

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



Agenda of: April 19, 2017

Item No.: 4.b.

Staff: Evan Mattes

TENTATIVE PARCEL MAP

- FILE NUMBER:** P16-0007/Rossbach Parcel Map
- APPLICANT/OWNER:** Gerald Rossbach and Randal Reading
- ENGINEER:** The Olympus Group, Inc.
- REQUEST:** Tentative Parcel Map to create a subdivision of two single family residential lots measuring 5.0 acres and 5.94 acres.
- LOCATION:** West side of North Shingle Road approximately one mile south of the intersection with Green Valley Road in the Shingle Springs area, Supervisorial District 4 (Exhibit A).
- APN:** 069-220-30 (Exhibit B)
- ACREAGE:** 10.94 acres
- GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)
- ZONING:** Residential Estate 5-Acres (RE-5) (Exhibit D)
- ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration
- RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:
1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff; and
 2. Approve Tentative Parcel Map P16-0007, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Parcel Map would allow the division of a 10.94-acre property into two parcels of 5 and 5.94 acres. The parcel is zoned Residential Estate Five-Acres (RE-5) and contains a General Plan designation of Low Density Residential (LDR). The proposed parcels are of sufficient size for the zones. Staff has determined that the proposed project is consistent with the LDR land use designation and RE-5 zones, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

ANALYSIS:

Site Description: The project site consists of 10.94 acres with an existing single dwelling unit and is located at approximately 1,200 feet above mean sea level (Exhibit E). The primary on-site biological communities include oak woodlands, annual grasses and shrubs. The site is surrounded by other large lot residential parcels similar to the development on-site. The project is situated upon improved roads and would require installation of septic systems and connection to El Dorado Irrigation District water services.

Project Description: The Tentative Parcel Map would create two parcels from a 10.94 acre site. Parcel 1 would be 5 acres and Parcel 2 would be 5.94 acres. The resulting Parcel 1 would require an extension to existing off-site El Dorado Irrigation District water service and the installation of an on-site septic system. Parcel 2 contains an existing single dwelling unit with an El Dorado Irrigation District water connection and a private on-site septic system. The parcels would be accessed via a driveway from Choopim Road, an existing privately-maintained road (Exhibit F).

Consistency: As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Low Density Residential (LDR) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the Residential Estate Five-Acres (RE-5) zone and other Zoning Ordinance requirements.

ENVIRONMENTAL REVIEW:

Staff has prepared an Initial Study (Exhibit H). Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,156.25 after approval, but prior to the County filing the Notice of Determination of the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be

made payable to El Dorado County. The \$2,156.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessors Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Aerial Map
Exhibit F.....	Tentative Parcel Map
Exhibit G.....	El Dorado Hills Fire Department Conditions
Exhibit H.....	Proposed Mitigated Negative Declaration and Initial Study

FINDINGS

Tentative Parcel Map P16-0007/Rossbach Parcel Map Zoning Administrator/April 19, 2017

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated 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 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 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 Division, Community Development Agency, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

Policy 2.2.1.2 identifies that the Low-Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available.

The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. Within Community Regions and Rural Centers, LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.

Rationale: The project proposes to split a 10.94-acre lot into two lots. Parcel 1 would be 5 acres and Parcel 2 would be 5.94 acres. The site is within a rural region of the county, and land use at the site is residential. The proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is surrounded by similar large lot residential development. The proposed parcel sizes are similar to those surrounding the site, and use is consistent and compatible with the development pattern in the immediate surroundings.

2.3 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: Parcel 1 proposes to connect to EID public water, while parcel 2 is currently connected to EID public water. Condition of Approval requires that a fire hydrant to be installed at the proposed cul-de-sac.

2.4 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.1.1, Fire Protection in Rural Regions, requires the applicant to demonstrate that sufficient emergency water supply, storage, conveyance facilities for fire protection, together with adequate access is available, or are provided for, concurrent with development.

Rationale: The Rescue Fire Protection District would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. Both the El Dorado Hills Fire Department on behalf of the Rescue Fire Protection District and the California Department of Forestry and Fire protection (CALFIRE) reviewed the application and the Wildfire Safe Plan. Requirements include fire fuel hazard reduction, fire hydrants, fire sprinkler and firefighting water, residential sprinkler systems, and specific building materials. With the incorporation of these requirements, the project is in compliance with these General Plan policies related to fire protection.

2.5 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.

Rationale: The property is located in a Moderate Fire Hazard Zone, therefore a fire safe plan is not required and the project is in compliance with this policy.

2.6 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Both El Dorado Hills Fire Department on behalf of the Rescue Fire Protection District and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. A Wildland Fire Safe Plan was prepared and approved for the project conditioning the project on roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes. The project is in compliance with this policy.

2.7 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

2.8 This project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires the applicant to demonstrate that adequate development area exists on each of the proposed parcels where a single family dwelling and related improvements could be built without the removal of oak trees or without project mitigation.

Rationale: Oak woodland canopy covers approximately five acres, 47.6 percent of the project site. Under General Plan Policy 7.4.4.4, Option A, 80 percent of the existing canopy must be retained. As proposed, the project would retain 99.06 percent of the oak tree canopy at the site. Any future dwelling units would be reviewed at the time of building permit for compliance. An additional secondary dwelling unit could also be constructed on each of the two lots. Future residential development on either proposed parcel would be required to mitigate the loss of oak canopy in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan as discussed in Mitigation Measure BIO-2.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Residential Estate Five-Acres (RE-5). The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed lots meet the minimum lot size and width standards. The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the Residential Estate Five-Acres (RE-5) development standards as provided within Section 130.28.210 of the County Code.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to split a 10.94-acre lot into two lots. Parcel 1 would be 5 acres and Parcel 2 would be 5.94 acres. The site is in a rural region in the Shingle Springs area, and land use at the site is residential. The proposed Parcel Map is consistent with the General Plan as set forth in Finding 2.1.

4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The parcels have been analyzed in accordance with Section 130.28.210 (Development Standards) of the Zoning Ordinance and comply with the required minimum lot area and minimum lot width requirements. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The proposed development meets the density requirements of the Low Density Residential (LDR) land use designation and conforms to the minimum parcel size and development standards of the Residential Estate Five-Acres (RE-5) zone district.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

Rationale: The project impacts have been analyzed in the Initial Study, which resulted in a Mitigated Negative Declaration. The project would not cause substantial environmental damage.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P16-0007/Rossbach Parcel Map
Zoning Administrator/April 19, 2017**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit F.....Tentative Parcel Map

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 allows the creation of two parcels from a 10.94-acre site identified by Assessor’s Parcel Number 063-220-30. All parcels shall be served by individual water meters and sewer systems. The approval includes the following:

Lot Number	Gross Area	Improvements
1	5 acres	Building pad, road
2	5.94 acres	Existing house, road

The development, use, and maintenance of the property, the size, shape 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.

Development Services Division

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
3. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.

4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Parks Fees:** The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
6. **Indemnity:** 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.

The developer and land owner 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 Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

7. **Water Meters:** A Parcel Map shall not be filed until an EID Water Meter Award Letter or similar document has been issued for all of the lots included in the filed parcel map, and a copy filed with Planning Department.

Mitigation Measures

8. **Mitigation Measure BIO-1:** If any grading or construction activities occur during the nesting season (March 1 to August 31), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas, no more than 30 days prior to construction activities. The survey shall be submitted to Planning Services for review. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a 40-foot, fenced buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans. If a pre-construction survey is required, the Development Services Division shall verify the completion of survey prior to issuance of grading permit.

Monitoring Responsibility: El Dorado County Development Services Division.

9. **Mitigation Measure BIO-2:** Oak woodland preservation and replacement shall be consistent with Sections C and D of the Oak Canopy Analysis prepared by Shuksan Enterprises, Inc. dated November 27, 2016 (Attachment A). The plan identifies appropriate oak woodland canopy preservation measures, and identifies replacement requirements for oak woodland canopy removal resulting from the proposed project. Removal of oak woodland canopy must be mitigated by replanting oaks at a 1-to-1 ration of canopy removed to area revegetated. Using the standard of 200 saplings or 600 acorns per acre, the mitigation for proposed oak woodland canopy would be 25 saplings planted on 0.25 acres. Proposed mitigation areas shall be in substantial conformance with Figure 10 oak Mitigation Areas.

Monitoring Requirement: All grading and construction activities will require compliance with the oak woodland preservation measures and replacement measures as described in the Oak Canopy Analysis prepared by Shuskan Enterprises, Inc. dated November 2016 (Attachment A). The applicant shall plant oak trees or acorns in compliance with said Report and the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4. Planning Services shall verify the inclusion of the requirement prior to the issuance of grading and/or building permits.

Monitoring Responsibility: El Dorado County Development Services Division.

Office of County Surveyor

10. All survey monuments shall be set prior to filing the Parcel Map.
11. Provide a Parcel Map Guarantee, issued by the title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).
12. Situs addressing for the project shall be coordinated by the County Surveyors Office prior to filing the Final Map.
13. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P16-0007 by (that agency) have been satisfied.” The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

El Dorado Hills Fire Department

14. This development shall install Dry barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. A new hydrant shall be added at the proposed Cul-De-Sac meeting the fire-flow requirements. This hydrant shall be placed so that it does not exceed 600 feet from any of the two structures, proposed or existing, associated with this parcel split. This shall be shown on the Civil Improvement Plans.
15. In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
16. Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of El Dorado Hills County Water District Ordinance 36 as well as State Fire Safe Regulations as stated below (but not limited to):
 - a. All roadways shall be a minimum of 20 feet wide, providing two ten (10) foot traffic lanes, not including shoulder and striping.
 - b. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.
 - c. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility.

- d. Driveways and roadways shall have unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width.
 - e. Street signage for Choopim Road shall be updated to conform with TD/Surveyors requirements and be visible for emergency responders.
17. Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Project proponent shall provide engineer specifications to support design, if requested by the local authority having jurisdiction.
- a. As a mitigating factor for fire-flow reduction, the roadway shall be paved.
18. The development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
19. Fire hydrant outlets shall be positioned so as not to be obstructed by a parked vehicle.
20. All parking restrictions as stated in the current California Fire Code and the current El Dorado Hills County Water District Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard titled "No Parking-Fire Lane". All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet "No Parking – Fire Lane." This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 "No Parking-Fire Lane" and the fire code official.

Transportation Division

21. Choopim Road shall be constructed to County Standard Plan 101C, modified as shown on the approved Tentative Parcel Map.
22. The applicant shall obtain an encroachment permit from TD and shall construct the Choopim Road encroachment on to North Shingle Road to the provisions of County Design Std 103D.
23. The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the on-site access roadways, shown on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the county.

24. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.
25. The proposed project must form an entity for the maintenance of public and private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. Transportation Divisions shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
26. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or be approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the *County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).*