

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



**Agenda of:** January 16, 2008  
**Item No.:** 4.b.  
**Staff:** Thomas A. Lloyd

**PARCEL MAP**

**FILE NUMBER:** P07-0009

**APPLICANT:** Richard and Vivian Humphrey/Patterson Development

**REQUEST:** A tentative parcel map creating three parcels 5.005 to 10.078 acres in size from a 20.089 acre site (Exhibit E), and a design waiver allowing for an 18-foot road width.

**LOCATION:** On the northwest side of South Shingle Road, at the intersection with Crooked Branch Road in the Shingle Springs area, Supervisorial District II (Exhibit A).

**APN:** 109-311-74 (formerly 109-311-25 & 109-311-26) (Exhibit D).

**ACREAGE:** 20.089

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

**ZONING:** Estate Residential 5-acre (RE-5) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**RECOMMENDATION:**

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study; and
2. Approve Parcel Map P07-0009 as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the conditions in Attachment 1; and

3. Approve the requested design waiver as the required findings can be made as noted in Attachment 2.

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the parcel map request and issues for Zoning Administrator consideration are provided in the following sections.

**Project Description:** The parcel map would create three parcels from a 20.089 acre site. Proposed Parcels 1 and 2 would be 5.005 acres each, while Proposed Parcel 3 would be 10.079 acres. The proposed parcels would access private driveways encroaching onto Crooked Branch Road. Additionally, the applicant is requesting a design waiver to allow a reduced width requirement of 18 feet of surfacing with 3-foot gravel shoulder for Crooked Branch Road.

**Site Description:** The project site lies at an approximate average elevation of 1,380 feet above mean sea level. The easternmost portion of the parcel is the lowest point at approximately 1,340 feet above mean sea level, whereas the northwest corner rises to about 1,410 feet. Oak woodland habitat covers approximately 16 percent of the parcel. An excavated pond and riverine seasonal wetland direct surface water from west to east, then under South Shingle Road through a culvert. The subject parcel has been improved with a single family residence and an appurtenant utility/storage building. As proposed, each of the three parcels could be developed with single-family residences and, potentially, second residences and accessory structures.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR-IBC	Single family residence
<b>North</b>	RE-5	LDR-IBC	Single family residence
<b>South</b>	RE-5	LDR-IBC	Single family residence
<b>East</b>	RE-5	LDR-IBC	Single family residence
<b>West</b>	RE-5	LDR-IBC	Single family residence

The project parcel is bounded on all sides by residential uses. The project would create three residential parcels in a residential setting, and would not create conflicts with the surrounding land uses.

**Project Issues:** Discussion items for this project include rare and endangered plants, wetland areas, Cultural Resources, road improvements as required by the Department of Transportation, septic capability of proposed parcels, and oak tree canopy removal. Discussion of each project issue is further discussed in detail below:

Rare and Endangered Plants: The project lies within Mitigation Area 2 where any disturbance to rare and endangered plants would be mitigated through the County’s rare plant mitigation fees which are assessed through the building permit process. While the payment of fees satisfies the County’s requirements for mitigation of the impacts to the rare plants, additional permits may be required by State and Federal agencies. As a part of the County’s distribution process of projects, State and Federal agencies are notified and may comment on the adequacy of the County’s environmental document prepared for the project.

Cultural Resources: A pedestrian archeological survey was completed by Historic Resource Associates for this parcel. This survey found no significant prehistoric or archaeological sites, features, or artifacts, nor any historic buildings, structures, or objects in the project area. From this survey, it was determined that no further archival or field study is required.

Road Improvements: The Department of Transportation has reviewed the project and has determined that, with the required road improvements, the project would not significantly affect the transportation system. The Department of Transportation provided conditions of approval that would ensure consistency with County policies and procedures with regard to grading, drainage, and design standards required for any roadway improvements.

Septic Capability: Percolation data was provided for this project in coordination with the County’s Environmental Management Department. Currently, only proposed parcel 3 has a permitted septic system. Percolation tests for parcels 1 and 2 suggest adequate and suitable soils to for septic disposal. Any future building permits would require further consultation and evaluation by Environmental Management Department in order to adjust the final design of any septic system.

Oak Tree Canopy: A site evaluation and subsequent report (*Biological Resources Study*, Foothill Associates, June 21, 2007) determined that a total of 16 percent of oak canopy is located on the entire 20.089 acre site. As shown in Table 1, the 16 percent of existing oak canopy coverage requires 90 percent retention pursuant to General Plan Policy 7.4.4.4. As each of the proposed parcels will have adequate developable area, no oak trees will be removed. At 100 percent, overall canopy retention shown in Table 1 exceeds the provisions of Policy 7.4.4.4.

<b>TABLE 1: Tree Canopy Summary</b>				
<b>Proposed Parcel</b>	<b>Oak Canopy (%) Pre-Project</b>	<b>Oak Canopy (%) Post-Project</b>	<b>Proposed Project Retention (%)</b>	<b>7.4.4.4 Retention Standard (%)</b>
Parent Parcel	16	16	100	90

**General Plan:** As required under General Plan **Policy 2.2.1.2** the Low Density Residential (LDR) Land Use Designation requires parcel sizes to range from 5 to 10 acres. The proposed parcels would create three lots that are a minimum of 5 acres therefore, conforming to General Plan **Policy 2.2.1.2**. General Plan **Policy 7.1.2.1** does not allow development on slopes greater than 30 percent. As shown on the slope map (Exhibit F), the proposed parcel map would create parcels with adequate building area. **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. Other parcels in the neighborhood are developed with single-family residential

structures. As such, the new parcels and their intended residential use would be consistent with the intended development pattern of the General Plan. Analysis of the proposed project by the Department of Transportation has concluded that the proposed parcel map does not exceed any of the minimum requirements listed under **Policy TC-X. Policies 5.2.3.5 and 5.3.1.2** prohibit the creation of parcels less than 5 acres when the parcels rely on both onsite sewage disposal systems and water wells. The proposed parcel map would be served by individual septic systems and groundwater wells for each of the proposed lots though currently only proposed parcel 3 has a permitted septic system and well. Again, with 5 acre minimum parcels, the proposed project would be consistent with applicable General Plan policies. No oak canopy is slated for removal. This is confirmed by a tree canopy exhibit provided by the applicant and assures that the retention standards required under **Policy 7.4.4.4** will be met.

**Conclusion:** The parcel map would create three residential parcels that are consistent with the requirements for parcel sizes with the Low Density Residential Land Use Designation. As discussed above, adequate public services, infrastructure, and fire protection exist that would support the additional residential density. Staff finds the project is consistent with the General Plan.

**Zoning:** As proposed, this project meets the regulations established by the Zoning Ordinance and does not request deviations from the development standards established for the Estate Residential 5-acre (RE-5) Zone District. Each new parcel provides adequate site area for current and/or future development. The standard for the required minimum 100-foot lot width and road frontage are met under this proposal. Any future development on the proposed parcels would be established in conformance with the development standards required under the Residential 5-acre (RE-5) Zone District.

**Conclusion:** As proposed, the parcels would be consistent with the minimum parcel size and development standards of the Residential 5-acre (RE-5) Zone District. Therefore, staff finds the project is consistent with the Residential 5-acre (RE-5) Zone District.

**Design Waiver:** One design waiver has been requested as follows:

1. Allow a reduced width requirement of 18 feet of surfacing with 3-foot gravel shoulder for the existing roadway, Crooked Branch Road.

**Discussion:** The existing street frontage is adequate for the area it serves, is on an engineered alignment, and is paved. Further, the existing roadway exceeds current firesafe standards, and is maintained through an agreement by residents. As such, the Department of Transportation has reviewed the Design Waiver and recommends approval.

## **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, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Negative Declaration has been prepared.

**NOTE:** This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,800.<sup>00</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.<sup>00</sup> processing fee, shall 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 State's fish and wildlife resources.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Assessor's Map
Exhibit E .....	Tentative Parcel Map
Exhibit F .....	Slope Map/Tree Canopy Analysis
Exhibit G .....	Environmental Checklist and Discussion of Impacts

## **ATTACHMENT 1 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 E (Tentative Parcel Map) dated January 16, 2008, 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 would constitute a violation of permit approval.

The project description is as follows:

A request for a tentative parcel map, creating three parcels 5.005, 5.005, and 10.079 acres in size from a 20.089 acre site. The proposed parcels would access private driveways encroaching onto Crooked Branch Road. A design waiver allows a reduced width requirement of 18 feet of surfacing with 3-foot gravel shoulder for Crooked Branch Road.

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.

2. 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 subdivider 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 subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.
3. Prior to processing the final map by the County Recorder, all Development Services processing fees for the tentative parcel map application shall be paid in full.

4. The tentative parcel map shall remain valid for a period of three years from the date of approval unless, prior to expiration of the map, the applicant files for a time extension.
5. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to *Section 16.12.090* of the *El Dorado County Subdivisions Ordinance*, to the El Dorado County Parks and Recreation Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing the parcel map

### **Department of Transportation**

6. The applicant shall irrevocably offer to dedicate a 30-foot wide road and public utility easement for the on-site portion of Crooked Branch Road prior to filing the parcel map. This offer will be rejected by the County.
7. The applicant shall irrevocably offer to dedicate a 30-foot wide road and public utility easement for the on-site portion of South Shingle Road prior to filing the parcel map. This offer will be accepted by the County.
8. The applicant shall form and/or verify the existence of an entity, to the satisfaction of the Department of transportation, responsible for the maintenance of all on-site drainage facilities prior to filing the parcel map.
9. The applicant shall construct the driveway encroachments onto Crooked Branch Road to the provisions of DISM Standard Plan 103B-1. The improvements shall be substantially completed to the approval of the Department of Transportation prior to filing the parcel map, or the applicant shall obtain an approved improvement agreement with security, prior to filing the parcel map.
10. A 5-foot non-vehicular access restriction shall extend along project frontage from proposed roadway encroachment to South Shingle Road, and shall be shown on the parcel map.
11. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

12. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the Parcel Map.
13. If site improvements are to be made, 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.
14. 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.
15. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
16. 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.
17. For projects that disturb more than one acre of land area (43,560 square feet), at the time that an application is submitted for improvement plans or a grading permit, the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
18. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
19. Traffic impact fees shall be paid when applying for any applicable building permits, and shall be the traffic impact fees in effect at the time the building permit is deemed complete.

### **El Dorado County Fire Protection District**

20. Minimum fire flow required for the project is 1000 gpm at 20 psi for two hours with additional hydrants. The applicant shall provide documentation from the Fire District showing adequacy of the system, prior to filing the parcel map.
21. In place of fire flow and hydrant requirements of Condition 20 above, the applicant may enter into a deed restriction for parcels 1 and 2 only for a “Fire District approved NFPA 13D Fire Sprinkler System with 3000 gallons of water storage for all new structures” prior to filing the parcel map.
22. Prior to filing the parcel map, the existing home on Parcel 3 shall have a Fire District approved, 3000 gallon storage tank within 500 feet of the residence.
23. Prior to filing the parcel map, proof of a CDF and County Fire District approved Fire Safe Plan shall be required.
24. Prior to filing the parcel map, all existing non-conforming access roads serving the project shall, at a minimum, meet Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads. Department of Transportation standards may be more stringent and, if so, shall supersede these requirements.

### **El Dorado County Air Quality Management District**

25. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
26. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials. The proposed project is within the Asbestos Review area. Therefore, the District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all road and driveways.

27. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (**Rule 300 Open Burning**).
28. The project construction will involve the application of architectural coating, which shall adhere to **District Rule 215 Architectural Coatings**.
29. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, standby generators, etc.), authority to construct applications shall be submitted to the District. Submittal of application shall include facility diagram(s), equipment specifications and emission factors.

### **Environmental Management**

30. The applicant shall submit a current well report. Environmental Management shall review and approve the report prior to filing the parcel map.

### **County Surveyors Office**

31. All survey monuments shall be set prior to filing the parcel map.
32. 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), prior to filing the parcel map.
33. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on the map by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

## **ATTACHMENT 2 FINDINGS**

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 should be made:

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA Findings**

- 1.1** El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2** No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 ADMINISTRATIVE FINDINGS**

##### **2.1 The proposed parcel map conforms to the El Dorado County General Plan;**

The proposed tentative map is consistent with the Low-Density Residential (LDR) General Plan land use designation.

The proposal, as conditioned, is consistent with the applicable policies of the General Plan, including **2.2.2.3(A)**, **2.2.5.2I**, **5.2.3.5**, **5.3.1.2**, **5.7.1.1**, **6.2.3.2**, **7.4.1.1** and **7.4.4.4** because the division would be compatible with the base land use designation, 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, no parcels less than 5 acres which rely on both onsite sewage disposal systems and water wells will be created, and no oak trees are proposed to be removed.

**2.2 The parcel map conforms to the El Dorado County Zoning Ordinance;**

The project site is zoned Estate Residential Five-acre (RE-5). The parcel map would create parcels which would be consistent with the minimum parcel size requirements and the development standards of the RE-5 Zone District.

**3.0 Parcel Map Findings**

**3.1 That the proposed tentative map is consistent with applicable general and specific plans;**

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative parcel map is consistent with the policies of the General Plan, as described in the staff report

**3.2 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;**

The Department of Transportation and the El Dorado County Fire Protection District have reviewed the existing road conditions and have determined that the existing improvements would provide adequate access. The proposed parcels provide adequate area to meet the development standards of the RE-5 Zone District.

**3.3 The site is physically suitable for the proposed type and density of development;**

While each of the three parcels contain some combination of oak canopy, riparian and wetland area, and slope, sites do exist that would provide area for adequate residential development. Future development would be consistent with applicable General Plan policies and Zoning Ordinance requirements.

**3.4 The design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;**

No riparian features would be affected as a part of the project and no sensitive species would be impacted as determined by the Negative Declaration prepared by staff.

**4.0 Design Waiver Findings**

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

Widening of this portion of Crooked Branch Road would not positively affect the operational characteristics of the road. Currently, the road is covered with 18 feet of paving and has a 3-foot gravel shoulder. Further, it is located on an engineered alignment, and has a low gradient. This road is also maintained through a common homeowner's agreement. The Department of Transportation has reviewed the Design Waiver and recommends approval.

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

As Crooked Branch Road is already well maintained through a common agreement among several property owners, and currently meets firesafe requirements, widening or further improving the road would cause unnecessary hardship for the developer and, potentially, to other participants in the maintenance agreement.

**4.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

While the project will create two additional parcels, neither the Department of Transportation nor the El Dorado County Fire Protection District have expressed concern with the current road width as it meets firesafe regulations, nor the proposed Design Waiver which will leave the road unchanged. As such, it can be found that the project will not be injurious to adjacent properties, nor to the public.

**4.4 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.**

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 it is only to allow an 18-foot wide road surface. This road currently meets the intent of the SRA Fire Safe Regulations.