

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



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

**PARCEL MAP**

**FILE NUMBER:** P07-0028

**APPLICANT:** Allen Nel

**AGENT:** Patterson Development, Larry Patterson

**REQUEST:** A Tentative Parcel Map creating four (4) parcels on a 22-acre site. The resulting parcels numbered 1-4 would be 5.545, 5.608, 5.620, and 5.595 acres respectively (Exhibit D).

**LOCATION:** On the east side of Byrd Foote Drive, approximately 2,000 feet south of the intersection with South Shingle Road in the Shingle Springs area, Supervisorial District II (Exhibit A).

**APN:** 109-340-39

**ACREAGE:** 22.36 acres

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

**ZONING:** Estate Residential Five-acre Zone District (RE-5) (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 four (4) parcels. An approximately 1,100 foot long section of road would be constructed to connect access from both Byrd Foote

Drive to the west, and Juanita Drive to the northeast. This road would provide access to all four of the new proposed parcels. The addition of this segment of road would be recorded on the map as a 50 foot wide right of way, constructed to Standard Plan 101C.

The project would be served by private wells and on-site septic wastewater systems.

**Site Description:** The project site is located at approximately 1,300 feet elevation with variable slopes. Approximately 80 percent of the slopes on-site fall within the 0 to 29 percent slope range, while the remaining 20 percent of the slopes on-site fall between 30-40 percent range. The area identified as Parcel 1 on the Parcel Map has been previously developed with residential development including an existing driveway and residential structure. Vegetation on-site is comprised of mature oaks and native pines clustered along the western property boundary, primarily found in the area identified as Parcel 1 and in a small area identified as Parcel 3.

**Adjacent Land Uses:**

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

The parcel map would create three (3) additional residential parcels. All adjacent parcels are designated Low Density Residential and Estate Residential 5 Acre. The parcel map would be consistent with the residential development in the area.

**General Plan:** The General Plan designates the parcel as Low Density Residential (LDR) which establishes a minimum parcel size of 5 acres. The project would create four (4), parcels exceeding five acres in size. The project would be consistent within the LDR land use designation.

General Plan Policy 7.1.2.1 states that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. A portion of the subject site contains 30 percent slopes. The majority of these slopes are located in areas where future development would not occur. Parcel 1 has already been developed with a single family residence with an existing driveway accessed from Byrd Foote Drive.

New development on slopes greater than 30 percent is prohibited under the General Plan. As there is no new development proposed with this map, the project would be conditioned to restrict future development of the new parcels to areas of less than 30 percent slope. As part of the conditions of approval, building envelopes would be recorded on the map limiting development to slopes not exceeding 30 percent.

General Plan Policy 7.3.3.4 states that buffers and special setbacks shall be provided for the protection of riparian areas and wetlands. Two seasonal/intermittent streams exist on-site located within Parcels 2 and 3. The map has included the required 50 foot setback from all intermittent streams and no future development is planned in the required setback area.

General Plan *Policy 7.4.4.4* establishes retention and replacement provisions for oak canopy impacted as part of development. An arborist report and a tree canopy survey was conducted by Abacus Consulting. The report identified 18 trees that would need to be removed for development. Eighteen trees would be removed on-site. Seven trees are considered dead or dying and require no replacement canopy. Eleven trees need replacement canopy totaling 6,244 square feet of canopy removed totaling 5% of the total canopy on site. Pursuant to General Plan Policy 7.4.4.4 the applicant shall be required to replace this canopy. The arborist report would require the replanting of 28 new native species oak trees on site. The replacement trees would be approximately 1 gallon size. The oak trees would be planted on site, and would be monitored for a period of no less than 10 years. The area of disturbance for the Tentative Parcel Map is for development of the new section of road between Byrd Foote Drive and Juanita Drive. As shown on the Tree Preservation Plan submitted with the Parcel Map application, driveways and potential building envelopes have been provided which would not require removal of any additional oak trees. Based on the arborist report and the replacement mitigation and monitoring program proposed, the project would be consistent with this policy (Condition 6)

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 project conforms to the minimum parcel size requirement of the RE-5 Zone District. Planning Services staff finds the project is consistent with the Zoning Ordinance.

**Tentative Parcel Map:** Section 16.44.030 of the Subdivision Ordinance requires the Zoning Administrator to make findings prior to approval of a Tentative Parcel Map. Staff is recommending that the Zoning Administrator make the required findings as described in Attachment 1.

## **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.<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 State's fish and wildlife resources.

**RECOMMENDATION**

1. Adopt the Negative Declaration based on the Initial Study; and
2. Approve P07-0028 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.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	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.....	Slope Map
Exhibit F.....	Environmental Checklist/ Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**File Number P07-0028**

**November 21, 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 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 would allow the creation of four (4) parcels numbered 1-4 which would be 5.545, 5.608, 5.620, and 5.595 acres in size respectively, from the existing 22.36 acre parcel. An approximately 1,100-foot road would be constructed along the north side of the parcel connecting Byrd Foote Drive and Juanita Drive. Each of the four new parcels would be served by private well and on-site septic wastewater systems. Parcel 1 is developed with a single family dwelling, while parcels 2-4 would be developed in the future.

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 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. Future development and disturbance on slopes greater than 30% is prohibited pursuant to General Plan Policy 7.1.2.1. To ensure this requirement is met through future development of all subsequent parcels of this map, a Notice of Restriction prohibiting development and disturbance on slopes greater than 30% shall be recorded prior to filing a parcel map. A copy of this Notice of Restriction shall be submitted to Planning Services prior to filing a parcel map for review by staff.
6. Pursuant to General Plan Policy 7.4.4.4 the applicant shall be required to replace all removed canopy identified in the arborist report. The applicant shall replace 6,244 square feet of canopy with 28, 1-gallon native oak trees to be planted on-site. Prior to filing a parcel map, all replacement trees must be planted and an appropriate monitoring and maintenance program must be submitted to Planning Services for review.
7. Construction and grading activities shall be conducted in accordance with the County Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Construction hours shall be placed on future grading and building plans and verified by Planning Services prior to issuance of grading or building permits.
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 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.

9. Prior to issuance of any building permit, all Planning Services fees shall be paid.

## **Department of Transportation**

### ***Project Specific Conditions***

10. The applicant shall widen the on-site portion of Byrd Foote Drive to a width according to the provisions of El Dorado County Design and Improvement Standards Manual (DISM) Standard Plan 101C in effect at the time improvement plans are submitted for review and approval. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
11. The applicant shall improve (or verify compliance) the off-site portion of Byrd Lane Drive, from the northeastern boundary line to South Shingle Road, to a width of 18 feet with 2 foot shoulders on each side according to the requirements of El Dorado County Standard Plan 101C as required in Section 3 A) 2) c) ii, of the DISM. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
12. The applicant shall obtain an encroachment permit from DOT and shall improve the existing roadway encroachment from Byrd Lane Drive onto South Shingle Road to the provisions of County Standard Plan 103C, prior to the filing of the map. The existing sight distance looking south onto South Shingle Road is substandard and shall be improved to the provisions of County Standard Plan 103C.
13. The applicant shall provide a turn around at the end of the on-site access roadway to the provisions of County Standard Plan 114. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
14. The applicant shall provide an on-site additional 20 foot wide non-exclusive road and public utility easement (R&PUE) adjoining the existing 30 foot wide R&PUE to total a 50 foot wide R&PUE for the on-site access roadways, prior to the filing of the parcel map.
15. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roadway and drainage facilities, prior to the filing of the parcel map.
16. The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map.

17. 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.
  
18. 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 Final Map, acquire by negotiation or commence 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 final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% 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 certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

19. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant at the TAC on July 23, 2007.

***Standard Conditions***

20. 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 the filing of the Parcel Map.



21. 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 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.
22. 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.
23. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
24. 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.
25. 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.
26. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

#### **Air Quality Management District**

27. The applicant shall submit and pay appropriate fees for an Asbestos Dust Mitigation Plan (ADMP). The District shall review and approve the ADMP prior to issuance of a grading permit.
28. The applicant shall adhere to all District rules during project construction.

#### **County Surveyor**

29. All survey monuments must be set prior to the filing of the parcel map.
30. 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).

31. 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.
32. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on the map (by that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

# ATTACHMENT 2

## FINDINGS

**File Number P07-0028**  
**November 21, 2007 Zoning Administrator**

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 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 (LDR) which establishes a minimum parcel size of 5-acres. The project would create four (4) parcels which will meet the minimum parcel size within the LDR district.

The Tentative Parcel Map, as conditioned, is consistent with the General Plan requirements regarding: avoidance of slopes 30% or greater, retention and replacement of Oak Woodland Canopy, and required setbacks from water features on-site.

#### **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 5 acres. The project would create four (4) parcels greater than 5 acres in size, which is consistent within the RE-5 Zone District. The project would 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 proposed parcels will conform to the Development Standards of the RE-5 Zone District. The parcel sizes conform to the minimum parcel size requirements and future development will be consistent with the setback requirements.

The Department of Transportation has reviewed the existing road conditions and has determined that the proposed improvements would provide adequate access. The properties have adequate ground water for four wells, and the soils are adequate for on-site waste water disposal.

##### **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 impacted through the future residential development of the site.

Adequate developable areas exist on the parcel that would allow for residential development consistent within the Low Density Residential Land Use Designation and the Estate Residential Five-acre Zoning District. Residential development on the site already exists; the parcel map will allow three additional residential parcels.

The project site is constrained by significant slopes, oak canopy, and riparian features, but has been conditioned to comply with the development requirements for each of these constraints. Future development would be consistent with applicable General Plan policies and Zoning Ordinance requirements.

##### **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 would 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.