

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



Agenda of: December 19, 2007

Item No.: 4.b.

Staff: Aaron Mount

PARCEL MAP

FILE NUMBER: P06-0033/Griswold Parcel Map

APPLICANT: Oscar J. Griswold Trust

AGENT: Larry A. Patterson, Patterson Development

REQUEST: A tentative parcel map creating four parcels one acre in size on a four-acre site. (Exhibit B).

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

1. Reduce the road and public utility easement from 50 feet pursuant to Standard Plan 101B to 40 feet through Parcel A.
2. Reduce the road width improvement requirement from 36 feet to a width of 28 feet pursuant to Standard Plan 101B for a dead end road exceeding 500 feet.

LOCATION: On the west side of Forni Road, approximately 1.75 miles south of the intersection with Missouri Flat Road in the El Dorado area, Supervisorial District III. (Exhibit A)

APN: 329-221-05

ACREAGE: 4 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: One-acre Residential (R1A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff; and
2. Approve the Tentative Parcel Map P 06-0033 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2; and
3. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - 1) Allow a road easement width of 40 feet through Parcel A.
 - 2) Reduce the road width improvement requirement from 36 feet to a width of 28 feet pursuant to Standard Plan 101B for a dead end road exceeding 500 feet, serving four parcels.

STAFF ANALYSIS: Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for the Zoning Administrators consideration are provided in the following sections.

Project Description: The applicant requests approval of a tentative parcel map creating four parcels one acre in size on a four-acre site. The project includes design waivers for a reduced road easement of 40 feet through parcel A and allowance of a dead end roadway to exceed 500 feet with a reduction in associated road width from 36 feet to 28 feet. The proposed land use division is consistent with the General Plan land use designation and Zoning District for which the site is located.

Site Description: The subject parcel is at an average elevation of 1680 feet above mean sea level north of the town of El Dorado. The parcel contains an existing single family foundation and fronts on Forni Road, a county maintained road. The site is dominated by interior live oak with associated Montane hardwood undergrowth and annual grasses. Soils consist of Auburn silt loam, 2 to 30 percent slopes (AwD).

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MDR	Undeveloped (SFR recently demolished)
North	R1A	MDR	Single Family Residence, Non-conforming auto salvage
South	R1A	MDR	Single Family Residence
East	R1A	MDR	Single family Residence
West	RE-10	MDR	Undeveloped

A majority of the surrounding parcels are developed or have the potential to be developed with single family residences. The parcel to the northeast contains a nonconforming auto salvage business.

General Plan: The project has been reviewed in accordance with the El Dorado County 2004 General Plan and it has been determined that the project is consistent with applicable policies. Findings of consistency with the General Plan are provided in Attachment 2.

The General Plan designates the subject parcel as Medium Density Residential (MDR), which permits a minimum parcel size of one (1) acre. The proposal of four one acre parcels is consistent with the MDR land use designation.

Policy 2.1.1.7 states that development within Community Regions, as with development elsewhere in the County, may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. As discussed below the project site has adequate access, public services, approved septic systems, and access to public water.

Consistent with General Plan *Policy 5.2.1.3*, the project proposes to connect to a public water system. A water meter award letter from the El Dorado Irrigation District is a condition of approval.

Policy 5.7.1.1 states that prior to approval of new development, the applicant would be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development. The facilities improvement letter from the El Dorado Irrigation District states that adequate water supply exists for emergency purposes. A fire safe plan would be required to further analyze issues related to fire access and fire safe regulations. Further, *Policy 6.2.3.2* requires adequate ingress and egress for emergency and private vehicles. The on-site road would be built to a standard that ensures this required access.

Policy 7.1.2.1 prohibits development on slopes greater than 30 percent. Slopes over 30 percent are shown on the submitted slope map. All proposed parcels contain buildable area and the project access roads are within areas of slope between 1 and 20 percent, consistent with General Plan Policy 7.1.2.1.

General Plan *Policy 7.4.4.4* requires oak tree canopy retention for all development applications. The subject site contains oak canopy coverage of 42 percent. 14,210 square feet of oak canopy is proposed to be removed for road improvements and proposed development. This leaves a canopy retention of 80 percent which is consistent with the requirements of General Plan Policy 7.4.4.4. An oak tree replacement and maintenance plan would be required to be completed before filing of the Parcel Map. If adequate replacement area is not available on-site, the project would be required to be comply with Option B of 7.4.4.4 prior to filing the parcel map.

Wastewater Systems: Environmental Management has approved percolation tests and soil trench evaluations for each of the proposed parcels. Adequate replacement areas are shown on the tentative map.

Access: The subject parcel fronts onto Forni Road, a county maintained road. Multiple encroachments exist within the project area. The Department of Transportation (DOT) confirmed through evidence from the agent, that due to slope it was not feasible to consolidate all the adjacent encroachments. DOT has conditioned the project to construct a single encroachment for the subject parcel and the parcel to the north, thus partially reducing the amount of encroachments onto Forni Road. The parcel to the north contains a non-conforming auto salvage which will involve some commercial traffic; however the road and encroachments standards required are capable of handling these trips.

Fire Safe Regulations: California Fire Safe Regulations require any structure constructed on a parcel one acre or greater to be a minimum of 30 feet from the property line. Proposed Parcel A has received a setback reduction approval from Diamond Springs/El Dorado Fire Protection District due to the sites constraints. The residence built on the proposed parcel would be required to be built to a standard that mitigates the reduction in the Fire Safe setback. This will be evaluated in the required fire safe plan and at the building permit stage.

Additional Issues: The subject parcel contains a demolished single family residence. No demolition permit is on file; therefore the project has been conditioned to obtain a demolition permit before filing the map.

Zoning: The subject site is zoned R1A which permits a minimum parcel size of one acre. Therefore, the proposed one-acre parcels conform to existing zoning.

Design Waiver(s) Discussion: The applicant has requested two design waivers:

1. Reduce the road and public utility easement from 50 feet pursuant to Standard Plan 101B to 40 feet through Parcel A.
2. Reduce the road width improvement requirement from 36 feet to a width of 28 feet pursuant to Standard Plan 101B for a dead end road exceeding 500 feet, serving four parcels.

Concerning design waiver number one, due to the narrowness of Parcel A, a reduced road easement is being requested. The requested 40 foot road easement would contain all road improvements, which are a width of 33. The remaining 7 feet of the road easement and a utility easement of 10 feet on the southern boundary, have been found to be adequate for required utilities. DOT has recommended approval of design waiver number one.

Concerning design waiver number two, the 675 foot access road would only access 5 parcels and the proposed reduced road width provides adequate access. DOT has recommended approval of design waiver number two.

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, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. 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.

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	Soils Map
Exhibit E	Farmland Map
Exhibit F	Tentative Parcel Map
Exhibit G	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER P06-0033

Zoning Administrator, December 19, 2007

CONDITIONS OF APPROVAL

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked **Exhibit B, dated December 19, 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 would constitute a violation of permit approval.

The project description is as follows:

A tentative parcel map creating four parcels one acre in size on a four-acre site. Water would be supplied by El Dorado Irrigation District and sewage disposal by individual septic systems.

Design waivers have been requested for the following:

1. Reduce the road and public utility easement from 50 feet pursuant to Standard Plan 101B to 40 feet through Parcel A.
2. Reduce the road width improvement requirement from 36 feet to a width of 28 feet pursuant to Standard Plan 101B for a dead end road exceeding 500 feet, serving four parcels.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

2. 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.

3. All Planning Services fees shall be paid prior to filing of the final parcel map.
4. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
5. The subdivision is subject to parkland dedication in-lieu fees. The fees shall be \$150.⁰⁰ and shall be paid to the El Dorado County Department of Recreation prior to filing of the parcel map.
6. Prior to filing of the parcel map an oak tree canopy replacement plan shall be prepared by the applicant to meet the requirements of General Plan Policy 7.4.4.4, Option A. Should identified on-site replacement area not be sufficient, applicant shall comply with Option B prior to filling of the parcel map.
7. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50-feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds 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 the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
8. In the even 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.

Department of Transportation

9. The applicant shall widen the on-site access roadway to a width of 28 feet per El Dorado County Standard Plan 101B (including signage as necessary – stop signs, street name signs, “not a county maintained road”, etc.). 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 recordation of the parcel map.
10. The applicant shall improve the on-site portion of Forni Road along the project frontage to a width of 20 feet from centerline, per El Dorado County Standard Plan 101B. 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 recordation of the parcel map.
11. The applicant shall provide a turn around at the end of the on-site roadway that complies with 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 recordation of the parcel map.
12. The encroachment for the adjoining property, APN 329-221-06, shall be realigned and takes access via the on-site access roadway per the requirements of encroachment standard 103A-1. The access driveway for this parcel shall be a minimum distance of 25 feet from the on-site access roadway radius return. This improvement shall be accomplished prior to the issuance of any building permit associated with this project.
13. The applicant shall designate a 50 foot (40 foot wide along parcel A) wide road and public utility easement (R & PUE) for the required on-site access roadway as well as an R & PUE for the turn around, prior to the recordation of the parcel map.
14. The applicant shall irrevocably offer to dedicate the on-site road and public utility easement for the on-site access roadway and turn around, prior to the recordation of the parcel map. This offer will be rejected by the County.
15. A vehicular access restriction shall be established along the entire on-site frontage of Forni Road, except for the proposed access, and shall be accomplished prior to the recordation of the parcel map.
16. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment from the on-site access roadway onto Forni Road to the provisions of County Standard Plan 103D, with a minimum 350 feet of sight distance.

17. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Forni Road, and shall be accomplished prior to the recordation of the parcel map.

County Surveyor

18. The access road serving the development shall be named by filing a completed Private Road Name Petition with the County Surveyor's Office prior to filing the parcel map.
19. Prior to the filing of a parcel map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall do one of the following: (a) Pay the assessment or bond in full; (b) File security with the Clerk of the Board of Supervisors; or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493(d).
20. All survey monuments must be set prior to filing the Parcel Map.
21. 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.

Building Services

22. Prior to filing the Parcel Map, the applicant shall obtain a demolition permit for the single family residence on the subject parcel.

Diamond Springs/El Dorado Fire Protection District

23. A review fee of \$120.00 shall be paid to the Fire District.
24. Minimum fire flow required is 1,500 gpm @ 20 psi for 2 hours for residential unit larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm @ 20 psi for 2 hours.
25. Provide documentation from the El Dorado Irrigation District and the Fire District to show that the system will meet required fire flow for this project.
26. Projects that do not meet fire flow may use a NFPA 13 D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of the required fire flow and approved by the Fire District.

27. Additional hydrants will be required for this project. The Fire District will determine hydrant locations.
28. A fire safe plan shall be provided for the project designed by a Fire District approved fire safe planner. The fire safe plan shall be approved by the Fire District prior to recording of the map.

ATTACHMENT 2 FINDINGS

**FILE NUMBER P06-0033
Zoning Administrator, December 19, 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:

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 proposal.
- 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, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed tentative map is consistent with the Medium Density Residential General Plan land use designation.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 5.7.1.1 and 6.2.3.2 because there are adequate roadways, utilities, and other public service infrastructure available.
- 2.3 The proposal is consistent with the intent of Policy 7.4.4.4 it has been determined that there is sufficient area for construction without exceeding the maximum percentage of oak tree canopy removal and any new development proposal would be further analyzed during the building permit stage. The imposition of and compliance to Policy 7.4.4.4 would create a less than significant affect.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1. The proposed tentative map, including design and improvements, is consistent with applicable policies of the General Plan policies. The project is also consistent with the land use map because the proposed parcel sizes are consistent with the Medium Density Residential land use designation.
- 4.1.2. The proposed tentative map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance because the parcel sizes conform to the development standards of the R1A zoning district and there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the proposed parcels.
- 4.1.3. The site is physically suitable for the proposed type and density of development because the site has access to public water, is capable of supporting septic systems, and has adequate access.
- 4.1.4. The proposed tentative map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because all impacts have been analyzed in an initial study prepared by staff and a Negative Declaration has been prepared.
- 4.1.5. The design of the division or the type of improvements is not likely to cause serious public health hazards because the parcel design and all improvements have been found to be consistent with county standards.

5.0 Design Waivers Findings

5.1 Reduce the road and public utility easement from 50 feet pursuant to Standard Plan 101B to 40 feet through Parcel A.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment of the waiver.*

The lot is narrow and a 10 foot P.U.E is provided along the south boundary and a 40 foot road and P.U.E. along the northern boundary, which adequately serve the parcel.

- 5.1.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the Design Standards would result in significant economic hardship due to limited buildable area.

- 5.1.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.*

No detrimental effect to adjacent property would occur as a result of the Design waiver.

- 5.1.4 *The adjustment or waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the division.*

This proposal would not have the effect of nullifying the Design Standards. The required road improvements can be constructed and a total of 50 feet of P.U.E is provided.

- 5.2 **Reduce the road width improvement requirement from 36 feet to a width of 28 feet pursuant to Standard Plan 101B for a dead end road exceeding 500 feet.**

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment of the waiver.*

The access road is proposed to serve 4 parcels and is 675 feet to the cul-de-sac. This project creates 3 new parcels. The design manual allows up to 28 parcels; therefore the project would be consistent with this policy.

- 5.2.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the Design Standards would result in significant economic hardship as the increased pavement width would require additional grading, paving materials, and decrease the buildable areas of the proposed parcels.

- 5.2.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.*

No detrimental effect to the adjacent property would occur as a result of the Design Waiver. The road would serve only five parcels.

- 5.2.4 *The adjustment or waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the division.*

This proposal would not have the effect of nullifying the Design Standards. The low numbers of parcels justifies the 675 foot length.