

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



Agenda of: January 16, 2008

Item No.: 4.c.

Staff: Michael C. Baron

PARCEL MAP

FILE NUMBER: P07-0016

APPLICANT: Bill Brock

AGENT: Carlton Engineering

REQUEST: A tentative parcel map creating three parcels 5 to 5.05 acres in size from a 15.05 acre site (Exhibit E).

LOCATION: On the east and west side of Oak Lane, 0.6 of a mile south of the intersection with Green Valley Road, in the Rescue area, Supervisorial District IV. (Exhibit A)

APN: 070-030-01

ACREAGE: 15.05

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

ZONING: Estate Residential 5-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: This parcel map application was submitted April 20, 2007 by Carlton Engineering. Initially the project was deemed complete, however the Environmental Management Department determined that the application would require a percolation rate test for each proposed parcel. The percolation rate tests were performed on September 17, 2007 and submitted to Planning Services October 23, 2007.

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 parcel map would create three parcels, ranging in size from 5 to 5.05 acres, from a 15.05 acre parcel. The existing section of Oak Lane that bisects the property would be used to serve the three new proposed parcels. The existing roadway is currently within a 56 foot wide road easement.

Site Description: The 15.05 acre parcel is located in the Rescue area. The project site is located about 1,400 feet above mean sea level with slope ranges of 33.2 percent from 0-10 percent slopes, 32.4 percent from 11-20 percent slopes, 16.3 percent in the 21-29 percent, and 18.1 percent in excess of a 30 percent slope range. The soil type on the project site is classified as predominantly a mix of rescue sandy loam and rescue very stony sandy loam (ReB & RfD) (*soil Survey of El Dorado County Area, 1974*). According to the soil survey, this land type is “moderately to excessively drained,” with surface runoff medium to very rapid with a high erosion hazard. The predominant tree type on the site is oak woodland which are clustered on proposed parcel three. Proposed parcel one is developed with a single-family residence, pool and accessory structure. Proposed Parcel two has an existing agriculture barn.

Adjacent Land Uses:

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

The project parcel is bounded on all sides by residential development. The project would create three residential parcels in a residential setting, and the project would not create conflicts with the surrounding land uses.

Project Issues: Discussion items for this project include rare and endangered plants, Cultural Resources, road improvements as required by the Department of Transportation, septic capability of proposed parcels, and oak tree canopy removal. Discussion of each project issue is further discussed in detail below:

Rare and Endangered Plants: The project lies within Mitigation Area 1 where any disturbance to rare and endangered plants would be mitigated through the County’s rare plant mitigation fee program which is implemented at the building permit issuance stage. While the payment of fees

satisfy the County’s requirement to mitigate impacts to rare plants, additional permits may be required by State and Federal agencies. As a part of the County’s distribution process of projects, State and Federal agencies are notified and may comment on the adequacy of the County’s environmental document prepared for the project. These agencies were notified of the subject project on May 11, 2007.

Cultural Resources: An archeological survey was completed by Historic Resource Associates for the project site. This survey indicated a low possibility of identifying Native American Artifacts and a low possibility of identifying historic-period cultural resources in the project area. Based on the archeological survey results, it was determined that no further archival or field study would be required.

Road Improvements: The Department of Transportation has reviewed the project and has determined that with the required road improvements, the project would not significantly affect the transportation system. The Department of Transportation provided conditions of approval that would ensure consistency with County policies and procedures with regard to grading, drainage, and design standards required for any roadway improvements.

Septic Capability: Percolation data was provided for this project in coordination with the County’s Environmental Management Department. The data indicates that there are adequate and suitable soils to allow for septic disposal for any new single-family residence on all three of the proposed parcels. Any future building permits would require further consultation and evaluation by the Environmental Management Department in order to adjust the final design of any septic system.

Oak Tree Canopy Removal: A site evaluation determined that a total of 40 percent of oak canopy is located on the 15.05 acre site. As shown in Table 1, 40 percent of the existing oak canopy coverage requires 80 percent retention pursuant to General Plan Policy 7.4.4.4. No oak canopy is proposed to be removed for access to the Parcels 1, 2, and 3. Overall canopy removal shown in Table 1 is consistent with the retention provisions of Policy 7.4.4.4. Based on a tree canopy exhibit, provided by the applicant, it should be concluded that any oak canopy removal required for building residential structures and driveway improvements on the site would not exceed the retention standards required under **Policy 7.4.4.4.**

TABLE 1: Tree Canopy Summary					
	Area	% Existing Canopy	% Required Retention	Canopy to Remove	% Proposed to Retain*
Parcel 1	5.00 Acre	33%	85%	0 sq. ft.	100%
Parcel 2	5.00 Acre	28%	85%	0 sq. ft.	100%
Parcel 3	5.05 Acre	59%	80%	9,000sq. ft.	97%

* No additional oak canopy removal would be required for on-site road improvements.

General Plan: As required under General Plan **Policy 2.2.1.2** the Low Density Residential (LDR) Land Use Designation requires parcel sizes to range from 5 to 10 acres. The proposed parcel map

would create three lots that are a minimum of 5 acres onsite, conforming to General Plan **Policy 2.2.1.2**. General Plan **Policy 7.1.2.1** does not allow development on slopes greater than 30 percent. As shown on the slope map (Exhibit F), the proposed parcel map would create lots with slopes exceeding 30 percent, however, adequate building areas have been provided. Through analysis of the proposed project by the Department of Transportation it has been concluded that the proposed parcel map does not exceed any of the minimum requirements listed under **Policy TC-X**. The proposed parcel map would provide well and individual septic systems for each of the proposed lots. General Plan **Policies 5.2.3.4** and **5.2.3.5** allow for individual wells; however, the applicant is required to provide data noting the potential for water to serve each proposed lot. The applicant has provided a well test prepared April 11, 2007. The report has been reviewed and approved by the Environmental Management Department. Percolation rate test data has been provided to demonstrate that adequate septic systems could be provided for the eventual construction of single family dwellings on all three proposed parcels.

Conclusion: The parcel map would create three residential parcels that are consistent with the requirements for parcel sizes with the Low Density Residential Land Use Designation. As discussed above, adequate public services, infrastructure, and fire protection exist that would support the additional residential density. Staff finds the project is consistent with the General Plan.

Zoning: As proposed, this project meets the regulations established by the Zoning Ordinance and does not request deviations from the development standards established for the Estate Residential 5-acre (RE-5) Zone District. Each new parcel provides adequate site area for future development. The standard for the required minimum 100 foot lot width and road frontage are met under this proposal. Any future development on the proposed parcels would be established in conformance with the development standards required under the Estate Residential 5-acre (RE-5) Zone District.

Conclusion: As proposed, the parcels would be consistent with the minimum parcel size and development standards of the Estate Residential 5-acre (RE-5) Zone District. Therefore, staff finds the project is consistent with the Estate Residential 5-acre (RE-5) Zone District.

Agency and Public comments

The Department of Transportation has provided conditions of approval requiring frontage improvements to Oak Lane as well as adequate secondary access. The Rescue Fire Protection District has also provided conditions of approval requiring the applicant to submit a wildland fire safe plan for the proposed parcels.

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, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Negative Declaration has been prepared.

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 \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ processing fee, shall be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 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

Staff recommends the Zoning Administrator take the following action:

1. Adopt the Negative Declaration based on the Initial Study; and
2. Approve P07-0016 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
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Map
Exhibit E	Tentative Parcel Map
Exhibit F	Slope Map
Exhibit G	Tree Canopy Analysis and Addendum
Exhibit H	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1 CONDITIONS OF APPROVAL

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 January 16 2008, 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:

The project would allow a three lot parcel map with parcel sizes ranging from 5 to 5.05 acres from a 15.05 acre site. The proposed parcels would access private driveways encroaching onto Oak Lane.

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. 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. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to the County Recorder processing the final map.
4. The applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.

5. The tentative parcel map shall remain valid for a period of three years from the date of approval unless, prior to expiration of the map, the applicant files for a time extension.

Department of Transportation

6. The applicant shall improve Oak Lane along the project frontage to the design and Improvement Standards Manual (DISM) standard 101C in effect at the time of improvement plan submittal prior to the filing of the parcel map.
7. Per the Design and Improvement Standards Manual [Section 3A) 9) & 12)] the applicant shall be required to verify or provide a secondary access to this site. The secondary access shall be improved to an 18-foot road width with 2-foot shoulders prior to filing of the parcel map. The roadway shall consist of a stable all weather gravel or paved surface.
8. The applicant shall irrevocably offer to dedicate the 60-foot wide road and public utilities easement for the on-site portion of Oak Lane prior to filing the parcel map.
9. The applicant shall grant or provide evidence for a 60-foot wide road and public utilities easement for the on-site access prior to filing the parcel map.
11. The applicant shall form and/or verify the existence of an entity, to the satisfaction of the Department of Transportation, for maintenance of all on-site roads and/or drainage facilities prior to filing the parcel map.
12. The applicant 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 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.
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. Any import or export to be deposited within El Dorado County shall require 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 the Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
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 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 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 off-site 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.

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.

Rescue Fire Protection District

19. The applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by the Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to filing the parcel map.
20. This project shall meet the requirements of the California SRA Fire Safe Regulations, The California Fire Code 2001 Edition for access and water supply and any Department of Transportation standards that apply.

County Surveyors Office

21. All survey monuments shall be set prior to filing the parcel map.
22. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2) with the legal right to improve that access as required by the County Design manual.
23. A letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met, prior to filing the parcel map.

ATTACHMENT 2 FINDINGS

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 should be made:

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 Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 Parcel Map Findings

- 2.1 **The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed parcels meet the minimum 5 acre parcel size, width and frontage standards as required by the Estate Residential 5-acre (RE-5) Zone District.

- 2.2 **The site is physically suitable for the proposed type and density of development.**

The project site has been determined suitable for residential development by the Environmental Management Department based on a percolation rate test for septic systems and a well test for individual wells. There are numerous building sites on the proposed parcels that would not be constrained by excessive slope, tree canopy, streams or wetlands.

2.3 The proposed parcel map is not likely to cause substantial environmental damage.

A Negative Declaration was prepared for the proposed parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.

2.4 The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.

The project has been designed in compliance with the Low Density Residential Land Use Designation requiring Minimum five acre parcel sizes. County regulations, addressing aesthetics, environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff report.