

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: November 12, 2009
Item No.: 4.d
Staff: Tom Dougherty

PARCEL MAP WAIVER

FILE NUMBER: P09-0012

APPLICANT: Boulder Glen Investors/Mike Witt

ENGINEER: Baker-Williams Engineering Group/Mike Williams

REQUEST: Parcel Map Waiver creating two parcels 40 and 120 acres in size, from a 160-acre site.

LOCATION: Miner's Valley Road, approximately 0.5 mile southeast of the intersection with Salmon Falls Road in the Pilot Hill area, Supervisorial District IV. (Exhibit A).

APN: 104-500-07 (Exhibit B)

PARCEL SIZE: 160 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC) (Exhibits C1 and C2)

ZONING: Estate Residential 10-acre (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Exempt from CEQA review pursuant to Section 15061 (b) (3) of the CEQA Guidelines

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Certify that the project is Exempt from CEQA pursuant to Section 15061 (b) (3); and
2. Approve Parcel Map P09-0012 subject to the requirements described in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The existing 160-acre parcel was created as a remainder parcel by the recordation of Parcel Map PM 42-6 in June of 1990. The County Surveyor's Office issued a Certificate of Compliance COC99-0012 for the parcel on October 12, 2009 which acknowledged the County's acceptance of the parcel as legally created in accordance with the Subdivision Map Act and local subdivision ordinances. That approval would allow development of the property consistent with the Estate Residential Ten-Acre Zone District (RE-10).

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the Parcel Map Waiver request and issues for Planning Commission consideration are provided in the following sections:

Project Description: Parcel Map Waiver creating two parcels 40 and 120 acres in size, from a 160-acre site. The 40-acre parcel would then be transferred to the American River Conservancy which would then transfer the undeveloped parcel to the Bureau of Land Management (BLM). The projected use of the 40-acre parcel would be for the preservation of wildlife habitat, protection of rare plant species as an extension of the Pine Hill Preserve, and for the development of a hiking and equestrian trail connection for the South Fork American River trail system.

Parcel Map Waiver Requests: The waiver request is made pursuant to Section 16.52 .020, *Waiver*, of the El Dorado County Subdivisions Ordinance which states the following:

When in the opinion of the Planning Commission unique and justifiable circumstances exist, they may waive the requirement for a parcel map. In such cases the Commission must make the finding that the proposed division of land complies with the requirements as to area, improvements, design, flood and drainage control, appropriate approved public roads, sewage disposal facilities, water supply availability, environmental protection, required certificates and any other requirements which are imposed by Division 2, Title 7 of the government code or this article.

The topics and issues subject of the findings are discussed below in the *Access, Sewage disposal facilities* and *Water supply availability* sections. Planning has analyzed the project and has found the project can be approved as proposed. The Parcel Map Waiver findings are provided in Attachment 2.

Site Description: The project site is located in the Pilot Hill area at an approximate elevation of 1,000 feet above mean sea level. The parcel has not been developed except for a few existing dirt roads through the interior. The on-site biological habitat communities progress from chamise chaparral in the south to blue oak-foothill pine and then to widespread clearings of annual grassland in the northern portion. Project site soils consist of Rescue very stony sandy loam (RfE) with 30 to 50 percent slopes, Rescue sandy loam (ReD) with 15 to 30 percent slopes, Rescue sandy loam (ReC) with 9 to 15 percent slopes, and Rescue extremely stony sandy loam (RgE2) with 3 to 50 percent slopes. Their approximate project site locations are shown in Exhibit H.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-IBC	Residential/Vacant.
North	RE-10	RR-IBC	Residential/Three parcels with single-family residences, one vacant parcel.
South	RA-40	OS-IBC	Open Space/Vacant. U.S. Bureau of Land Management.
East	RA-40	RR-IBC	Open Space/Vacant. U.S. Bureau of Land Management.
West	RA-40	OS-IBC	Open Space/Vacant. U.S. Bureau of Land Management.

Discussion: The project is surrounded on three sides by federally held lands used as open space and bounded on the north by rural residential land uses on residentially zoned lands. The South Fork of the American River is located approximately 0.25 mile to the southwest of the parcel.

Access: The two parcels would have shared access from Miner’s Valley Road which has an existing 60-foot road and public utility easement. El Dorado County Department of Transportation (DOT) has required that the project continue that easement through proposed Parcel 1 to assure access to proposed Parcel 2. The County Surveyor’s Office has recommended a Condition of Approval that would require that the applicants 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), for both parcels, prior to filing the Parcel Map.

Sewage disposal facilities: The Environmental Health Division would review any specific septic disposal design that accompany future development plans on Parcel 1, including a potential second-residential unit, to ensure that the final septic disposal design meets the established County design standards.

Water supply availability: The subject parcel is not located within the service area boundary of a public water district. Any future building permit for proposed Parcel 1 would be required to have a safe and reliable water source that meets the criteria of Environmental Management Policy 800-02 prior to issuance.

General Plan: The General Plan currently designates the subject site as Rural Residential-Important Biological Corridor (RR-IBC). RR permits parcel sizes of 10 to 160 acres, and establishes areas for residential and agricultural development where available infrastructure is limited. The proposed 40 and 120-acre parcels would conform to the existing General Plan land use designation of RR. The policies and issues that affect this project are discussed below:

Land Use Compatibility: **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Consistent: The proposed parcel sizes of 40 and 120 acres, as well as the proposed recreational use, would be consistent and compatible with the intended development pattern in the immediate neighborhood.

Important Biological Corridor: The parcel is also located within the IBC overlay. Policy 7.4.2.9 states that *this overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.*

Consistent: The subject parcel has no existing improvements except for interior dirt access roads and has been historically used for grazing. The entire parcel is located within the IBC however; the project would not impede the intent of this policy. The project would result in a 40-acre parcel reserved for resource protection and recreation which would be consistent with this policy.

Trails: **Objective 9.1.2** seeks to *provide for a County-wide, non-motorized, multi-purpose trail system and trail linkages to existing and proposed local, State, and Federal trail systems. The County will actively seek to establish trail linkages between schools, parks, residential, commercial, and industrial uses and to coordinate this non-motorized system with the vehicular circulation system.* **Policy 9.1.2.8** seeks to *integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use.* **Objective 9.1.3** seeks to *incorporate parks and non-motorized trails into urban and rural areas to promote the scenic, economic, and social importance of recreation and open space areas.* **Policy 9.1.3.1** seeks to *create linear parks and trails may be incorporated along rivers, creeks, and streams wherever possible.*

Consistent: It is the intent of the American River Conservancy, (see Exhibit J), to acquire the proposed 40-acre parcel resultant of this project approval with no interest to subdivide or develop it. The intent is to transfer the undeveloped parcel to BLM for them to administer the land as rare plant and wildlife habitat and inclusion of a public multiuse trail. Parcel 2 of the subject project would provide a critical link of the South Fork American River Trail which is proposed to run from the bridge over the South Fork of the American River at Salmon Falls Road to Cronan Ranch Regional Trails Park in Coloma. Planning has found that this facet of the project intent would be consistent with these Policies.

Conclusion: The project would be consistent with the applicable General Plan Policies. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is located within the Estate Residential Ten-Acre (RE-10) zone district. The proposed Parcel Map Waiver would create two parcels 40 and 120 acres in size which would be consistent with the development criteria identified within Section 17.70.110(A) of the Zoning Ordinance. Findings for Approval are provided in Attachment 2.

ENVIRONMENTAL REVIEW

CEQA does not apply to this project pursuant to Section 15061, "Review for Exemption," which states in subsection (b)(3) that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The purpose of this waiver request is to facilitate the creation of a 40-acre tract to be utilized for resource protection and passive recreation uses. No additional residential use would be authorized other than that presently allowed on the property. A Notice of Restriction (NOR) is recommended restricting the use of Parcel 2 to resource protection and the development of trail facilities. The project would result in creating two separate parcels with no additional supporting infrastructure improvements required. Where it can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings of Approval
Exhibit A	Location map
Exhibit B	Assessor's Parcel Map
Exhibit C1	General Plan Land Use map
Exhibit C2	Important Biological Corridor map
Exhibit D	Zoning map
Exhibit E	Proposed Parcel Map, dated July, 2009.
Exhibit F	Aerial of Parcel Map map, dated July, 2009
Exhibit G	Soils map
Exhibit H	Pilot Hill U.S.G.S. Quadrangle map
Exhibits I1 to I3	Aerial maps showing vicinity
Exhibit J	Letter from American River Conservancy dated September 11, 2009, (two pages).

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P09-0012/Boulder Glen Investors Parcel Map Waiver

November 12, 2009 Planning Commission Hearing

1. This Parcel Map Waiver is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit A through J and conditions 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 waiver and/or further environmental review. Deviations without the above described approval would constitute a violation of waiver.

The project would allow the creation of two parcels, 40 and 120 in size, from a 160-acre site. The use of Parcel 2 is restricted to resource protection and passive recreation uses and is intended to be sold to the American River Conservancy and then transferred to the U.S. Bureau of Land Management in the future.

The use and maintenance of the property, the size, shape, arrangement, and location of parcels, 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 hereto.

2. A notice of restriction shall be recorded against Parcel 2 limiting the use of said parcel to natural resource protection and trail facilities.
3. Conditional certificates of compliance shall be recorded concurrently with the grant deed or other instrument transferring title of Parcel 2. The conditional certificates of compliance shall require the following:
 - a. A record of survey reflecting all public easements and full monumentation for both parcels shall be recorded within 120 days of the recording of the conditional certificates of compliance; and
 - b. The notice of restriction required in condition 2 shall be shown on the record of survey
4. The applicant shall make the actual and full payment of Development Services Department processing fees for the Parcel Map Waiver application prior to recording the instrument transferring title to Parcel 2. Additionally the property owners are responsible for all processing and recording fees associated with all conditions of approval, including the execution of the grant deeds, Notice of Restrictions, Certificates of Compliance and Record of Survey.
5. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado

County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project decision.

6. 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 *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 Parcel Map Waiver, which action is brought within the time period provided for in *Section 66499.37*.

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

7. A Parcel Map Guarantee, issued by a title company showing all parties having record title interest, shall be provided to the County Surveyor prior to transfer of title of Parcel 2.
8. The grant deed to The American River Conservancy must be acknowledged and consented to by all parties having record title interest.
9. Proof from the County Tax Collector that there are no liens against any portion of the land division for unpaid state, county, city or local taxes, or special assessments shall be provided to the County Surveyor prior to transfer of title of Parcel 2.

ATTACHMENT 2

FINDINGS

File Number P09-0012/Boulder Glen Investors Parcel Map Waiver

November 12, 2009 Planning Commission Hearing

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 CEQA does not apply to this project pursuant to Section 15061, "Review for Exemption," which states in subsection (b)(3) that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission has found that the facts that the project would not change or intensify any development potential for Parcel 1 and Parcel 2 will become a plant and animal habitat with minimal impact trail use for the public benefit, all support the determination that the waiver would have no potential for causing a significant effect on the environment.
- 1.2 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 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the project proposes two parcels, 120 and 40 acres in size and the RR land use designation allows parcels ranging in size from 10 to 160 acres.
- 2.2 The proposal is consistent with General Plan policies, 2.2.1.2 (land use category definitions), 2.2.5.21 (land use compatibility), 7.4.2.9 (biological corridors), Objective 9.1.2, 9.1.2.8, Objective 9.1.3, 9.1.3.1 (trails) It has been determined that the project is consistent with the General Plan because the project would be compatible with the surroundings land uses, would not impact Important Biological Resources, and provides a trail, plant and wildlife protection, and open space for the public benefit.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Estate Residential Ten-Acre (RE-10) which permits the proposed parcel sizes of 40 and 120 acres under Section 17.70.110(A).

4.0 PARCEL MAP WAIVER FINDINGS

- 4.1 *The proposed division of land complies with the requirements as to area, improvements and design.*

As proposed and conditioned, the project conforms to the size requirements of the Estate Residential Ten-Acre (RE-) zone district and the General Plan RR land use designation. The site is physically suitable for the proposed type and density of development. The project will provide legal access to both parcels and fits within the context of the surrounding land uses in the project vicinity.

- 4.2 *The proposed division of land provides the appropriate approved public roads.*

The project is conditioned to assure legal access in the form of easements to both parcels is provided prior to filing the Parcel Map. No road improvements are required as Parcel 2 will remain undeveloped.

- 4.3 *The proposed division of land provides the appropriate flood and drainage control.*

The Flood Insurance Rate Map (Panel 06017C0450E) for the project area establishes that the project site is not located within a mapped 100-year floodplain. The project does not propose any development and existing drainage patterns are not anticipated to be impacted.

- 4.4 *The proposed division of land provides the appropriate sewage disposal facilities and water supply availability.*

No development is part of this project. The County will review specific septic disposal designs that accompany future development plans on Parcel 1 to ensure that the final septic disposal design meets established County design standards. Any future building permit will be required to have a safe and reliable water source that meets the criteria of Environmental Management Policy 800-02 prior to issuance.

- 4.5 *The proposed division of land provides the appropriate environmental protection and required certificates*

The waiver does not have the potential to cause significant environmental impacts because the purpose of the parcel being created is for natural resource protection and passive recreational uses, and is therefore exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.