

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



**Agenda of:** October 3, 2007  
**Item :** 4.a.  
**Staff:** Tom Dougherty

## PARCEL MAP

**FILE NUMBER:** P07-0011

**APPLICANT:** Gregory and Tammy Garrett

**REQUEST:** A tentative parcel map creating two (2) parcels ranging in size from 5.0 to 5.78 acres on a 10.78-acre site, with a design waiver request to allow a driveway to access Parcel 2.

**LOCATION:** On the east side of Starbuck Road approximately 0.2 mile south of the intersection with Farview Drive in the Rescue area, Supervisorial District IV. (Exhibit A)

**APN:** 102-231-66

**ACREAGE:** 10.78

**GENERAL PLAN:** Low-Density Residential (LDR), Ecological Preserve (EP) (Exhibit C)

**ZONING:** Estate Residential Five-acre (RE-5) (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.
2. Approve the Tentative Parcel Map P07-0011 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.
3. Approve the following design waiver since appropriate findings have been made as noted in Attachment 2:
  - a. Allow a driveway to access Parcel 2.

**BACKGROUND:** The subject 10.78-acre parcel was originally created in July of 1967 and has been adjusted over the years with boundary line adjustments. The current parcel size is the most recent modification and occurred subject to Boundary Line Adjustment (BLA 04-0061) which was finalized on September 24, 2004. There is an existing single-family dwelling built in 1966 and an existing second residential unit and attached garage constructed in 2002, both located on Proposed Parcel 1. The existing primary single-family dwelling will be located approximately 43 feet from the proposed shared parcel boundary.

**STAFF ANALYSIS**

**Project Description:** The applicant requests approval of a tentative parcel map creating two parcels ranging in size from 5.0 to 5.78 acres on a 10.78-acre site. A vehicular access restriction would be put on the existing driveway and on the entire length of any new driveway that will allow access to Parcel 2. Access to Parcel 1 would be from the northern most existing encroachment only and access to Parcel 2 will be from the southern most existing encroachment only onto Starbuck Road.

**Site Description:** The western portion of the parcel is developed with one primary and one secondary single-family residences and associated landscaping, accessory buildings and supporting utility and access infrastructure. The 10.78-acre site is located at the 1,445 foot to 1,480 foot elevation above sea level. The eastern portion of proposed Parcel 2 contains Gabbroitic-based soils that typically support a chaparral-type biotic community and is dominated by a chaparral shrub-based community. The rest of the subject parent parcel is a combination of trees and shrubs and annual, seasonal grasses typical of blue oak-foothill pine habitat type. There is a seasonal drainage running through the western portion of proposed Parcel 2 and draining from north to south that essentially begins at Farview Drive. That drainage has a ponding area on proposed Parcel 2 just before it exits offsite to the south. The only riparian vegetation observed by staff was on the southern portion of the dam. The watercourse itself is devoid of riparian vegetation.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE-5	LDR/EP	Primary single-family dwelling/second residential unit.
<b>North</b>	RE-10	LDR/EP to northwest RR/EP to northeast	Single-family dwellings, (three 7 to 10-acre parcels)
<b>South</b>	RE-5	LDR/EP	Single-family dwellings, (three 2 to 3.2-acre parcels)
<b>East</b>	RE-5	LDR/EP	Single-family dwelling. (one 5-acre parcel)
<b>West</b>	RE-5	LDR/EP	Single-family dwelling, (one 2-acre parcel)

**General Plan:** The General Plan designates the subject site as LDR/EP. Low-Density Residential (LDR) which permits a minimum parcel size of five acres. The proposed 5 to 5.78-acre parcels therefore conform to the General Plan land use designation of LDR. The purpose of

the Ecological Preserve (EP) overlay designation is to identify those properties in public or private ownership which have potential to be established or have been established as habitat preserve areas for rare or endangered plant and animal species and/or critical wildlife habitat and/or natural communities of high quality or of Statewide importance. The full discussion of the impacts of this project proposal related to the EP Overlay designation is discussed below in relation to Policy 7.4.1.1 and further in section IV in the Initial Study/ Environmental Checklist attached as Exhibit L. 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. The access encroachments exist for both parcels and the new driveway to be constructed in the future for access to Parcel 2 will be further analyzed by Building Services and Rescue Fire Protection District when a building or grading permit is submitted. Power and phone are available onsite. The site and soil analysis and percolation tests were reviewed by the El Dorado County Environmental Health Division and it was determined that the requirements for demonstrating adequate sewage disposal have been satisfied for both proposed parcels. Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The two new 5-acre parcel creations would be in keeping with the General Plan intended development pattern expected in lands designated as Low-Density Residential and would fit into the dominant pattern of parcel development for the area.

Policy 5.7.1.1 directs that applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. The project will be required to meet the required minimum fire flow requirements of the Rescue Fire Protection District which will be reviewed and approved by them as they review and approve the required Fire Safe plan.

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. Starbuck Road currently meets Fire Safe standards for width and surfacing. Rescue Fire Protection District requires final approval of the Fire Safe Plan prior to final map approval. Upon fulfillment of the approved Fire Safe Plan, the proposed parcels will have adequate access and emergency evacuation capabilities.

Policy 7.4.1.1 directs that the County shall provide for the permanent protection of the eight 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 0 of the County's Gabbro soils rare plant preserve program which identify areas of the County that potentially contain rare plants. The subject parcel is also located within the Ecological Preserve overlay zone. One species listed as rare in the El Dorado County General Plan was 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.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards and requires that 85 percent of the existing oak tree canopy coverage for the 10.78-acre project area be retained as a result of the “Arborist Survey,” dated March 21, 2007 which reported a 35 percent El Dorado County native oak tree coverage. No trees are proposed to be removed as 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 Estate Residential Five-acre (RE-5) which permits a minimum parcel size of five acres. The proposed 5.0 to 5.78-acre parcels conform to existing zoning and the development standards in section 17.28.210 for minimum lot width of 100 feet and minimum parcel size of five acres.

### **Design Waiver**

#### A. Allow a driveway to access Parcel 2.

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

Discussion: Alternative access to proposed Parcel 2 on Farview Drive would involve introducing an eighteen-foot wide road to the parcel which would allow unwanted public access and require acquisition of lands through a neighboring parcel with a 20-foot wide easement, none of which are desirable to the surrounding residents or the applicant. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create irregular shaped parcels exceeding the required 3 to 1 ratio because they must remain 5 acres or more in size. The new parcel with a driveway standard would remain in standard rectangular shapes which would conform to the dominant pattern of the parcels surrounding them, and they would use an existing encroachments and not introduce any new undesirable impacts to the existing road system or to the existing neighbors.

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

Discussion: Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would create irregular shaped lots that exceed the 3 to 1 ratio and introduce new public access and road improvements that are not desired by any of the parcel owners involved for access from Farview Drive.

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.

Discussion: Allowing a parcel to use a driveway standard access road for exclusive access to Parcel 2 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

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.

Discussion: The approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

## **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 in the areas of impacts to rare plants, cultural resources and fire safety. Staff has determined that significant effects of the project on the environment have been mitigated 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	General Plan Land Use Map
Exhibit B2	Ecological Preserve Overlay
Exhibit C	Zoning Map
Exhibit D1	Parcelization Map, (Assessor's Map for the subject parcel)
Exhibit D2, D3	Parcelization Map, (Assessor's Map for surrounding parcels.)
Exhibit E	Record of Survey 29/142, recorded February 7, 2007
Exhibit F	Tentative Parcel Map, dated March, 2007
Exhibit G	Soils Map
Exhibit H	Shingle Springs U.S.G.S. Quadrangle
Exhibits I1, I2, I3, I4	Site Visit Photos from May 21, 2007 and August 8, 2007
Exhibits J1 and J2	Aerial Photos
Exhibit K	Environmental Checklist and Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

File Number P07-0011 -Garrett Parcel Map  
October 3, 2007 Zoning Administrator Hearing

### **CONDITIONS OF APPROVAL**

#### **Planning Services**

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 October 3, 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 two parcels ranging in size from 5.00 to 5.78 acres on a 10.78-acre site. Both parcels would be served by private wells and onsite septic wastewater systems. Access to Parcel 1 will be from the northern most existing encroachment only (labeled as "A") and access to Parcel 2 will be from the southern most existing encroachment only onto Starbuck Road (labeled as "B") in Exhibit F. A vehicular access restriction will be put on the existing driveway to prevent access to Parcel, as well the whole length of the driveway to Parcel 2 on the north side of it.

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 the Mitigated Negative Declaration**

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 Parcel 2 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 Parcel 2 shown in Exhibit F 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 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 final parcel map.
6. All Planning Services fees shall be paid prior to recordation of the final parcel map.
7. 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**

8. 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 final parcel map.

**El Dorado County Department of Transportation**

9. The applicant shall irrevocably offer to dedicate the 30 foot wide on-site road and public utility easement for the on-site portion of Starbuck Road, in fee, with the recordation of the parcel map. This offer will be accepted by the County.
10. The applicant shall designate a 25 foot wide ingress and egress easement for the on-site access driveway serving Parcel 2, with the recordation of the parcel map.
11. A vehicular access restriction (VAR) shall be placed along the 25 foot ingress and egress easement along the entire on-site portion of Parcel 1, with the recordation of the parcel map. This easement shall be restricted for access use serving Parcel 2.

**El Dorado County Office of the County Surveyor**

12. All survey monuments must be set prior to filing the Parcel Map.
13. 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.
14. 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 P07-0011 -Garrett Parcel Map  
October 3, 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 be made:

#### **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 The Zoning Administrator finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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.
- 1.4 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, as conditioned and mitigated, is consistent with the Low-Density Residential General Plan land use designation and Ecological Preserve (EP) Overlay.
- 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 and 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 and the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants in Mitigation Area 0 that are not within the U.S. Fish and Wildlife Service's Recovery Plan and no El Dorado County native oak trees are proposed to be removed.

### **3.0 Zoning Findings**

- 3.1 The project is zoned Estate Residential 5-acre (RE-5) which establishes a minimum parcel size of 5 acres. The project would create two parcels ranging in size from 25.0 to 5.78 acres which is consistent within the RE-5 zone district. The project is consistent with the development standards of Section 17.28.210 of the RE-5 zone district for minimum lot width of 100 feet and minimum parcel size of five 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 Estate Residential 5-Acre (RE-5) 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 driveways to both parcels have existing encroachment and are all or partially completed, 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.

### **5.0 Design Waiver Findings**

- 5.1.0 Allow a driveway standard for access to Parcel 2.
- 5.1.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because Alternative access to proposed Parcel 2 on Farview Drive would involve introducing an eighteen-foot wide road to the parcel which would allow unwanted public access and require acquisition of lands through a neighboring parcel with a 20-foot wide easement, none of which are desirable to the surrounding residents or the applicant. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create parcels exceeding the required 3 to 1 ratio because they must remain 5 acres or more in size. The new parcel with a driveway standard would remain in standard rectangular shapes which would conform to the dominant pattern of the parcels surrounding them, and they would use an existing encroachments and not introduce any new undesirable impacts to the existing road system or to the existing neighbors.
- 5.1.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County

subdivision design and improvement standards would create String bean lots that exceed the 3 to 1 ratio and introduce new public access and road improvements that are not desired by any of the parcel owners involved for access from Farview Drive..

- 5.1.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for exclusive access to Parcel 2 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.1.4 **This 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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.