

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



Agenda of: August 1, 2007
Item No.: 4. b.
Staff: Tom Dougherty

PARCEL MAP

FILE NUMBER: P07-0006

APPLICANT: Ronald and Rosalie Kenzy

REQUEST: A tentative parcel map creating four (4) parcels ranging in size from 2.03 to 3.55 acres on a 10.05 acre site.

LOCATION: On both the east and west sides of Dos Vistas Drive approximately 820 feet northwest of the intersection with Sierrama Drive in the Shingle Springs area, Supervisorial District IV. (Exhibit A)

APN: 070-030-41

ACREAGE: 10.05 Acres

GENERAL PLAN: Medium-Density Residential (MDR) (Exhibit C)

ZONING: Single-family Two-acre Residential (R2A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff; and
2. Approve the Tentative Parcel Map (P07-0006) subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The subject parcel was created by Parcel Map 13-3, a four (4) parcel map which was recorded November 10, 1976. There is an existing single-family dwelling built in 1977 and an existing Temporary Mobile Home (TMA 87-49) since 1987, both located on the

west side Dos Vistas Drive. The Temporary Mobile Home will be removed and that application abandoned prior to recording the final map.

STAFF ANALYSIS

Project Description: Tentative parcel map creating four (4) parcels ranging in size from 2.03 to 3.55 acres on a 10.05 acre site. In order to meet the water pressure requirements, a 6 to 10 inch diameter waterline will be installed for a distance of approximately 600 feet from Sierrama Drive. No trees are proposed to be removed. On-site and off-site portions of Dos Vistas within the subject parcel and south to Sierrama Drive, as well as potential spot improvements to Sierrama Drive to Meder Road, will be improved to County standards as required in the conditions of approval.

Site Description: The site is located on the east and west sides side of Dos Vistas Drive and slopes downward from 0 to 30 percent in some areas to the east and from 0 to 15 percent to the west. The 10.05 acre site is located approximately between the 1,575-foot to 1,630-foot elevations above sea level. The parcel contains Gabbriotic-based soils that typically support a chaparral-type biotic community. The site contains minor amounts of native oak and pines, but is dominated by native shrubs and annual, seasonal grasses.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	MDR	Primary single-family dwelling/second residential unit.
North	R2A	MDR	Single-family dwelling
South	R2A	MDR	Single-family dwelling
East	R2A	MDR	Single-family dwelling
West	R2A	MDR	Single-family dwelling

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR) which permits a minimum parcel size of one (1) acre. Therefore, the proposed 2.03 to 3.55 acre parcels conform to the General Plan land use designation. The following General Plan Policies apply to this project:

Policy 2.1.1.7 directs that development be limited in some cases, until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan. Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The four (4) new parcels would be in keeping with the General Plan intended development pattern expected in a Community Region and would fit into the dominant pattern of parcel development for the area.

Policy 5.7.1.1 directs that applicants demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. There are existing El Dorado Irrigation District (EID) facilities at Dos Vistas Drive, however they are insufficient for the proposed project because they are not of adequate size to deliver the required fire flow. The submitted *Facility Improvement Letter (FIL0706-066)* from EID, dated *July 10, 2006* stated EID can provide water for the proposed parcels, but that an extension of the existing 6-inch waterline from Sierrama Drive would be required in order to meet the required minimum fire flow of 2,000 gallons per minute for adequate fire protection and the additional three equivalent dwelling units (EDUs). The Rescue Fire Protection District had initially requested a ten-inch diameter pipe to be installed but the final diameter size will be the decision of the District in their Wildland Fire Safety Plan review and approval. The El Dorado County Environmental Health Division has reviewed the current application requests along with the submitted percolation tests submitted for all four parcels that were done by Wheeldon Geology in April of 2006 and they determined that the requirements for demonstrating adequate sewage disposal area for each of the proposed parcels has been satisfied.

Policy 6.2.3.2 directs that the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. The El Dorado County Design Improvement Standards Manual requires two (2) passable access points from the subject site to Meder Road to the south and Green Valley Road to the north. Sierrama Drive to the south and Walnut Drive to the north provide the two access roads out and both currently have an average width of 20 feet with asphalt surfaces. Dos Vistas Drive, which provides direct access to the proposed parcels, currently averages 18 feet wide with an asphalt surface. Because there are potentially portions of the roads that do not meet DOT requirements, final review of potentially required spot improvements will be reviewed and approved by Department of Transportation prior to finaling the map.

The El Dorado County Department of Transportation (DOT) recommended Dos Vistas Drive be widened to 24-foot wide on-site and both Dos Vistas and Sierrama Drives 18 feet off-site from the southern parcel boundary to the south all the way to Meder Road. Access to the project parcels is via Dos Vistas Drive which splits the parcel into two sections and would front all four proposed parcels. A grading permit will be required in order for the DOT to review all required road improvements prior to issuance of the final approved parcel map. Upon fulfillment of the DOT conditions, the proposed parcels will have adequate access and evacuation capacity. No trees are anticipated to be removed from the road widening and the majority of the improvements would be minor work to the shoulders.

The ability of the access driveway currently having the potential to be shared by the main single-family dwelling and the second residential unit would end as it would be entirely located within proposed Parcel D. There is an existing encroachment serving the existing single-family dwelling which would be located entirely on newly created Parcel A.

The branch of the DOT that oversees Special Districts, Zone of Benefits and Community Service Associations noted a concern with having the potential future residents resulting from this parcel map use the Walnut Drive Road as a primary access road as the maintenance of that road is covered by the Walnut Drive Zone of Benefit. Of the two potential access routes, the southern

route through Sierrama Drive to Meder Road has been designated by DOT to receive the required road improvements to include widening to 18 feet with two-foot shoulders and will be considered the primary access road. The northern route through Walnut Drive is proposed as a second access but intended to be used for emergency access only. Although occasional use of Walnut Drive may occur, Planning staff has determined that joining that road zone of benefit is not necessary as the primary access will be via Sierrama Drive.

Policy 7.4.1.1 directs that the County provide for the permanent protection of the eight (8) sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with *County Code Chapter 17.71* and the USFWS's Gabbro Soil Plants for the *Central Sierra Nevada Foothills Recovery Plan (USFWS 2002)*. The proposed project is located in El Dorado County plant Mitigation Area 1 of the County's Gabbro soils rare plant preserve program which identifies areas of the County that potentially contain rare plants. The subject parcel is not located within any Ecological Preserve overlay designation. Four (4) species listed as rare were identified within the project area. Further studies may be required by the California Department of Fish and Game or United States Fish and Wildlife Service; however, the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants. The applicant has been advised to contact the other agencies to determine if additional compliance is needed based on their regulations.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards and requires that 90 percent (90%) of the existing oak tree canopy coverage of two percent (2%) for the 10.05 acre parcel be retained. No trees are proposed to be removed as a part of this project proposal. The full discussion of the impacts to both *7.4.1.1* and *7.4.4.4* is contained in *Section IV* in the attached *Initial Study/ Environmental Checklist*

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is zoned Single-family Two-acre Residential (R2A) which permits a minimum parcel size of two (2) acres. The proposed 2.03 to 3.55 acre parcels conform to existing zoning and the development standards of *Section 17.28.340*.

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, therefore, a Mitigated 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 \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes 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 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.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A.....	Vicinity Map
Exhibit B1 and B2.....	General Plan Land Use Map, Community Region Overlay
Exhibit C	Zoning Map
Exhibit D.....	Parcelization Map, (Assessor's Map)
Exhibit E	Parcel Map13-3, recorded November 10, 1976
Exhibit F.....	Tentative Parcel Map
Exhibit G.....	Soils Map
Exhibit H.....	Shingle Springs U.S.G.S. Quadrangle
Exhibits I1, I2 and I3	Site Visit Photos from April 23, 2007
Exhibits J1 and J2	Aerial Photos
Exhibit K.....	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P07-0006
Kenzy Parcel Map

CONDITIONS OF APPROVAL

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit F (tentative parcel map) dated August 1, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow the creation of four (4) parcels ranging in size from 2.03 to 3.55 acres on a 10.05 acre site. All four (4) parcels would be served by public water and on-site septic wastewater systems. The project also includes the extension of a six to ten-inch (6" - 10") diameter waterline from the intersection of Sierrama Drive and Dos Vistas Drive to the site, a distance of approximately 600 feet, and widening of Dos Vistas Drive on-site and potential spot widening of Dos Vistas Drive and Sierrama Drive off-site to the south from the subject parcel.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from Mitigation Measures

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

2. The Rare Plant Mitigation fee, in lieu of on-site mitigation, shall be paid to El Dorado County at the time of issuance of any building permit for any of the four (4) parcels subject to this permit. El Dorado County Building Services will be responsible for

collecting the appropriate fee prior to issuance of any future development permit for any of the four parcels created by the final parcel map.

Planning Services Site Specific and Standard Conditions

3. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
4. 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 disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
5. The existing temporary mobile home subject of Permit TMA 87-49 shall be removed and the permit abandoned prior to recordation of the parcel map.
6. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to recordation of the parcel map.
7. All Planning Services fees shall be paid prior to recordation of the parcel map.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
- The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in *Section 66499.37*.

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

Rescue Fire Protection District

9. The applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester which shall be reviewed and approved by Rescue Fire Protection District and California Department of Forestry prior to recordation of the parcel map. The final diameter size of the pipe for the waterline extension from the existing El Dorado Irrigation District facilities in Sierrama Drive to the subject parcel shall be decided by the District at that time.

El Dorado County Department of Transportation

10. Prior to filing the parcel map the applicant shall widen the on-site portion of Dos Vistas Drive to the Design and Improvements Standards Manual (DISM) standard in effect at the time of improvement plan submittal. The improvements shall be substantially completed, to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
11. Both the primary and secondary off-site accesses shall meet the requirements of *DISM Standard Plan 101C* with an 18 foot road width with 2 foot wide shoulders on each side of the roadway, as required in *Section 3 A) 2) c) ii*, of the DISM. These off-site improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
12. The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the recordation of the parcel map.
13. The applicant shall irrevocably offer to dedicate, the 50 foot wide on-site road and public utility easement for the on-site portion of Dos Vistas Drive, concurrently with the recordation of the parcel map. This offer will be rejected by the County.
14. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site drainage facilities, prior to the recordation of the parcel map.
15. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate

possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the off-site improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.
16. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “Design and Improvement Standards Manual”, the “Grading, Erosion and Sediment Control Ordinance”, the “Drainage Manual”, the “Off-Street Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards.
 17. 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.
 18. Any import, or export of fill material to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
 19. 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.
 20. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
 21. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

22. All survey monuments must be set prior to filing the parcel map.
23. 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 by *Section 16.44.120 (B) (2)* with the legal right to improve that access as required by the County Design Manual, prior to filing the final or parcel map.
24. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the parcel map.
25. 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 P07-0006
Kenzy Parcel Map

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 pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 *Public Resources Code Section 21081.6* requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The proposed tentative map is consistent with the Medium-Density Residential General Plan land use designation.
- 2.2 The proposal, as conditioned, is consistent with the intent of *Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.1.1* and *7.4.4.4* because there are adequate roadways, utilities, and other public service infrastructure available or will be provided, the project fits in with the dominant pattern of development in the direct project vicinity, wildfire hazards are addressed, the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants in Mitigation Area 1 that are not within an Ecological Preserve overlay zone, and no oak trees are proposed to be removed.

3.0 Zoning Findings

- 3.1 The project is zoned Single-family Two-acre Residential (R2A) which establishes a minimum parcel size of two (2) acres. The project would create four (4) parcels ranging in size from 2.03 to 3.55 acres which is consistent within the R2A Zone District. The project is consistent with the development standards of *Section 17.28.340* of the R2A Zone District for minimum parcel width of 100 feet and parcel area of two (2) acres.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Single-Family Two-acre Residential (R2A) Zone District and there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses needed by the parcels.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities or have been conditioned to have them to support the residential uses.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roads require minor widening, and supporting utilities exist or will be brought to the site and the impacts from all other required improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.