

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**

Agenda of:	October 18, 2006
Item No.:	5.a.
Staff:	Jonathan Fong

STAFF REPORT - PARCEL MAP

FILE NUMBER: P05-0018

OWNER/APPLICANT: Sierra Pacific Industries, Cedric Twilight

REQUEST: A tentative parcel map creating three (3) parcels ranging in size from 200.9 to 201.6 acres on a 603.8-acre site. (Exhibit B)

Design waivers have been requested for the following:

1. Reduction of the road width improvements to Fire Safe width.
2. Modification of roadway drainage design.
3. Maximum length of a dead-end road to exceed one mile.

LOCATION: On the north side of Peddler Hill Road, approximately 1,000 feet west of the intersection with CALTRANS Maintenance Station in the Peddler Hill/Mt. Aukum area. (Exhibit A)

APN: 041-180-01

ACREAGE: 603.8 acres

GENERAL PLAN: Natural Resource (NR) (Exhibit B)

ZONING: Timber Preserve Zone (TPZ) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The project parcel is located in the southeast area of the County on the border with Amador County. This section is located within the Martell District of Sierra Pacific Industries

timberlands. The surrounding parcels are lands managed by the Amador Ranger District of the Eldorado National Forest.

The project parcel currently operates under Timber Harvest Plans (4-01-91-ELD and 4-93-145-ELD) which was approved by the California Department of Forestry and Fire Protection on November 1, 2003.

Although the project parcel is identified as Section 36, the exact acreage of the project parcel is 603.8 acres. Sections of land are typically 640 acres; however due to topographical constraints and surveying errors that occurred, the actual parcel acreage is less.

Tri-County Technical Advisory Committee (Tri-TAC): The project parcel is located in the Peddler Hill Area on the border of El Dorado County and Amador County. Due to the project location, the project was agendaed to be heard at the February 3, 2006 Tri-TAC meeting. The Tri-TAC recommended approval of the parcel map provided the subdivision would continue to support silviculture on the resultant parcels.

Amador County Public Works Agency: Portions of Highway 88 used to access the project parcel are located within Amador County. The Amador County Public Works Agency has requested that impact fees be transferred to Amador County.

El Dorado County currently assesses traffic impact fees during the building permit process. No building permits are associated with the proposed project. Subsequently, no traffic impact fees will be paid as a part of this project. Any future development on the resultant parcels will require payment of the impact fees. When traffic impacts fees are paid, the required Amador County fee will be transferred to the Amador County Public Works Agency.

STAFF ANALYSIS

Project Description: The proposed parcel map will create three (3) lots each approximately 200 acres in size.

Proposed Access: The parcel is accessed from State Route 88 continuing approximately 2,000 feet southeast along Peddler Hill Road.

The proposed three parcels will be accessed from an approximately 4,000-foot roadway located within a 50-foot road and public utilities easement. The proposed access road intersects with Peddler Hill, which continues an additional 1,500 feet to State Route 88.

Site Description: The project parcel is located near the Peddler Hill CALTRANS Maintenance Station. The parcel generally slopes to the west with lower elevations of approximately 5,500 feet near the northwest property boundary and higher elevations of approximately 7,000 feet near the eastern boundary.

Vegetation on site is composed of Mixed Conifers with areas of wild grasses and dense brush. Below 6,200 feet the primary species are White Fir while above 6,200 Red Fir are prevalent.

The project site is located within the Prothro Creek State Planning Watershed near the Middle Fork of the Cosumnes River. The Cosumnes River borders the parcel at its northern boundary which flows in a westerly direction. Additional water features on site include Peddler Creek which flows along the western boundary continuing south through the parcel, two unnamed intermittent water courses and a perennial water course including a spring.

Due to the undeveloped nature of the parcel, species status wildlife has been found on site. The *Summary of Rarefind Occurrences- Peddler Hill Quad* compiled from the California Natural Diversity Database on September 29, 2003 showed occurrences of Pleasant Valley mariposa lily (*Calochortus clavatus avius*), Central Valley Drainage Resident Rainbow Trout Stream, Mountain yellow-legged frog (*Rana muscosa*), and Pacific fisher (*Martes pennanti pacifica*). Areas found to contain such species had been flagged to reduce the impacts in the area.

A Botany Scoping Report was performed for the Peddler Hill Area released by the Department of Fish and Game on April 29, 2005. The report included federally-listed threatened, endangered, sensitive, or rare plants. The listed species that were known to occur within the Peddler Hill Area were included in the Preliminary Survey and Plant Protection Recommendations for further action to reduce the impacts to those species.

Recommendations to reduce the potential impacts to plants in the vicinity were to inventory those species in future botanical surveys and to flag an Equipment Limitation Zone (ELZ) in the vicinity. To further reduce impacts, implementation of directional falling of trees was recommended to reduce disturbance in areas of concern. These protection measures in addition to adherence to the approved Timber Harvest Plans will reduce the potential impacts to plant and wildlife in the project vicinity.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	NR	Timber production
North	A	NR	El Dorado National Forest
South	A	NR	El Dorado National Forest
East	A	NR	El Dorado National Forest
West	A	NR	El Dorado National Forest

Discussion: The project parcel is surrounded by lands located within the Eldorado National Forest. The proposed parcels will not create any conflicts in the surrounding area.

General Plan: The General Plan designates the subject site as Natural Resource (NR), which permits a minimum parcel size of 160 acres. The proposed 200-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: The purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources. The NR designation shall be applied to parcels 40 acres and greater which contain at least one or more natural resources. The maximum allowable density is one dwelling unit per 160 acres or larger outside the National Forest Service Lands and within “timber production” areas and one dwelling unit per 40 acres within river canyons outside of “timber production” areas.

Discussion: Due to the “timber production” nature of the parcels, the minimum parcel size is 160 acres. As proposed, the parcel map will create parcels in excess of 200 acres. No residential development is proposed as a part of this project. Any future residential development will be restricted to one dwelling unit per 160 acres.

Policy 7.3.3.4 The County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.

Discussion: No development is proposed in conjunction with the proposed parcel map. Required roadway improvements will include a cul-de-sac at the end which would be approximately 200 feet away from an existing spring and drafting pond. The project will be consistent with all required setbacks.

Policy 8.3.1.1 Lands designated Natural Resource (NR) and zoned Timber Production Zone (TPZ) are to be maintained for the purpose of protecting and encouraging the production of timber and associated activities.

Discussion: The project parcel currently operates a logging operation under approved Timber Harvest Plans. The proposed parcel map will create three parcels that will be able to sustain timber production activities consistent with the NR designation and the TPZ Zone District.

Policy 8.3.2.1 The minimum parcel size for parcels zoned Timber Production Zone (TPZ) shall be 160 acres.

Policy 8.3.2.2 Timber production lands designated Natural Resource (NR) above 3,000 feet elevation shall maintain a 160-acre minimum parcel size.

Discussion: The proposed parcel map will create three (3) parcels which are over 200 acres in size.

Policy 8.4.2.1 The County Agricultural Commission shall evaluate all discretionary development applications for timber production lands designated Natural Resource or zoned Timber Production Zone. Prior to granting approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Discussion: On May 18, 2006 the Agricultural Commission reviewed the proposed parcel map and approved the project making the findings that the resulting parcels will continue to support Timber production activities.

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

Zoning: The subject site is zoned Timberland Preserve Zone (TPZ) which promotes the growing and harvesting of timber products. Section 17.44.060 A. 2 of the County Zoning Ordinance establishes a minimum parcel size of 160 acres. The proposed parcel map will create three parcels each approximately 200 acres in size. Therefore, the proposed 200-acre parcels conform to existing zoning.

As discussed in Section 17.44.050 of the Zoning Code, residential use is generally inconsistent with TPZ zoned lands. However, upon recommendation by the Agricultural Commission, the zoning administrator may approve a special use permit for the construction of a residence provided the following conditions can be met:

- C. Where a landowner has:
 - 1. A timber inventory of his stand;
 - 2. Conducted commercial harvesting operations;
 - 3. Provided legal and physical access to his property so commercial operations can be carried out;
 - 4. Made a reasonable effort to locate the boundaries of the property and has attempted to protect his property against trespass;
 - 5. Conducted disease or insect control work;
 - 6. Performed thinnings, slash disposal, pruning and other appropriate silvicultural work;

7. Developed a fire protection system or has a functioning fire protection plan;
8. Provided for erosion control on existing roads and skid trails and has maintained existing roads;
9. Planted a significant portion of the understocked areas of his parcel. (Ord. 3153 §1, 1981: prior code §9432(E))

Conclusion: The parcel map will create three (3) parcels that are over 200 acres in size. No development is proposed in conjunction with the parcel map. Staff finds that the parcel map as proposed and conditioned, meets the requirements of the Zoning Code.

Parcel Map Design Issues: The applicant has requested to not offer the county an irrevocable offer of dedication (IOD) for the required improved road. Section 16.44.060 of the Subdivisions Ordinance establishes that an IOD may be required for access roads. The Department of Transportation (DOT) has commented on the project and will not require an IOD for the access road. The proposed parcel map will create three (3) TPZ-zoned parcels. No future subdivision is allowed on any of the resultant parcels.

The Department of Transportation (DOT) has reviewed the project and has requested that roadway improvements be required as part of the parcel map. The applicant has designed the improvement road to utilize existing logging roads on the parcel. These logging roads have been constructed as part of the approved Timber Harvest Plans (THPs).

The THPs have analyzed the potential environmental effects of logging the project parcel as well as the impacts of the logging roads. Because the improved roads will replace the existing logging roads and will not create additional disturbance on the project site, road construction will not create additional environmental impacts.

Design Waiver(s) Discussion: The applicant has requested three design waivers:

1. Reduction of the road width improvements to Fire Safe width.
2. Modification of roadway drainage design.
3. Maximum length of a dead-end road to exceed one mile.

Chapter 16.40.010 of the Subdivisions Ordinance requires findings in order to grant design waivers. In order to grant a design waiver, the approving authority must find that the following conditions exist. The findings are discussed in more detail in Attachment 2.

- a. There are special conditions or circumstances peculiar to the property to be divided which would justify the adjustment or waiver;
- b. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property,
- c. The adjustment or waiver would not be injurious to adjacent properties or

detrimental to the health, safety, convenience and welfare of the public,

- d. The adjustment would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the division.

1. Reduction of the roadway requirements.

The Department of Transportation (DOT) has required the access road to 101-C road standards. The Design and Improvement Standards Manual for 101-C road improvements requires a 24 foot road width with 2 foot shoulders. The applicant is requesting a design waiver to reduce the improvements to the Fire Safe minimum. Fire Safe standards require at least an 18-foot road width with one foot shoulders.

2. Modification of roadway drainage design.

The applicant has requested that an outsloped roadway design be used rather than inside ditches. As discussed below, this modification will increase the durability of the proposed road.

3. Maximum length of a dead-end road to exceed one mile.

Fire Safe regulations establishes that development down a dead-end road shall not exceed one mile for parcels 20 acres or larger. The distance from the end of the proposed road to the County maintained road, Highway 88, is exceeds the one mile maximum.

Discussion: Width reductions for roadway improvements may be approved by the Zoning Administrator with a favorable recommendation from the responsible fire agency. The California Department of Forestry (CDF) has required that the improved access road provide for at least an 18 foot road width.

The applicant has proposed two nine (9) foot travel lanes surfaced with an all weather gravel surface. Included with the roadway will be at least a one foot shoulder for a total road width of over 20 feet. Rather than inside ditches, the applicant has proposed rolling dips to encourage runoff.

The applicant has requested the design waiver to reduce the required road standards due to the infrequent traffic that is associated with timber production zoned parcels. Furthermore, the outsloped/ rolling dip design minimizes surface erosion. Installation of ditches would require constant maintenance which due to the location of the parcels would be infeasible during the winter months. Existing roadways on the parcel have an outsloped/ rolling dip design and have been properly functioning for years.

The request to not dedicate the road and utilities easement is due to the timber production nature of the proposed parcels. Because the roadway dead ends at Parcel 3 and the surrounding parcels are owned by the US Forest Service, future development in the area is unlikely. The applicant does not wish to dedicate the easement because they feel it does not serve any purpose.

The proposed parcels will be located approximately 5,400 feet at the end of a dead-end road. The proposed design waiver to allow the parcels beyond the fire safe maximum is due to the timber production nature of the resultant parcels. No development of the parcels is anticipated. Furthermore, any residential development on the parcels would require a use permit.

Conclusion: As discussed above, Staff finds that the proposed design waivers are consistent with the Subdivisions Ordinance.

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:

Tri-Technical Advisory Committee (TAC) Meeting: The Tri-TAC recommended approval of the proposed parcel map provided the subdivision would continue to support active silviculture on the resultant parcels.

Amador County Public Works Agency: The Amador County Public Works Agency has requested that El Dorado County collect and transfer the Amador County Regional Traffic Mitigation fee. The traffic fee for Amador County is currently \$2,790.00 per parcel, or \$8,370.00 for all three parcels.

El Dorado County Department of Transportation: The Department responded with a requirement to improve the roadway to Standard Plan 101.

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 parcels.

El Dorado County Air Quality Management District: If the project will involve grading operations, the District Rules 223, 223.1 and 223.2 shall apply. Road development shall comply with District Rule 224.

El Dorado County Office of the County Surveyor: The Surveyor's Office requested requirements for monument placement and letters from all agencies stating that the applicant has satisfied all conditions.

California Department of Forestry and Fire Protection: The Department has required that the project shall comply with Fire Safe Regulations. These conditions are listed as Conditions of Approval 7 through 13.

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:

CALTRANS District 3

California Department of Fish and Game
El Dorado County Resource Conservation District
El Dorado County Parks and Recreation Department
Indian Diggings School District
United States Fish and Wildlife Services
United States Forest Service

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) 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.

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 State fish and wildlife resources.

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve the design review 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.; and
3. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2: Reduction of the road width improvements to Fire Safe width; Modification of roadway drainage design; and Maximum length of a dead-end road to exceed one mile.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit A.....Vicinity Map
Exhibit B.....Tentative Parcel Map
Exhibit C.....General Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit E.....Parcelization Map
Exhibit F.....Environmental Checklist and Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL

File Number P05-0018 – Sierra Pacific Industries

CONDITIONS OF APPROVAL

Planning Services

1. 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).
2. 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.
3. The applicant shall file a Notice of Restriction which states that within four years of the filing of the parcel map any residential development is subject to payment of parkland dedication in-lieu fees.
4. The applicant shall 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) of the Subdivisions Ordinance with legal right to improve that access as required by the County Design Manual.

Department of Transportation

5. Offsite access shall be improved to the same standards as required onsite, but shall be limited to the equivalent cost for the onsite improvements.

Environmental Management

6. Any septic systems shall be subject to Environmental Health approval as required in the Minor Land Division Ordinance.

7. An adequate area for sewage disposal shall be identified for the proposed parcels 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 the proposed parcels 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

Air Quality Management District

8. If project construction will involve grading and excavation operations, then District Rules 223, 223.1 and 223.2 shall apply. In addition, the appropriate Fugitive Dust Plan (FDP) application shall be submitted prior to start of project construction.
9. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Standards.
10. A district burn permit shall be applied for and obtained prior to burning of wastes that result from "Land Development Clearing"

County Surveyor

11. All survey monuments must be set prior to filling the parcel map.
12. Prior to filing the parcel map, 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.

California Department of Forestry and Fire Protection:

13. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow.
14. Roadway surface shall conform to local ordinances and be capable of supporting a 40,000 pound load year round.
15. A 10 foot wide hazard reduction area must be maintained along each side of the road, and 15 feet of vertical clearance.
16. All grades for the road shall not exceed 16 percent.

17. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road.
18. Inside radius of a curve shall be a minimum of 50 foot and 4 feet of surface width shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet radius.
19. If a gate is used off Peddler Hill Road it must be at least 30 feet off Peddler Hill Road and two feet wider than the width of the traffic lanes serving that gate.

ATTACHMENT 2 **FINDINGS**

File Number P05-0018 – Sierra Pacific Industries

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

CEQA Findings

- 1.1 Staff has prepared an initial study to determine if the project will have a significant environmental impact and a Negative Declaration has been filed. The proposed parcel map will not involve any development on the resultant parcels. Any future residential development will require further environmental review through the special use permit process. Required road improvements for the parcel map will occur over existing logging roads. The project parcel is operating under approved Timber Harvest Plans which have evaluated the environmental impacts associated with timber harvesting on the project parcel. The resultant parcels will be subject to the Timber Harvest Plans.
- 1.2 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 State fish and wildlife resources.

Tentative Map Findings

- 2.1 The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.

The proposed parcel map will create three parcels each over 200 acres in size. The Natural Resource land use designation permits a minimum parcel size of 160. The proposed parcel map will not create conflicts with the existing timber production nature of the project area.

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

The proposed parcel map will create three parcels each over 200 acres in size. The Timberland Preserve Zone district establishes a minimum parcel size of 160 acres.

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

The project site is currently operating under approved Timber Harvest Plans (THP). The proposed parcel map will not create conflicts with the existing THPs.

2.4 The proposed tentative map is not likely to cause substantial environmental damage.

The approved THPs have evaluated the project site for suitable conditions for timber harvesting. The proposed parcel map will create three parcels which will still be subject to the requirements of the approved THPs.

Design Waivers Findings

The proposed design waivers are as follows:

1. Reduction of the road width improvements to Fire Safe width.
 2. Modification of roadway drainage design.
 3. Maximum length of a dead-end road to exceed one mile.
- a. There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The proposed parcels will be over 200 acres in size and will be utilized for timber production. No development is proposed on the parcels and future subdivision is unlikely.
 - b. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The project parcel is located in a remote area of the County. Future development in the area is unlikely. Furthermore, any activity in the area would be limited to timber production activities.
 - c. 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 proposed design waivers did not raise any concern from any of the agencies contacted regarding the project.
 - d. 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. The design waivers will allow the creation of timber parcels which meet all applicable General Plan policies and Zoning Ordinances.