Rescue Fire Protection District was consulted during the initial review of the project and has required the applicant prepare a Wildfire Fire Safe Plan. Both the Rescue Fire Protection District and the California Department of Forestry and Fire Prevention have reviewed and approved the plan. Included in the plan are required improvements to reduce the potential for increased fire hazards. The plan includes the following requirements:

- Installation of a 5,000 gallon water tank and private fire hydrant along the property frontage on Sweet Valley Road.
- Fire Safe regulations vegetation clearance
- Residential fire sprinkler systems for all residences
- Sweet Valley Road would be widened to 18 feet as required by the Fire Safe Regulations
- Maintenance of the bridge crossing turnouts on Sweet Valley Road

With the required improvements made as listed in the Wildfire Fire Safe Plan, the reviewing Fire Protection agencies have determined that adequate fire protection measures would be made to allow the additional lot to be created along the road.

The Department of Transportation (DOT) reviewed the project and has determined that implementation of the approved Fire Safe Plan would be an acceptable mitigation to allow approval of Design Waiver 1.

Design Waiver 2: Exceed the 3:1 depth to width ratio.

The parcel map would create two (2) ten-acre parcels. As shown on the parcel map, the parcel to the north would have a frontage width of 250 feet and a depth of 1,300 feet which would be a lot width ratio of 5:1. The *Design and Improvement Standards Manual* establishes that deep lots (a lot that exceeds the 3:1 lot width ratio) require a Design Waiver.

The existing parcel has roughly a 2:1 lot width ratio. Because the parcel access to Sweet Valley Road is along the narrow side of the parcel, no other lot configuration would allow both parcels to have frontage access onto Sweet Valley Road. Therefore, based on the existing parcel design, staff recommends approval of Design Waiver 2.

Fire Safe Regulations Exception 1

1. Allow the creation of parcels greater than 0.5 mile beyond a dead-end road

Section 1273.099(a) of the *Fire Safe Regulations* establishes that the maximum length of a dead-end road for parcels zoned for 5 to 19.99 acres shall not be greater than 0.5 mile. *Sections 1270.07* and *1270.08* of the *Fire Safe Regulations* allow for exceptions to the standards upon written request and approval by the responsible fire agency.

The Rescue Fire Protection District and the California Department of Forestry have reviewed and approved the requested exception. The reviewing fire agencies have determined that the incorporation of the fire mitigation measures in the Wildland Fire Safe Plan would reduce the potential for fire hazards to the project.

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.

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 \$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.⁰⁰ 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 State's fish and wildlife resources.

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve P06-0028 subject to the Conditions of Approval listed in Attachment 1 based on the Findings in Attachment 2; and
3. Approve the following Design Waivers and Fire Safe Exception based on findings made as noted in Attachment 2:

Design Waivers:

1. Allow the creation of new lots exceeding the requirement for the maximum number of parcels located on a dead-end road.
2. Allow the creation of a lot exceeding the 3:1 depth to width ratio.

A Fire Safe Regulations Exception has been requested for the following:

1. Allow the creation of parcels greater than 0.5 mile beyond a dead-end road.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Parcelization Map
Exhibit E	Tentative Parcel Map
Exhibit F	Fire Safe Plan
Exhibit G	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P06-0028 – Lieben Immer, LLC
July 18, 2007 Zoning Administrator Hearing

Conditions of Approval

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit E (Tentative Parcel Map) Exhibit F (Fire Safe Plan) dated July 18, 2007, 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 project would allow for the creation of two (2) ten-acre parcels. No development is proposed in conjunction with the parcel map. However, road improvements and fire mitigation measures would be required as outline in the Wild Fire Safe Plan prepared for the parcel. The Wild Fire Safe Plan would include widening of the onsite access roads to 18 feet as required by the Fire Safe Regulations, installation of a 5,000 gallon water tank, and the sprinklering of any new structures.

The design waivers have been approved allowing the creation of new lots exceeding the requirement for the maximum number of parcels down a dead-end road and allowing the creation of lots exceeding the 3:1 depth to width ratio. Additionally, a Fire Safe Exception has been approved to allow the creation of parcels greater than 0.5 mile beyond a dead-end road.

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.

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

5. Prior to recordation of the parcel map, all Development Services fees shall be paid.
6. 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 applicant 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

Department of Transportation

7. In accordance with DISM Section 3.A.9, the Wildfire Fire Safe Plan prepared by California Department of Forestry and Fire Protection (CAL FIRE) Prevention Planning dated October 2006 serves as an acceptable alternative to a secondary access. The applicant shall provide a letter from the fire department stating that the Wildfire Safe Plan, dated October 2006, and prepared by California Department of Forestry and Fire Protection (CAL FIRE) Prevention Planning is adequate.
8. The applicant shall designate a 50 wide road and public utility easements (R & PUE) for the on-site portion of Sweet Valley Road and associated turn-around as part of the parcel map.
9. The applicant shall irrevocably offer to dedicate all on-site road and public utility easement for Sweet Valley Road, as part of the parcel map. This offer will be rejected by the County.
10. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, prior to the recordation of the parcel map.

Fire District

11. The applicant shall comply with all fire protection measures included in the Wildfire Fire Safe Plan. The Fire District shall review and approve the completion of the plan prior to filing of the parcel map.

Environmental Management- Environmental Health

12. A safe and reliable water source shall be in place for the undeveloped northern parcel. The applicant shall either obtain public water or construct a well capable of sustaining a minimum flow of 5 gallons per minute. The water source shall be obtained and approved by Environmental Management prior to filing of the map.
13. An adequate area for sewage disposal shall be identified for the undeveloped parcel. The sewage disposal site evaluation shall be conducted by an approved sewage disposal design consultant qualified to perform soil and site evaluations and capable of determining site specific soil properties, geologic factors and hydrologic conditions. The site evaluation shall be reviewed and approved by Environmental Management prior to filing of the map.

Air Quality Management District

14. The applicant shall make applications and pay the appropriate fees for a Fugitive Dust-Asbestos Hazard Mitigation Plan. The District shall review and approve the Plan prior to commencement of any construction.
15. The applicant shall comply with all District air quality rules during project construction.

County Surveyor

16. All survey monuments shall be set prior to filing of the parcel map.
17. 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 legal right to improve that access as required by the County Design Manual.
18. Prior to filing of 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

File Number P06-0028 - Lieben Immer, LLC
July 18, 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 APPROVAL

1.0 CEQA Findings

- 1.1 The Zoning Administrator has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 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.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 Tentative Map Findings

2.1 That the proposed map is consistent with applicable general and specific plans;

The parcel is located within the Rural Residential – Ecological Preserve district (RR-EP). The proposed parcel sizes are consistent within the RR zoning district.

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

As determined through a Cultural Resource Study and Biological Survey the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the project.

Martel Creek bisects the property; however, adherence to the required setbacks for the future development will reduce the potential impacts to the resource. No slopes which

exceed 30% will be developed as part of the project. No special status species will be affected as part of the project.

2.3 That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

The project parcel is located within the Pine Hill Preserve. Both the Department of Fish and Game and the U.S. Fish and Wildlife Service have reviewed the project and determined that the parcel map would not negatively impact any rare or endangered species.

3.0 Design Waivers Findings

3.1 Design Waiver #1: Allow the creation of more than 24 lots on a dead-end road;

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 parcel map would result in the addition of one residential parcel on Sweet Valley Road. Sweet Valley Road dead ends at the next parcel to the north. The project has been conditioned to comply with a Wild Fire Safe

The responsible fire agencies have determined that implementation of the fire plan will offset the impacts of developing on a dead-end road. Plan which would result in additional fire mitigation measures in the project area.

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

Sweet Valley Road serves only one additional parcel beyond the parcel boundaries. Improvements along Sweet Valley Road to Fire Safe Regulations road width and the implementation of the Wild Fire Safe Plan would reduce the potential fire hazards in the project vicinity.

The County Design Manual requires a secondary point of access to be identified and improved for development which exceeds ½ on a dead-end road. The nearest point of secondary access would be through the Pine Hill Rare Plant Preserve. The environmental and financial impacts of the road improvements would be infeasible given the small scale of the project.

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 widening of Sweet Valley Road to Fire Safe Regulations minimum width and the implementation of the Wild Fire Safe Plan would reduce the potential fire hazards to the project and the project vicinity.

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.

The project improvements would be consistent with the minimum road standards of the Fire Safe Regulations which require a minimum road width of 18 feet.

3.2 Design Waiver 2: Exceed the 3:1 lot width ratio.

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

The parcel is currently at a 2:1 lot width ratio. No other orientation of the parcels would allow for frontage onto Sweet Valley Road.

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

Altering the orientation of the parcels would require additional easements and additional disturbance on the project site. Without the given lot configuration, future development will be impaired by the required 30 foot setback from all property boundaries and the adherence to the 50 foot setback from the creek.

Additionally, the proposed configuration would allow the location of future development further from Bureau of Land Management owned Pine Hill Preserve lands.

3.2.3 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 proposed parcels would be able to maintain the required 30 foot setback from all property boundaries and 50 foot setbacks from intermittent streams.

3.2.4. 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 parcels would be consistent with the development standards of the Estate Residential Ten-acre (RE-10) Zone District.

3.3 Fire Safe Regulations Exception 1: Allow the creation of parcels greater than 0.5 mile beyond a dead-end road.

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 parcel would result in the addition of one residential parcel. The project would include a Wild Fire Safe Plan which included mitigation measures to reduce fire hazards in the project vicinity. Road widening to Fire Safe minimum standards, installation of a water tank and the sprinklering of any new residences would reduce the fire hazards in the project vicinity.

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

No secondary point of access is available to serve the project. The closest through County-maintained road is Malcolm Dixon road which is 1.5 miles to the south. The fire district has determined that implementation of the Wild Fire Safe Plan would provide adequate mitigation measures to reduce the fire hazards in the project area.

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.

Implementation of the Wild Fire Safe Plan would provide adequate fire protection measures for the project and the project vicinity.

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 project would be required to comply with the provisions of the Fire Safe Regulations and the development standards of the Zoning Ordinance