

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: July 19, 2006
Item No.: 6.b.
Staff: Michael C. Baron

PARCEL MAP

FILE NUMBER: P04-0007

APPLICANT: Virgil B. Burrows

AGENT: Carlton Engineering

REQUEST: A tentative parcel map creating two 5.14 acre parcels on a 10.28-acre site.(Exhibit B).

Design waiver has been requested for the following:

a. Reduction of road improvements to 18 feet.

LOCATION: On the west side of Shingle Spring Drive, approximately ½ mile north of the intersection with U.S. Highway 50 in the Shingle Springs area. (Exhibit A)

APN: 319-091-56

ACREAGE: 10.28

GENERAL PLAN: Low Density Residential (LDR) Important Biological Corridor West (IBC-W) (Exhibit B)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (Previously prepared and advertised)

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: On January 23, 1996, El Dorado County adopted a comprehensive General Plan. On February 5, 1999, the Superior Court, County of Sacramento, in the matter of El Dorado County Taxpayers for Quality Growth, et al. v. El Dorado County Board of Supervisors and El Dorado

County, ruled that, in certain respects, the County failed to comply with the California Environmental Quality Act (CEQA) in the adoption of its 1996 General Plan. Consequently, certification of the General Plan CEQA Environmental Impact Report (EIR) and adoption of the General Plan were set aside and the County was directed to temporarily restrict new development pursuant to a writ of mandate. To address the Court’s findings, the County prepared a new General Plan, which was adopted on July 19, 2004. However, subsequent to plan adoption, a referendum measure that would also affect implementation of the plan was filed with the County. That referendum, which appeared on the March 8, 2005, ballot, was approved by the voters and the County began processing applications on October 3, 2005.

This parcel map application was submitted July 28, 2004 and could not be processed until after the referendum vote was approved. At the subsequent hearing on June 7, 2006, the project was continued off calendar by the Zoning Administrator due to a request for more information relating to tree canopy and slope.

STAFF ANALYSIS

Project Description: Proposed parcel map to create two 5.14 acre parcels from one 10.28 acre parcel. A design waiver has been requested to reduce the onsite and off-site road standard to 18-feet, allowing the existing road to serve the site with no additional road widening.

Site Description: The project site lies in the western slope of the central Sierra Nevada Mountains at an approximate elevation of 1,445 feet above mean sea level. The woodland habitat, as identified by the El Dorado County Draft Environmental Impact Report, is characterized as blue-oak and foothill pine. The parent parcel for the proposed parcel map has approximately 58.5 percent canopy coverage. The soil type is Serpentine Rock Land (SaF) which is characterized by rock outcrops and stones making up 50 to 90 percent of the surface face with a thin mantle of soil. This land type is excessively drained with rapid surface runoff and slight to moderate erosion. Existing improvements include a dwelling with an attached garage, paved roads, cross fencing, pastures, horse training corral, power, septic and well on the parcel. The current parcel has a paved driveway with a fire safe turn around. The proposed parcel map will give both parcels access from Shingle Springs Drive which is paved along the frontage of the project and is a through road from U.S. Highway 50 to Green Valley Road. On-site and off-site roads (South to Highway 50) are a minimum of 18-foot wide.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR/IBC-W	Improved Residential
North	RE-5	LDR/IBC-W	Improved Residential
South	RE-5	LDR/IBC-W	Improved Residential
East	RE-5	LDR/IBC-W	Unimproved Residential
West	RE-5	LDR/IBC-W	Improved Residential

General Plan: The General Plan designates the subject site as Low Density Residential (LDR), which permits a minimum parcel size of 5 acres, and within the Important Biological Corridor West, which could require larger minimum parcel sizes in some areas of the County. The proposed 5.14-acre parcels therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

Policy 2.2.1.2: This 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, the 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.

Discussion: The Low Density Residential (LDR) Land Use Designation requires parcel sizes to range from 5 to 10 acres. The proposed parcels are 5.14 acres in size and therefore, conform to General Plan Policy 2.2.1.2.

Policy 7.1.2.1: Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

- *Reasonable use of the property would otherwise be denied.*
- *The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.*
- *The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California-registered civil engineer or an engineering geologist.*
- *Replacement or repair of existing structures would occur in substantially the same footprint.*
- *The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.*

Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes greater than 30 percent. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

Discussion: Since the proposed parcel map will create a vacant 5 acre residential lot, it is assumed that there will eventually be a future ministerial building permit for a single family dwelling submitted, which at this time current General Plan Policies do not allow development on slopes greater than 30 percent. As shown on the slope map (Exhibit F), the proposed parcel map will not create parcels that do not have adequate building area. Access

to the proposed parcels will be off of Shingle Springs Drive and does not exceed slopes of thirty percent or greater.

Policy 7.3.3.4: The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: The existing site does not contain any streams, wetlands, or ponds.

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 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: The intent of the Important Biological Corridor is to prevent fragmentation of oak woodland habitat to ensure habitat function, connectivity, and other factors. Until such time that the County adopts Ordinance or receives direction from the Board of Supervisors relating to the IBC- corridor, the minimum allowable acreage for the proposed parcel map is 5 acres as required under the Low Density Residential land use designation required by the General Plan. The only issue related to the IBC- Overlay for the proposed parcel map is a higher canopy retention standard under *General Plan Policy 7.4.4.4* as implied by *General Plan Policy 7.4.2.9*.

In order to comply with a higher canopy retention standard, the proposed parcel map shall be conditioned so that 85 percent of the canopy shall be retained for both parcels under *General Plan Policy 7.4.4.4*, rather than the 80 percent canopy retention standard required under the existing conditions. The higher canopy retention standards shall be noted on the parcel map and a Notice of Restriction recorded, stating that both proposed parcels shall retain eighty-five percent of the existing canopy on each parcel until Ordinance is in place relating to the IBC- Overlay and canopy retention guidelines. Once adopted, the new Ordinance shall supersede the canopy retention standard noted on the parcel map and recorded Notice of Restriction.

Policy 7.4.4.4: For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitat as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County’s Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Discussion: No trees will be removed as part of the parcel map process. However, in the future, when there is a building permit application any trees proposed to be removed will have to be consistent with the eighty-five percentile General Plan Canopy Retention Standard.

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

Zoning: The subject parcel is zoned Residential Five Acre (RE-5) the Development standards for the RE-5 Zone District are as follows:

17.28.210 Development Standards The following building provisions shall apply in the RE-5 districts, unless and until a variance is obtained from the planning commission or zoning administrator:

- A. Minimum lot area of five acres;
- B. No maximum building coverage;
- C. Minimum lot width of one hundred feet;
- D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty five feet (25'); (Ord. 4236, 1992)
- E. Minimum agriculture structural setbacks of fifty feet on all yards;
- F. Maximum building height, forty- five feet (45'); (Ord 4236, 1992)
- G. Minimum dwelling unit area, six hundred square feet of living area and two rooms;
- H. Location of the Parcel in Relation to Surrounding Land Use. The success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential five acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or non-compatible use shall be one hundred feet from any existing horticultural or timber enterprises. Non-compatible uses are defined as, but not limited to:

- 1. Residential structures,
- 2. Nursing homes,
- 3. Public and private schools,
- 4. Playgrounds,
- 5. Swimming pools,
- 6. Fish ponds. (Ord. 3606 §15, 1986; Ord. 3366 §§10, 11, 1983; prior code§9412.2(e))

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the RE-5 Zone District “Development Standards.” The proposed parcels are 5.14 acres, exceed 100 feet in width and any future residential development will be able to satisfy the minimum 30-foot building setbacks as required by the RE-5 Zone District.

Design Waiver Discussion: A design waiver has been requested for a reduction of road improvements to 18-feet. Parcel 1 has direct access by an existing driveway, with a paved encroachment, on Shingle Springs Drive. Parcel 2 will require an encroachment permit onto Shingle Springs Drive. Due to the existing 18-foot minimum paved roadway, the applicant is requesting a design waiver reducing the required 24 foot wide improvement to 18 feet pursuant to the California Fire Safe Standards.

Agency and Public Comments: The following agencies provided conditions of approval on this application noted in Attachment 1:

El Dorado County Department of Transportation
El Dorado County Environmental Management Department
El Dorado County Fire Protection District
El Dorado County Surveyor

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached as Exhibit G) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project as conditioned will have a significant effect on the environment, and a Negative Declaration has been prepared.

NOTE: This project is 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 \$1,285.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$35.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

RECOMMENDATION

1. Adopt the **Mitigated** Negative Declaration based on the Initial Study prepared by staff and approve the P04-0007 as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modification of the project to include conditions itemized in Attachment 1.
2. Approve the following design waiver since appropriate findings have been made as noted in Attachment 2:
 - a. Reduction of road improvements to 18 feet.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings
Exhibit AVicinity Map

Exhibit B Tentative Parcel Map
Exhibit C General Plan Land Use Map
Exhibit D Zoning Map
Exhibit E Assessor’s Map
Exhibit F Slope Map
Exhibit G Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

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MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

1. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to *Section 7050.5 of the Health and Safety Code* and *Section 5097.98 of the Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and deposition of human remains shall be completed consistent with guidelines of the Native Heritage Commission.

CONDITIONS OF APPROVAL

Planning Services

1. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to the County Recreation Department, pursuant to *El Dorado County Subdivision Ordinance Chapter 16.12.090* prior to recording the parcel map.
2. Prior to recording the parcel map the applicant shall note on the parcel map and record a Notice of Restriction for both parcels that eighty-five percent of existing tree canopy shall be retained for both parcels until Ordinance is in place relating to the IBC- Overlay and canopy retention guidelines. Once adopted, the new Ordinance will supersede the canopy retention and recorded Notice of Restriction. Parcel Map Note and Notice of Restriction shall be subject to review and approval by Development Services Director.

Department of Transportation

3. An irrevocable offer of dedication of a 25-foot-wide road and public utility easement shall be shown on the parcel map from the eastern property line.

Department of Transportation Standard Conditions

4. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
5. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California department of Forestry and air pollution permits from the County prior to said burning activities.

6. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District.
7. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible Fire Protection District. The Department of Transportation will require plans to meet Fire Safe Standards, but only the responsible Fire Protection District may wave or relax those Fire Safe Standards.
8. If human remains are discovered at any time during grading or improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per *Section 7050.5 of the Health and Safety Code* and *Section 5097.89 of the Public Resources Code*. If archeological artifacts are discovered, the developer shall retain an archeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.
9. 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.
10. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
11. 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.
12. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

Fire District

13. Applicant shall submit a \$120.00 application review fee prior to filing the parcel map.
14. A fire hydrant shall be required at the intersection of Shingle Springs Drive and Artesia Road. or in place of a fire hydrant the applicant may choose an approved residential sprinkler system with 2,500 gallons of water storage prior to filing the parcel map.
15. Applicant shall provide documentation from El Dorado Irrigation District and the Fire District to show that the system will meet the required fire flow for this project prior to filing the parcel map.

16. A deed restriction for an NFPA 13D residential sprinkler system with 2,500 gallons of water storage will be required for all new structures built on these parcels prior to issuance of any building permit.
17. Any gates will require Fire District approval.

Environmental Management

18. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.

El Dorado County Surveyor

19. All survey monuments must be set prior to filing the parcel map P04-0007.
20. Prior to filing the parcel map P04-0007, a letter to the County Surveyor will be required 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 P04-0007 – Virgil Burrows
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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

1.0 CEQA Finding

The proposed project, as conditioned, will not have a significant effect on the environment and a **Mitigated** 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.

2.0 Administrative Findings

The project consists of:

A tentative parcel map (P04-0007) creating two (2) parcels, both 5.14 acres each on a 10.28-acre site.

2.1 The proposed parcel map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

The proposed parcel map is zoned Residential Five-acre (RE-5) and the purpose of the RE-5 Zone Districts is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and provide for the protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated.

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 well report and percolation test performed on the project site. There are numerous building sites on the proposed parcel 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 Mitigated 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 County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the 2004 General Plan.

Design Waivers

1. There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The current terminus of Shingle Springs Drive is an 18-foot wide paved road along the frontage and far beyond the proposed project. The roadway is maintained by a roadway maintenance association.
2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because the increased improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. There are drainage ditches along the both sides of the road fronting the project area and beyond.
3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The design waiver request reduces the road improvements to 18-feet. California Firesafe Standards require an 18-foot wide roadway.
4. 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.