

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



Agenda of: August 15, 2007
Item No.: 4.d.
Staff: Thomas A. Lloyd

PARCEL MAP

FILE NUMBER: P07-0008

APPLICANT: Jan Smotherman

AGENT: John Berg

REQUEST: A tentative parcel map creating two parcels, 2.01-acres each, from a 4.02 acre site. (Exhibit B)

LOCATION: On the east side of Stope Drive, approximately 0.25 miles north of the intersection with Lupine Lane in the Swansboro area, Supervisorial District IV. (Exhibit A)

APN: 085-233-04

ACREAGE: 4.02 acres

GENERAL PLAN: Medium Density Residential-Platted Lands overlay (MDR-PL) (Exhibit B)

ZONING: Single-family Two-acre Residential (R2A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION:

1. Adopt the Negative Declaration based on the Initial Study (Exhibit E); and
2. Approve P07-0008 subject to the Conditions in Attachment 1 based on the Findings in Attachment 2.

BACKGROUND: The two proposed parcels were originally created in 1973 at the time of the subdivision and can be seen on the original subdivision map (*Swansboro Country 6, page F-017B*),

as well as the Assessor's Map (Exhibit E). On October 16, 2001, a Certificate of Merge was recorded to create the single 4.02 acre parcel for a previous owner.

STAFF ANALYSIS

Project Description: The tentative parcel map would create two (2) parcels from a 4.02 acre site. Both Parcels 1 and 2 would be 2.01 acres. Public water would serve the parcels as would on-site septic facilities.

Site Description: The project site lies in Swansboro area at an approximate elevation of 3,150 feet above mean sea level with a gentle rolling aspect from northeast to southwest. The woodland habitat, as identified by the El Dorado County Final Environmental Impact Report, covers approximately 95 percent of the parcel. Of this 95 percent, 98.5 percent are ponderosa and sugar pine, with the remaining trees being black oak and madrone. There are no improvements on the property at this time, though a building permit has been issued for a three bedroom house on the site (Parcel 2). The proposed parcels would be developed using public water and septic systems. The current parcel has one gravel driveway as a construction access for the proposed dwelling. This driveway approximates the location of the permanent driveway for the residence and, with some modification, will serve Parcel 2.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	MDR	Single family residence (under construction)
North	U	MDR	Single family residence
South	R2A	MDR	Single family residence
East	R2A	MDR	Single family residence
West	R2A	MDR	Undeveloped

General Plan: The following General Plan policies apply to this project:

Policy 2.2.2.3(A): Parcels within the Platted Lands (PL) overlay designation shall not be permitted to subdivide to a size smaller than the minimum parcel size allowed by the base land use designation.

Discussion: The General Plan designates the subject site as Medium-Density Residential (MDR), which permits a minimum parcel size of 1.00 acres. The proposed 2.01-acre parcels therefore conform to the General Plan land use designation and, as such, *Policy 2.2.2.3(A)*.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: Other parcels in the neighborhood are developed with single-family residential structures. As such, the two new parcels and their intended residential use would be consistent with the intended development pattern of the General Plan.

Policies 5.2.3.5 and **5.3.1.2** prohibit the creation of parcels less than 5 acres when the parcels rely on both onsite sewage disposal systems and water wells.

Discussion: A well is located on the project site, though public water is available for the proposed parcels. A condition from El Dorado County Environmental Management will require the existing well to be properly abandoned under permit. Further, the condition will require connection by both parcels to the public water system.

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.

Discussion: There are existing El Dorado Irrigation District (EID) facilities located within Stope Drive. The submitted Facility Improvement Letter (FIL0207-145) from EID, dated February 22, 2007 stated EID can provide water for the proposed parcels by tapping into the existing 8-inch water line. The Mosquito Fire Protection District reviewed the parcel for fire flow requirements. The available fire flow is about 700 GPM at 20 psi residual. The parcel is located within a fire hydrant area. With a hydrant being located approximately 1,500 feet away at the corner of Lupine Lane and Stope Drive, the County's current requirement to have a hydrant within 0.5 miles is met and no additional improvements are required. The El Dorado County Environmental Management Department has reviewed the current application requests along with the submitted percolation tests which were submitted for both parcels. Environmental Health has determined that the requirements for demonstrating adequate sewage disposal for each of the proposed parcels have been satisfied.

Policy 6.2.3.2 directs that the applicant must demonstrate adequate access or ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: The El Dorado County Design Improvement Standards Manual allows a dead-end street which connects to a County or State maintained street so long as it is not more than 2,640 feet long, geographic features restrict an extension, and the street serves not more than 24 parcels. Currently, the section of Stope Drive which serves the subject parcel also serves nine others. The parcel map would bring the total to eleven. Stope Drive is a paved 18 foot wide roadway with two inch (2') gravel shoulders. It also has a 50 foot paved turnaround at the end, approximately 1,000 feet from the intersection with Log Cabin Lane.

The El Dorado County Department of Transportation (DOT) recommended conditions to widen the frontage along Stope Drive to 24 feet along with two 2-foot (2') shoulders. This condition has been modified, however, to reflect the *Design and Improvements Standards Manual (DISM)* standard in effect at the time improvement plans are submitted, prior to filing the parcel map. DOT approval will require that improvements to Stope Drive meet their specifications prior to filing the parcel map.

Access to the project parcels is via Stope Drive which fronts both proposed parcels. A grading permit will be required to allow DOT to review all required road improvements prior to filing the parcel map. The requirements of DOT discussed above in the General Plan section, address the potential access problems related to public safety. The construction access driveway currently utilized by parcel two is located in the approximate location of the final driveway. There is evidence of a long abandoned driveway/access point connecting Parcel 1 to Stope Drive. It is likely that this will be the location of a future driveway to access the parcel.

Policy 7.4.1.1 directs that the County shall continue to provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with *County Code Chapter 17.71* and the USFWS's *Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002)*.

Discussion: The proposed project is located in El Dorado County plant Mitigation Area 2 of the County's Gabbro soils rare plant preserve program. The subject parcel is not located within any Ecological Preserve overlay zone. By being connected to El Dorado Irrigation District (EID) service, the applicant will be required to pay a Rare Plant fee, in lieu of on-site mitigation, at the time of issuance of any building permit for either of the two proposed parcels. This fee will be used to provide for the permanent protection of the listed species and, in so doing, comply with **Policy 7.4.1.1**.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards and requires that 90 percent of the existing oak tree canopy coverage for the parcel be retained.

Discussion: On January 29, 2007, an arborist report and tree study was conducted by Foothill Tree Service. At that time, the property had approximately 95 percent tree canopy coverage. This was confirmed by aerial photography. For the project, seven trees will be removed for a new driveway access to Parcel 2. Of the 95 percent, approximately 90 percent is made up of pine and madrone, and does not count toward the County's canopy retention policies. The net total of the oak trees on the property is 8 percent, of which none will be removed. As such, the project meets the intent of **Policy 7.4.4.4**.

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 consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is zoned Single-family Two-acre Residential (R2A) which permits a minimum parcel size of two acres. The proposed 2.01-acre parcels conform to existing zoning and the development standards of Section 17.28.340.

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study (Exhibit E) to determine any project-related impacts on the environment. Based on the Initial Study, staff determined that this project would have a less than significant impact on the environment and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

NOTE: 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.

SUPPORT INFORMATION

Attachments to Staff Report:

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

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P07-0008 – Smotherman/Berg
August 15, 2007 Zoning Administrator Hearing

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit D (tentative parcel map) dated October 22, 2006, 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 tentative parcel map would create two 2.01-acre parcels from a 4.02 acre site. Public water would serve the parcels as would on-site septic facilities. Access is via private driveways connecting to Stope Drive. One additional primary residence can be constructed on Parcel 1.

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. Prior to filing the parcel map, all Development Services fees shall be paid.
3. 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

4. Prior to filing the parcel map, the applicant shall improve Stope Drive to the *Design and Improvements Standards Manual (DISM)* standard in effect at the time improvement plans are submitted.
5. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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.
6. 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.
7. Any import, or export of fill material to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
8. 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.
9. 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.
10. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Environmental Management

13. Prior to filing the parcel map, the existing well on the property shall be properly abandoned under permit and both parcels shall be connected to the public water system.

Air Quality Management District

14. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate this property is not located within the Asbestos Review Area. District Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
15. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
16. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
17. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

Surveyor's Office

18. All survey monuments must be set prior to filing the parcel map.
19. Prior to filing 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 P07-0008 – Smotherman/Berg August 15, 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 FINDING

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 The proposed parcel map conforms to the El Dorado County General Plan;

The proposed tentative map is consistent with the Medium-Density Residential (MDR) General Plan land use designation.

The proposal, as conditioned, is consistent with the applicable policies of the General Plan, including **2.2.2.3(A)**, **2.2.5.21**, **5.2.3.5**, **5.3.1.2**, **5.7.1.1**, **6.2.3.2**, **7.4.1.1** and **7.4.4.4** because the division would be compatible with the base land use designation, there are adequate roadways, utilities, and other public service infrastructure available, or will be provided, the project fits in with the dominant pattern of development in the direct project vicinity, no parcels less than 5 acres which rely on both onsite sewage disposal systems and water wells will be created, the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants of Mitigation Area 2, and no oak trees are proposed to be removed.

2.2 The parcel map conforms to the El Dorado County Zoning Ordinance;

The project site is zoned Single-family Two-acre Residential (R2A). The parcel map would create parcels which would be consistent with the minimum parcel size requirements and the development standards of the R2A Zone District.

3.0 TENTATIVE MAP FINDINGS

3.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;

The proposed parcels and open space areas are consistent with applicable General Plan Policies and the development standards of the R2A Zone District.

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

The project would create parcels which would be consistent with both the El Dorado County General Plan and the Zoning Ordinance. The project would be served by public water and private wastewater treatment facilities. As the property is surrounded by residential development, the project would not result in inconsistent development or density with regards to the neighborhood.

3.3 The design of the division is not likely to cause substantial environmental damage nor substantial and avoidable injury to fish or wildlife or their habitat;

The required site improvements will not cause significant impacts to the environment or wildlife. The project would result in potential road widening and onsite residential development. Staff review, however, has found that no important plant or wildlife species would be damaged as a result of the project.