

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



Agenda of: November 21, 2007
Item No.: 5.c.
Staff: Jonathan Fong

PARCEL MAP

FILE NUMBER: P07-0003

APPLICANT: Seth Scott

AGENT: Lebeck Young Engineering

REQUEST: A Tentative Parcel Map creating two (2), five-acre parcels on a 10-acre site. Two design waivers have been requested for the following:

- a. Reduction of the onsite access easement from 60 feet to 30 feet.
- b. Waiver of the secondary access requirement.

LOCATION: On the south side of West Green Springs Road, one-half mile southwest of the intersection with Green Valley Road, in the El Dorado Hills area, Supervisorial District I (Exhibit A).

APN: 126-130-76

ACREAGE: 10.0-acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Estate Residential Five-acre Zone District (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

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 applicant is requesting a Tentative Parcel Map creating two (2) parcels both five acres in size. Improvements to West Green Springs Road would be required as a condition of approval for the Parcel Map. An access driveway would be constructed to Parcel 2 with a 30 foot wide access easement.

The project would be served by private wells and onsite septic wastewater systems.

Site Description: The project site is located at an approximately elevation of 800 and is currently undeveloped. Slopes onsite are moderate to steep with approximately 60 percent of the site comprised of slopes exceeding 30 percent. The site is densely wooded with oak canopy, pines, and native grasslands. A small manmade pond is located near the center of the property and is fed by an unmapped tributary of West Green Springs Creek.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Improved Residential
North	RE-5	LDR	Improved Residential
South	RE-5	LDR	Improved Residential
East	RE-5	LDR	Improved Residential
West	RE-5	LDR	Improved Residential

The parcel map would create one (1) additional residential parcel. The parcel map would allow for additional residential development which would be consistent with the development in the area. The project would not create conflicts with the existing land use pattern in the project vicinity.

General Plan: The General Plan designates the parcel as Low Density Residential (LDR) which establishes a minimum parcel size of five acres. The project would create two, five acre parcels. The project would create parcels which are consistent with the LDR land use designation.

General Plan Policy 7.4.4.4 establishes retention and replacement provisions for oak canopy impacted as part of development. The arborist report prepared for the project identified potential disturbance areas for future residential development and for the required disposal areas for the septic systems.

The report has identified that the project site is comprised of approximately 68 percent of existing oak canopy, which pursuant to Policy 7.4.4.4 requires 70 percent retention. The project would remove 18 percent of the oak canopy which is allowed by Policy 7.4.4.4. As required by the Interim Interpretative Guidelines for Policy 7.4.4.4 the applicant has identified sufficient replanting areas onsite.

General Plan Policy 7.1.2.1 prohibits development on slopes 30 percent or greater. As shown on the slope map, approximately 60 percent of the site exceeds 30 percent slope. The applicant has identified buildable areas on Parcel 1 and 2 that would avoid development on 30 percent slopes. The applicant would be required to designate all slopes exceeding 30 percent as non-buildable areas on the parcel map.

Located near the middle of the project is a manmade pond which connects to a tributary of West Green Springs Creek. General Plan Policy 7.3.3.4 requires a 100 foot setback from lakes and rivers and a 50 foot setback from intermittent riparian areas. The pond and intermittent channel are both located within the areas with slopes exceeding 30 percent. As discussed above, Policy 7.1.2.1 prohibits development within these areas, therefore no development would affect the pond or channel. The buildable areas would all be located outside the required setbacks.

Staff finds the project is consistent with the General Plan.

Zoning: The project parcel is located within the Estate Residential Five-acre Zone (RE-5) District which establishes a minimum parcel size of five acres. The Parcel Map would create two (2), five acre parcels. The project conforms to the minimum parcel size requirement of the RE-5 Zone District. As required by the Zoning Ordinance, all future development on the parcels would be required to adhere to the 30 foot setback from all property lines. The proposed five-acre parcels would not conflict with this requirement.

Planning Services staff finds the project is consistent with the Zoning Ordinance.

Design Waiver: Two (2) design waivers have been requested as follows:

1. Reduction of the onsite access easement width from 60 feet to 30 feet.
2. Waiver of the secondary access requirement.

Design Waiver 1: Access easement width from 60 feet to 30 feet.

The access to Parcel 2 would be a 14-foot wide driveway which would be located within an easement across the southerly parcel. The southerly parcel is also owned by the applicant and would not result in any conflicts in acquiring the easement. Access would be provided by a driveway and would be 14 feet in length, the typical 60 foot easement would not be required. The Department of Transportation has reviewed the Design Waiver and recommends approval.

Design Waiver 2: Secondary access.

The project would be located approximately three-quarters of a mile down West Green Springs Road which does not provide through access. The Design and Improvement Standards Manual requires secondary access for parcels located beyond one-half mile down a dead-end road. The El Dorado Hills Fire Department reviewed the project and determined that improving West Green Springs Road to 20 feet including shoulders would be acceptable for emergency access. Additionally, the future residences would require sprinkler systems and a Wildland Fire Safe Plan. These improvements have been included as conditions of approval.

ENVIRONMENTAL REVIEW

NOTE: This project is not 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; and
2. Approve P07-0003 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the conditions itemized in Attachment 1; and
3. Approval the requested design waivers as the required findings can be made as noted in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings of Approval
Exhibit A	Vicinity Map/ APN Page
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Tentative Parcel Map
Exhibit E.....	Road Improvement Exhibit
Exhibit F.....	Environmental Checklist/ Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P07-0003 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 E (tentative parcel map) dated November 21, 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 will allow the creation of two (2), five acre lots. Both parcels will be served by private well and on-site septic wastewater systems.

Road improvements will be required as a condition of approval. The access roads shall be improved to a width of 20 feet with shoulder as shown on the Road Improvement Exhibit (Exhibit E).

Two design waivers will be allowed for the following:

- a. Reduction in the onsite access easement width from 60 feet to 30 feet.
- b. Waiver to the secondary access requirement.

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. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call

archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to *Section 7050.5* of the *Health and Safety Code* and *Section 5097.98* of the *Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
4. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the parcel map. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
5. The applicant shall replace the removed oak canopy with a 1:1 replacement ratio. Replacement trees shall be planted on site to the satisfaction of the Development Services Director. An agreement to the satisfaction of County Counsel and the Development Services Director shall be required to ensure the long term maintenance and preservation of the replacement trees. Maintenance shall be required for a 10-year period. Any trees that do not survive during this period shall be replaced. The replacement trees shall be planted prior to final inspection, and the maintenance agreement shall be provided to Planning Services prior to issuance of a building permit.
6. All onsite slopes and riparian areas shall be designated as nonbuildable areas and shall be recorded on the parcel map. Planning Services shall verify the placement of the nonbuildable areas prior to filing of the parcel map.
7. All Planning Services fees shall be paid prior to filing of the parcel map.
8. 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

Project Specific Conditions

6. The applicant shall provide/verify to the Department that the off-site access of Jim's Place and Jim Valley Road meets the requirements of El Dorado County *Standard Plan 101C*, 18-foot roadway with 2-foot shoulders on either side of the roadway as required in *Section 3 A) 2) c) ii* of the *Design and Improvement Standards Manual* from the project boundary to Fort Jim Road. The improvements shall be substantially completed to the approval of the Department or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
7. The applicant shall improve the encroachment of Jim's Place to Jim Valley Road to the provisions of *Standard Plan 103C* (unpaved). The improvements shall be substantially completed to the approval of the Department or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
8. The applicant shall improve the cul-de-sac at the end of Jim's Place to the provisions of *Standard Plan 114* (unpaved). The improvements shall be substantially completed to the approval of the Department or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
9. Prior to recordation of the parcel map, the applicant shall join and/or form an entity, satisfactory to DOT, to maintain all onsite roads and/or drainage facilities not maintained by the County.
10. All on- and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the *2004 General Plan Policy TC-Xf*.
11. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the parcel map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In

such cases, prior to filing of any parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the off-site improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Standard Conditions

12. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the parcel map.
13. If site improvements are to be made, 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 occupancy.
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. Prior to any import, or export to be deposited within El Dorado County, the applicant shall obtain an additional grading permit for that offsite 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.
18. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado Hills Fire Department

19. The onsite driveway shall be 14 feet wide and shall be an all weather surface with a vertical clearance of 13 feet 6 inches. Each driveway shall accommodate a 56 foot wide turnaround or a 40 foot hammerhead at the home terminus. The Department shall review and approve the driveway located prior to issuance of a building permit.
20. A Wildland Mitigation Plan shall be prepared for both parcels. The Department shall review and approve the plan prior to issuance of a building permit.
21. All future dwelling units shall have Residential Fire Sprinklers installed per FNFPA 13D with the appropriate water supply and storage. The Department shall review and approve the sprinkler system prior to issuance of a building permit.
22. All future residences shall comply with the Fire Safe Regulations addressing standard.

Air Quality Management District

24. The applicant shall submit and pay appropriate fees for a Fugitive Dust Plan (FDP). The District shall review and approve the ADMP prior to issuance of a grading permit.
25. The applicant shall adhere to all District rules during project construction.

Environmental Management

26. The applicant shall submit a current well report. Environmental Management shall review and approve the report prior to filing of the parcel map.

County Surveyor

27. All survey monuments must be set prior to the filing of the parcel map.
28. 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).

29. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions place 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 P07-0003

November 21, 2007

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 pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 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 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 \$1,800.00 and a \$50.00 El Dorado County processing fee based on *CDFG Code Section 711.4* and *Senate Bill 1535*.
- 1.4 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 General Plan Findings

2.1 The proposed parcel map is consistent with applicable general and specific plans;

The parcel General Plan Land Use Designation is Low Density Residential (MDR) which establishes a minimum parcel size of five-acres. The project will create two (2), five-acre parcels. The project meets the minimum parcel size within the LDR district.

The project will not disturb any riparian areas or slopes exceeding 30%. The project will be consistent with the oak retention and replacement requirements of General Plan Policy 7.4.4.4.

3.0 Zoning Findings

3.1 The proposed parcel map is consistent with the Zoning Ordinance;

The project is zoned Estate Residential Five-acre (RE-5) which establishes a minimum parcel size of five-acres. The project will create two (2), five-acre parcels which is consistent within the RE-5 Zone District. The project will be consistent with the development standards of the RE-5 Zone District.

4.0 Tentative Map Findings

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

The Department of Transportation and the El Dorado Hills Fire Department has reviewed the existing road conditions and have determined that the proposed improvements will provide adequate access.

The proposed parcels provide adequate area to meet the development standards of the RE-5 Zone District.

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

As determined through a Cultural Resource Study and staff analysis, the project site does not contain any natural resources that will be significantly impacted through the proposed residential development of the project.

Adequate developable areas exist on the parcel that will allow for residential development consistent within the Low Density Residential Land Use Designation and the Estate Residential Five-acre (RE-5) Zoning District.

The project site is constrained by slopes exceeding 30%, riparian areas, and significant oak canopy. However, the applicant has demonstrated that future development will be consistent with applicable General Plan policies and Zoning Ordinance requirements. Development restrictions have been included on the parcel map to prohibit development on slopes exceeding 30%. Arborist reports have been submitted which analyze the potential oak impacts and have identified future replanting areas.

4.3 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 required road improvements will not result in significant environmental damage. No riparian features would be affected as a part of the project and no sensitive species would be impacted as concluded by the Negative Declaration prepared by staff.

5.0 Design Waiver Findings

5.1 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 West Green Springs Road. The El Dorado Hills Fire Department has reviewed the project and determined that the proposed road improvements and mitigation measures for future development will provide adequate fire protection for the project.

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

The project will create one additional parcel. No additional development will likely occurring along West Green Springs Road.

5.3 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 West Green Springs Road to the Fire Safe Regulations minimum width requirement and the implementation of the Wild Fire Safe Plan will reduce the potential fire hazards to the project and the project vicinity.

5.4 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 will be consistent with the minimum road standards of the Fire Safe Regulations. The project will improve the existing access roads to a total width of 20 feet with shoulders.