

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: May 16, 2007
Item No.: 6.a
Staff: Michael C. Baron

PARCEL MAP

FILE NUMBER: P04-0010

OWNER/APPLICANT: Daniel and Lynn Wojcik

AGENT/ENGINEER: Gene E. Thorne and Associates, Inc.

REQUEST: A tentative parcel map creating two parcels 10-acres in size on a 20-acre site (Exhibit B).

Design waiver has been requested for the following:

Allow the creation of two 10 acre parcels with access from Beaver Pond Road, which is a dead-end road exceeding 2,640 feet, and serving more than 24 parcels.

LOCATION: On the south side of Beaver Pond Road, approximately 2.4 miles northeast of the intersection with Latrobe Road in the Latrobe area, Supervisorial District II. (Exhibit A)

APN: 087-200-67

ACREAGE: 20 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to *Section 15270(b)* of the *CEQA Guidelines*

SUMMARY RECOMMENDATION: Denial
Denial of Design Waiver Request

BACKGROUND: This parcel map application was originally submitted November 4, 2004 by Daniel and Lynn Wojcik. It was determined by Planning Services staff that the project could not be processed due to the Writ of Mandate imposed on the County, and was subsequently put *on hold* status. The parcel map application was reactivated and deemed complete for processing on November 10, 2005. However, due to limitations related to El Dorado County Road Standards, the Parcel Map was put *on hold* until the applicant provided Planning Services staff with design waiver requests. A design waiver request was received by Planning Services staff on October 23, 2006 and the *on hold* status was lifted. Due to limitations by the agent to provide adequate design waiver requests, the project was not being processed in a typical project processing timeframe.

STAFF ANALYSIS

Project Description: Proposed parcel map creating two (2) parcels, ten (10) acres in size from one 20 acre parcel. A design waiver has been requested to allow the creation of the two (2) ten (10) acre parcels with access from Beaver Pond Road, which is a dead-end road exceeding 2,640 feet in length, and serves more than 24 parcels. The proposed parcels are 2.1 miles from the nearest County maintained road.

Site Description: The project site is characterized by steeply sloped terrain at an approximate elevation of 650 feet above sea level. Vegetation on the site consists of mostly oak woodlands, chaparral and riparian habitat. Deer creek meanders through the property with relatively undisturbed stretches of riparian woodland. There is an existing residence, tennis court, two wells, and a swimming pool built on the edge of a relatively flat ridge near Beaver Pond Road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Improved Residential
North	RE-10	RR	Improved Residential
South	RE-10	RR	Unimproved Residential, Improved Residential
East	RE-10	RR	Improved Residential
West	RE-10	RR	Improved Residential

General Plan: The General Plan designates the subject site as Rural Residential (RR), which permits a minimum parcel size of 10 acres. The two proposed 10-acre parcels therefore conform to the General Plan land use designation. The following General Plan Policies apply to this project:

POLICY DISCUSSION

Some key issues have been identified with this project that specifically relate to General Plan Policies **5.2.3.4, 5.2.3.5, 6.2.3.2, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.3.4.2, 7.4.2.5, 7.4.4.4 and 5.4.1.2.**

General Plan Policies 5.2.3.4 and 5.2.3.5 relate to the availability of groundwater for parcels located in those areas of the County known to have water supply limitations. In response to this issue, the applicant has provided a well production and water quality analysis in order to show adequate water supply exists for the eventual development of a single-family dwelling on the proposed parcel.

Policy 6.2.3.2 states that as a requirement of new development, the applicant must demonstrate adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. In this case, the existing access for the project serves 33 parcels and is 2.1 miles from a County maintained road. Further, the road width varies anywhere from 14-feet to 18-feet of pavement. The parcel would increase the dangers associated with creating a parcel that is on a dead-end road more than 0.5 mile from a County maintained road and serves in excess of 24 parcels. These existing limitations do not allow for the approval of the project unless a second through road or emergency access could be achieved that would link Beaver Pond Road to a County maintained road at two separate points or provide an 18 foot wide paved road with 10 foot shoulders within a 40 foot wide road right-of-way. These guidelines are outlined in both the El Dorado County Design and Improvement Standards Manual and California Fire Safe Standards and make the parcel map inconsistent with General Plan Policies and infeasible due to excessive costs and topographic limitations to improving Ryan Ranch and Beaver Pond Road. This is discussed in more detail below.

Since the topography of the proposed parcel map varies greatly with some slopes in excess of 30 percent, **Policy 7.1.2.1** applies to this project where the applicant has provided a slope exhibit noting that slopes less than 30 percent exist and a single family dwelling could be constructed without disturbing slopes greater than 30 percent. However, offsite improvements to both Ryan Ranch Road and Beaver Pond Road would require a tremendous amount of offsite grading into slopes that exceed 30 percent.

Deer Creek is a perennial stream that runs through the property. Consistent with **Policies 7.3.3.4, 7.3.3.5, 7.3.4.2, 7.4.2.5, and 5.4.1.2**, any future dwelling units would require a 100 foot setback from the high water mark of the stream. The site plans show the proposed parcel map would create a two 10-acre parcels which would allow for building area that would not encroach within a 100 foot setback from Deer Creek. However, numerous culverts and streams along both Ryan Ranch Road and Beaver Pond Roads would be affected by the offsite road improvements.

As noted in Policy 7.4.4.4, any new ministerial building permit for a new parcel would have to be consistent with Policy 7.4.4.4, but in this case the offsite road improvements required along both Ryan Ranch Road and Beaver Pond Road would require the removal of several oak trees.

In conclusion, the parcel map is consistent with policies relating to biological resources and public services. However, since the access road is a dead-end road more than a 0.5 mile in length serving

more than 24 parcels and not providing an 18-foot wide travel lane with 2-foot shoulders, staff finds that the proposed parcel map is inconsistent with policies requiring adequate access and fire protection.

Zoning: The subject site is zoned Estate Residential Ten-acre (RE-10) which permits a minimum parcel size of ten (10) acres. Therefore, the proposed ten (10) acre parcels conform to existing zoning.

Design and Improvement Standards manual: Volume II Section 3(A)(12) of the Design and Improvement Standards Manual states that 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 extension and the street will not serve more than 24 existing or potential parcels. This policy does not allow for approval of the proposed parcel map. The request would create parcels on a dead-end street that is 2.1 miles from a County maintained road and currently serves 33 parcels.

Design Waiver(s) Discussion: The applicant has requested a design waiver to the requirements contained in the *County of El Dorado Design and Improvement Standards* to allow the creation of two 10 acre parcels with access from Beaver Pond Road, which is a dead-end road exceeding 2,640 feet in length and serves more than 24 parcels. *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.* *Section 16.08.020(A)(2) of the El Dorado County Subdivision Ordinance* requires that four (4) specific findings must be made in order to approve a design waiver. The four (4) findings required for the requested design waivers cannot be made for this project specifically relating to consistency with General Plan policies dealing with access as well as removal of oak tree canopy for road improvements. These four (4) findings are noted in Attachment 2.

Other Issues: The Department of Transportation does not support approval of the parcel map due to inconsistencies with both General Plan Policies and Design and Improvement Standards Manual requirements. The El Dorado County Environmental Management Department has expressed concerns over the availability of water resources in the area. In response, the applicant has provided full well production data for the existing wells on the site. At the time of processing this application it is unknown whether the Environmental Management Department would support approval of the parcel map.

The Latrobe Fire District has provided a letter supporting the applicant's request for the parcel map. However, no conditions have been provided by the Fire District. If the Zoning Administrator remands the project back to staff, then specific comments will be required.

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines allowing an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case the proposed parcel map cannot be approved due to inconsistency with Policy 6.2.3.2.

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 \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.⁰⁰ 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's fish and wildlife resources

RECOMMENDATION

1. Certify that the project is Statutorily Exempt from CEQA pursuant to Section 15270(b) of the CEQA Guidelines; and
2. Deny the project as the required findings cannot be made based on the analysis in the staff report and as noted in Attachment 1.
3. Deny the following design waiver since appropriate findings required in Section 16.40.010 cannot be found to exist:
 - a. Allow the creation of two 10 acre parcels with access from Beaver Pond Road, which is a dead end road exceeding 2,640 feet in length and serves more than 24 parcels.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings for Denial
Exhibit A	Vicinity Map
Exhibit B	Tentative Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Assessor's Map

ATTACHMENT 1

FINDINGS FOR DENIAL

**File Number P04-0010 – Daniel and Lynn Wojcik
May 16, 2007 Zoning Administrator 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 can not be made:

FINDINGS FOR DENIAL

1.0 CEQA Finding

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved.

2.0 Parcel Map Findings

- 2.1 The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District. The proposed parcels do not, however, meet the minimum standard for appropriate circulation and access from a County maintained road as defined under the policies of both the El Dorado County Design and Improvement Standards Manual and California SRA State Fire Safe Regulations, as described in the staff report.

- 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 with regards to water supply and sewage disposal by the Environmental Management Department. However, based on the analysis of site plans, insufficient access and circulation exist to support additional parcels along Beaver Pond Road. Therefore, the project cannot be supported by staff.

- 2.3 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 the Rural Residential Land Use Designation requiring minimum ten (10) acre parcel sizes. County regulations, addressing aesthetics, environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff

report. However, design standards require two points of access and the offsite improvements that would be required would create inconsistency with General Plan Policies 6.2.3.2, 7.1.2.1, and 7.4.4.4. Therefore, the project cannot be supported by staff.

3.0 Findings for Denial of Design Waiver Request

Request to allow creation of two (2) ten acre parcels with access from Beaver Pond Road, which is a dead end road exceeding 2,640 feet in length and serves more than 24 parcels.

3.1 There are special conditions or circumstances particular to the property proposed to be subdivided which would justify the adjustment or waiver.

There are no special circumstances applying to the proposed parcels. The project is located over two miles from a County maintained road and does not meet County standards.

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

The proposed parcels could be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access for emergency services and safety of adjacent property owners in the event of an emergency.

3.3 The waiver 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.

Waiving the requirement for the dead-end road length would not be consistent with County Code and could have the effect of nullifying objectives of Article II.