

The landscape plan includes the addition of 32 (15 gallon) valley oaks, 9 (15 gallon) California black oaks, 18 (15 gallon) interior live oaks, and 6 (15 gallon) crape myrtle trees. The total amount to be planted is 65 gallons, including the preservation of 19 existing oak trees; the total to be either retained or planted is 84.

The proposed development plans and attached narrative indicate that the proposed commercial development would achieve 71.2 percent canopy retention on site. However, the proposed off site plantings would cover 16.7 percent of current canopy cover.

As defined by the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A), adopted November 9, 2006, woodlands habitats subject to this policy include blue oak and blue oak-foothill pine woodlands. The southern and western portions of the project site contain predominantly blue oak woodland. The tree canopy retention standards established by Policy 7.4.4.4 require retention of a defined percentage of existing canopy cover, based on the percent of existing canopy cover on a site. A Tree Resources Assessment conducted for the project site determined that existing woodland canopy covers 48.1 percent of the site (North Fork Associates, revised 2007, p. 6). Under the tree retention standards, 80 percent of this existing canopy must be retained, which means that woodland canopy must cover approximately 38.5 percent of the site after project completion. The Tree Resources Assessment indicates that the project would reduce the canopy on the site to approximately 0.24 acre, or 8.6 percent of the site.

Pursuant to the Interim Interpretive Guidelines, existing legal lots may petition for a “reasonable use determination” by the Planning Commission. The Planning Commission may grant relief from the retention requirements of Policy 7.4.4.4 if the necessary findings can be made.

The owners have requested a determination for reasonable use regarding the tree canopy retention standards.

Analysis:

Based on the proposed landscape plan by Tait & Associates, Inc., labeled Sheet L1, the proposed Walgreen’s would develop on the southerly portion of the lot.

The applicant submitted an Oak Canopy/Site Assessment form providing initial screening of the project. The document concluded that the proposed project would not meet the required retention requirements under General Plan Policy 7.4.4.4. A Biological Resources Assessment was also completed.

The owners cannot comply with the strict application of Policy 7.4.4.4, unless the Planning Commission makes a “reasonable use” determination.

The Interim Guidelines “Reasonable Use Provisions for Development on Existing Legal Lots” indicates “*For existing legal lots, where strict compliance with the oak canopy cover retention requirements of Policy 7.4.4.4 could preclude reasonable use of the property or cause substantial inconsistencies with other General Plan policies protective of the environment, due*

to factors which are unique to the proposed property, such as topographic constraints, configuration of the remaining area useable for development, access requirements, lots size, and /or other physical or environmental limitations, or conflict with the requirements of an approved Fire Safe Plan, the Planning Commission may grant relief to the retention requirements of Policy 7.4.4.4 for the project if the following findings are made pursuant to a noticed public hearing”.

The required findings in the Interim Guidelines focus on demonstrating that the proposed development is located to minimize impacts on oak trees. Staff has reviewed the recommended findings and concludes that the proposed development meets the intent of the guidelines to allow reasonable use of the property. The rationale for the findings is contained in Attachment 1.

Tree Canopy Replacement:

Pursuant to the Interim Guidelines for Policy 7.4.4.4, the permit is subject to tree canopy replacement requirements. During the building permit process, the plans would be amended to incorporate the required tree planting in accordance with the Interim Guidelines. The current landscape plan includes the addition of 32 (15 gallon) valley oaks, 9 (15 gallon) California black oaks, 18 (15 gallon) interior Live oaks, and 6 (15 gallon) crape myrtle trees. The plan also incorporates the preservation of 19 existing oak trees, as well as off-site mitigation.

Recommendation:

Based on the above discussion, staff recommends the Planning Commission consider the Reasonable Use Request.

1. If approved, the applicant proposes to mitigate 5,227 square feet of canopy with off-site mitigation, which would bring the tree retention to 87.9 percent of the current canopy. This is 7.9 percent greater than required, if on-site.
2. Staff recommends that the Planning Commission find that the proposed development plan demonstrates consistency with the intent of General Plan Policy 7.4.4.4 and that strict compliance with Policy 7.4.4.4 would deny the property owners reasonable use of the property, based on the findings in Attachment 1.

Attachment 1: Findings

- Exhibit A: Vicinity Map
- Exhibit B: Assessors Parcel Map
- Exhibit C: Application Narrative/Request
- Exhibit D: Tree Resources Assessment dated April 3, 2007 (North Fork Associates)
- Exhibit E: Interim Interpretive Guidelines for General Plan Policy 7.4.4.4

ATTACHMENT 1

Findings for Approval PD06-0026/P87-0018R

1. “The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources.”

The design has placed proposed construction of the Walgreens store as far to the east/north as possible in order to avoid greater tree impacts. The project would preserve the remaining oak trees subject to specific measures enforced during construction. The project site has less than 20 percent slope on all of property.

2. “The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.”

The proposed project is located within Cameron Park area that is planned and already approved for commercial development. The site is adjacent to a fully developed shopping center and newly approved and constructed medical facilities as well as fully built out residential neighborhoods. The project is served by a major thoroughfare. The County’s General Plan calls for the subject site to be utilized “to provide a full range of commercial, retail, office and services” (Policy 2.2.1.2).

3. “Soil disturbance and tree removal is minimized through the incorporation of some or all of the following measures into the project design:”

- a. “Stepped foundations are used on sloping areas rather than graded pads.”

Stepped foundations will not be used. The property has less than a 20-percent slope. A graded pad is necessary to accommodate the on-site improvements (landscaping, parking, underground utilities) supporting the proposed facility.

- b. “Depth of excavation and/or fill outside of the building footprint is limited to no more than five feet measured vertically from the natural ground surface, except for grading necessary to install retaining walls designed to reduce the total area of tree canopy that will be removed and/or damaged.”

The pad would require extensive grading necessary to accommodate off-street parking, landscaping, and utilities. Protective fencing shall be placed beyond the driplines of the trees. In areas that will be affected by construction, the fencing should be no more than three feet closer to the trunk than the limit of construction. During cut-grading activities, work shall be done by hand within the driplines and roots shall be cut cleanly at the limits of grading.

- c. “Structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the greatest extent feasible.”

The proposed facility would require grading of a pad in order to accommodate the building and its supporting amenities. The facility is designed in accordance with the applicable County standards to ensure proper operation and orderly development.

d. “Patio decks are included in the design of dwellings to minimize the need for graded yard areas.”

Patio decks are not part of the project.

e. “Design techniques such as clustering of buildings are proposed to take advantage of the portions of the property which are least constrained by oaks.”

The development of the facility consists of a single building which maximizes the use of the site unconstrained by other oak trees proposed to be retained.

f. “The project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan.

The commercial development has been designed in conformance with applicable policies of the General Plan involving traffic impacts, air quality, noise effects, and commercial design standards.