

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: June 7, 2006
Item No.: 5.b.
Staff: Tom Dougherty

PARCEL MAP

FILE NUMBER: P99-0007

APPLICANT: Robin and Jennifer Crowton

REQUEST: A tentative parcel map creating two parcels ranging in size from 5.05 to 5.11 acres on a 10.21-acre site. (Exhibit B)

Design waiver request to allow more than 24 lots on a dead end road.

LOCATION: On the east side of Johntown Creek Road, approximately 0.36 mile south of the intersection with Hancock Road in the Garden Valley area. (Exhibit A)

APN: 088-060-02

ACREAGE: 10.21 acres

GENERAL PLAN: Low-Density Residential (LDR) and Important Biological Corridor (IBC) (Exhibit C)

ZONING: Estate Residential Five-acre (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative declaration

SUMMARY RECOMMENDATION: Conditional approval

BACKGROUND: The 10.21-acre parcel was formerly identified by Assessor's Parcel Number (APN) 005-670-06 and has a permitted 1,728 square-foot single-family dwelling permitted under that APN with Building Permit # 29389. That Assessor's Parcel Number changed in August of 1979 to 088-060-02. The proposed newly created parcel will contain the original second dwelling unit first created as a garage by Building Permit # 91072967 in January of 1992 and being improved into a second dwelling unit for the purpose of this proposed parcel map. Building Permit # 171939 was issued February 22, 2006 and is in progress. It is not permitted by Zoning Code to create a new parcel that has only an accessory building. Therefore, Permit # 171939 is required to be finalized prior to any final approval of this tentative parcel map.

STAFF ANALYSIS

Project Description: Request for a parcel map to create two parcels ranging in size from 5.05 acres (Parcel 1) to 5.11 acres Parcel 2). Proposed Parcel 2 is not considered a flag lot as it is a minimum width of 100 feet, allowed in Estate Residential Five-acre (RE-5) Zone District.

Site Description: The 10.21 acres site is located on the east side of Johntown Creek Road and gently slopes downward in a predominately northwest to southeast direction. The most level portions are located in the southwest and northeast corners of the existing parcel. Vegetation on the site consists predominantly of annual grassland along with scattered mature and immature blue (*Quercus douglasii*), and black (*Quercus kelloggii*) oak trees, and mature and immature ponderosa (*Pinus ponderosa*) and foothill (*Pinus sabiniana*) pines, and a few white-leaf manzanita shrubs (*Arctostaphylos viscida*). Access to the site is from an existing direct encroachment onto Johntown Creek Road in the Garden Valley area of El Dorado County. Johntown Creek Road is not a *County Maintained Road* but is maintained by the Garden Valley Ranch Estates Community Service District. The driveways exist to both existing single-family dwellings. The Garden Valley Fire District has no problem with the width, grade and surface of the driveways except for the portion 70 feet from Johntown Creek Road and continuing to 240 feet which they request to be paved. Johntown Creek Road is a 60-foot wide road and public utility easement in front of the proposed parcels, and is currently paved to a width of 24 feet with 18-foot shoulders. There currently are septic systems for both dwellings and water is supplied by existing meters supplied by Georgetown Divide Public Utility District.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single-family dwellings
North	RE-5	LDR	Single-family dwelling
South	RE-5	LDR	Single-family dwelling
East	RE-10	RR	Single-family dwelling
West	RE-5	LDR	Single-family dwelling

Discussion: The Johntown Creek area is characterized by larger parcels with single-family dwellings and accessory buildings generally spread out on each parcel. It is common for residents in the vicinity to have horses or other livestock.

General Plan: The General Plan designates the subject site as Low-Density Residential (LDR), which permits a minimum parcel size of five-acres and establishes areas for single-family residences in a rural environment. The proposed 5.05 and 5.11-acre parcels therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

Objective 2.1.3: Rural Regions: “Provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability July 2004 Page 13 Land Use Element El Dorado County General Plan of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations.”

Discussion: The dwellings are existing on both of the two parcels and at approximately five-acres each will retain the open character of the vicinity.

Policy 2.2.1.5: Building Intensities: On March 7, 2006 the El Dorado County Board of Supervisors amended Policy 2.2.1.5 and removed the maximum impervious requirement. This policy no longer applies.

Policy 2.2.2.8: The Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9: Where the -IBC Overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

Policy 7.4.2.9: “The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

Increased minimum parcel size;

Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;

Lower thresholds for grading permits;

Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;

Increased riparian corridor and wetland setbacks;

Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Game);

Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;

Building permits discretionary or some other type of “site review” to ensure that canopy is retained;

More stringent standards for lot coverage, floor area ratio (FAR), and building height; and;

No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

The standards listed above shall be included in the Zoning Ordinance.

Wildland Fire Safe measures are exempt from this policy, except that Fire Safe measures will be designed insofar as possible to be consistent with the objectives of the Important Biological Corridor.”

Discussion: There are neither trees nor shrubs proposed to be removed in the process of this parcel map. The dwellings and their footprints, septic systems and driveways are existing and have been for some time. No new introduction of fences is proposed. The existing pond is approximately 285 feet to the south of the nearest building and will not be impacted. The newly created parcels could, in the future both have second dwelling units which would increase the impact to the corridor and that would have to be reviewed at that time. However, for the sake of this current application, at this current time, the creation of two approximately five-acre parcels will not impede the currently inferred intent of this policy any more than the situation that exists today. At this time the intent or direction of this policy has not been fully implemented and exact standards to do so have not been established. It would appear though that the parcel creations in and of itself would adversely affect wildlife habitat.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: The subject site is zoned Estate Residential Five-Acre (RE-5) which permits a minimum parcel size of five acres. Therefore, the proposed 5.05-acre Parcel 1 and the 5.11-acre Parcel 2 conform to existing zoning.

Other Issues:

Water and Sewer: Water service provided by Georgetown Divide Public Utility District (GDPUD) exists for both parcels. Parcel 1 has an existing septic system and Parcel 2 has an existing septic system that will be required to have final approval along with building permit 171939 for the second dwelling in progress.

Access: The parcel is located on Johntown Creek Road which dead ends more than the 0.5 mile requirement of the Design and Improvement Standards Manual and serves more than 24 lots, (Volume II, Sections 3C, numbers 9 and 12). This parcel is approximately 0.75 mile from Mt. Murphy Road which is a two-access County road. The parcel is 0.35 mile from Hancock Road which is a two access private road and can be used for emergency situations. The lots of Garden Valley Ranch Estates C.S.D. are more than 24 but have existed for many years. Garden Valley Fire District was contacted by the applicant on more then one occasion and staff about their views on public safety issues of the proposed lots subject of this permit and expressed approval and no concerns other than paving the section of the driveway on Parcel 2 that has a 20 percent grade. Johntown Creek Road has a 60-foot wide road and public utility easement and is paved to 24-foot wide with ample shoulders.

El Dorado County Design Improvement Standards Manual, Volume II, Section 3, Streets,#9 and #12:

9. “At least two connections with an existing, improved public street or with a future street expansion...”
12. “A dead-end street connecting to a County or State maintained street may exceed 500 feet in length, but not more than 2,640 feet, and only when geographic features restrict a street expansion and the street will not serve more than twenty-four (24) existing or potential parcels.”

Discussion: There are more than 24 existing lots that adjoin and have access to the 2,640 foot long Johntown Creek Road. Garden Valley Fire Department has no objections to the emergency access, and an existing fire hydrant is located on the southeast corner of proposed Parcel 1. Johntown Creek Road is a 60-foot wide road and public utility easement in front of the proposed parcels and is currently paved to a width of 24 feet with existing shoulders. The dominant pattern of parcel development for the area has been established and these two five-acre parcels fit into the dominant pattern. Because of all of the above situations, it can be found that the creation of these two parcels will not conflict with the intent numbers 9 and 12 of El Dorado County Design Improvement Standards Manual as mentioned above.

Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations: 1273.01. Road Width, 1273.02, Roadway Surface, and

1273.09. Dead-End Roads: (a) The maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

Parcels zoned for 5 acres to 19.99 acres -----2640 feet

Discussion: Hancock Road encroaches onto Johntown Creek Road approximately 0.35 mile, (1,848 feet) north of the subject parcel and travels east to a chained, emergency access road entering into the Garden Park Subdivision road system. That is the closest location of an emergency access that

also includes an option to use Johntown Creek Road traveling north to where it encroaches onto Mt. Murphy Road which is another component of the emergency access loop.

Design Waiver Requests: The applicant has requested design waivers to the requirements contained in the County of El Dorado Design and Improvement Standards. Section 16.40.010 of County Code establishes that “The approving authority may grant a waiver or conditional waiver of any of the design or improvement requirements of this article with respect to a particular division at the time it approves the tentative map of the division.”

A design waiver may only be approved if specific findings may be made supporting the waiver. The applicant requested the following design waivers:

Design Waiver Request:

A. Allow more than 24 lots on a dead-end road:

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

Discussion: The parent parcel has been used by two families for many years and has full infrastructure to support two single-family dwellings. The creation of two separate parcels will not change a use that currently exists. The created parcels match the dominant pattern of existing parcels.

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

Discussion: Garden Valley Ranch Estates CSD maintains the roads in the vicinity of the subject parcel and the lots surrounding Johntown Creek Road have existed for many years in their current configuration. The created parcels could add second dwelling units in the future and increase impacts, but as currently proposed with the existing uses and size, just adding two more parcels will not currently change an existing situation currently shared by the surrounding parcels. In order to do a circulating road, you would need to circulate Johntown Creek Road to the west and Connect to Mt. Murphy road. For a two-parcel map, this is not feasible.

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

Discussion: Garden Valley Fire District has reviewed the parcel split request and has recommended approval of the layout and design of the proposed parcels and emergency access of the proposed parcels.

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4. *The adjustment or waiver would not have the effect of nullifying the objectives of this article, (Article II of Chapter 16 of the County Code), or any other law or ordinance applicable to the division.*

Discussion: The approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code because it only about allowing more than 24 lots on a dead end road.

Conclusion: As discussed above, staff finds that the project conforms with the intent of the El Dorado County Design Improvement Standards Manual and SRA Fire Safe Regulations.

Agency and Public Comments:

Agency and Public Comments: The following agencies and public organization provided comments on this application. Copies of their written comments are available at Planning Services office. From these comments, the following issues were raised:

Garden Valley Fire Protection District: The Fire District has reviewed the project and has recommendations to be incorporated into this project in order for the project to comply with the Districts requirements. Because a portion of the access driveway exceeds 20 percent incline, that portion shall be paved, (condition 2).

El Dorado County Department of Transportation: The Department responded with requirements for dedication in fee for Johntown Creek Road easement which is listed as condition.

El Dorado County Environmental Management Department-Environmental Health Division: The Division requested that an adequate area for sewage disposal shall be identified for the proposed Parcel 2. This request is listed as Condition 7.

El Dorado County Office of the County Surveyor: The Surveyor's Office requested requirements for monument placement and needing letters from all departments requesting conditions be satisfied to send them letters confirming compliance with those conditions. They are listed as Conditions 8 and 9.

El Dorado County Air Quality Management District: Pursuant to a conversation with Dennis Otani, although this parcel is flagged for asbestos review, Mr. Otani saw no need to condition the project for an asbestos dust mitigation plan because all structures and driveways are existing and no grading is proposed.

The following agencies and public organizations were solicited for comments and either did not respond with concerns that were applicable, or responded they had no recommended conditions of approval:

El Dorado County Environmental Management Department-Solid Waste/Hazardous Materials

El Dorado County Pioneer Cemeteries
Georgetown Divide Resource Conservation District
Black Oak Mine Unified School District
Georgetown Divide Recreation District
El Dorado County Department of Transportation District, Special Districts Unit
LAFCO
Pacific Gas and Electric Company
SBC Communications

At the time of the preparation of this report, staff had not received any other comments from the public.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion, Exhibit F) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on biological and cultural resources. Therefore, a negative declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to *Resolution No. 240-93*, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (*California Fish and Game Code Section 711.4*).

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff.
2. Approve the Design Waiver allowing more than 24 lots on a dead end road, based on the findings in Attachment 2.
3. Approve the Tentative Parcel Map (P 99-07) as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and subject to the conditions specified in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BTentative Parcel Map
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit EParcelization Map
Exhibit FEnvironmental Checklist and Discussion of Impacts
Exhibit GSoils Map
Exhibits H1, H2, H3, H4.....Site Visit Photos

ATTACHMENT 1
CONDITIONS OF APPROVAL

Robin and Jennifer Crowton
File Number P 99-0007

STANDARD CONDITIONS OF APPROVAL

Department of Transportation (DOT)

1. An irrevocable offer of dedication in fee to the County of 30 feet wide from centerline of the road and public utility easement along Johntown Creek Road in front of both parcels, including all slope easements, shall be shown on the final parcel map prior to recordation. A letter of compliance with this condition shall be submitted by DOT to the Surveyor's Office at the time of filing the parcel map.

Garden Valley Fire Protection District

2. The applicant shall pave the section of the driveway access to Parcel 2 beginning 70 feet from the intersection with Johntown Creek Road and continuing eastward for 240 feet, with either asphalt or concrete. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

Planning Services

3. 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.
4. The subdivision is subject to parkland dedication in-lieu fees. The fees shall be \$150.⁰⁰ and shall be paid to the Georgetown Divide Recreation District.
5. Building Permit # 171939 for the second dwelling in progress shall have full approval for final occupancy and have a recorded Notice of Restriction as a second dwelling, prior to recordation of the parcel map subject of this permit. After this final parcel map has been recorded, it shall be permissible to remove said notice of restriction from the newly created parcel, should it no longer apply. Proof of said requirements shall be received by Planning Services prior to recordation of the final parcel map.
6. 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).

Environmental Management-Environmental Health Division

7. An adequate area for sewage disposal shall be identified for the proposed Parcel 2 and recorded on the final map. A site evaluation and soil description report, prepared by a California Registered Engineer, Geologist, or Environmental Health Specialist, of Parcel 2 shall be submitted to Environmental Health prior to recordation of the final map. A letter of compliance with this condition shall be submitted by Environmental Management-Environmental health Division to the Surveyor's Office at the time of filing the parcel map

County Surveyor

8. All survey monuments must be set prior to filing the Parcel Map.
9. Prior to filing the Parcel Map by the applicant, a letter to the County Surveyor shall be received 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.

ATTACHMENT 2

FINDINGS

FILE NUMBER P 99-0007

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

Tentative Map

1. The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.
 - 1.1 It can be found the proposal is consistent with the intent of Policy 2.1.3 because the dwellings are existing on both of the two parcels and at approximately five acres each will retain the open character of the vicinity.
 - 1.2 It can be found the proposal is consistent with the intent of Policies 2.2.2.8 and 7.4.2.9 because there are neither trees nor shrubs proposed to be removed in the process of this parcel map. The dwellings and their footprints, septic systems and driveways are existing and have been for some time. No new introduction of fences is proposed. The existing pond is approximately 285 feet to the south of the nearest building and will not be impacted. The creation of two approximately five-acre parcels will not impede the intent of this policy any more than the situation that exists today.
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.
 - 2.1 It can be found the proposal is consistent with the zoning designation of Estate Residential Five-Acre (RE-5) which permits a minimum parcel size of five acres because the proposed parcel sizes are 5.05-acre for Parcel 1 and 5.11-acres for Parcel 2 and the Minor Land Division Ordinance because there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses needed by the parcels.
3. The site is physically suitable for the proposed type and density of development because the parcels have existing facilities and utilities to support the residential uses that will ensue on the parcels.
4. The proposed tentative map is not likely to cause substantial environmental damage because the infrastructure and dwellings for both parcels exist.
5. The proposed project, as conditioned, will not have a significant effect on the environment and a Negative Declaration has been filed. Further, the project will not affect wetlands,

watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.

Design Waiver Findings

- 1.1 It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because all dwellings, infrastructure of the two parcels, as well as those of the surrounding parcels, have been the same for years and the creation of these two parcels will not change that.
- 1.2. It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because adding two more parcels will not currently change an existing situation currently shared by the surrounding parcels. In order to do a circulating road, you would need to circulate Johntown Creek Road to the west and Connect to Mt. Murphy road. For a two-parcel map, this is not feasible.
- 1.3. It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because the proposal did not receive any concern from any agency contacted that the creation of the two parcels would change or increase any of the above mentioned issues.
4. It can be found that this waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division because it only about allowing more than 24 lots on a dead end road.