

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



Agenda of: January 16, 2008

Item No.: 4.a.

Staff: Thomas A. Lloyd

PARCEL MAP

FILE NUMBER: P07-0024

APPLICANT: James and Charlene Williams

AGENT: Larry A. Patterson, P.E., Patterson Development

REQUEST: A tentative parcel map creating three parcels 5.031 to 7.36 acres in size from a 17.49 acre site (Exhibit E), and design waiver to allow the onsite portion of Davidson Road to be maintained as a 20-foot width paved roadway.

LOCATION: On the north side of Davidson Road, approximately 900 feet east of the intersection with Greenstone Road in the Placerville area (Exhibit A). Supervisorial District III.

APN: 319-190-08 (Exhibit D)

ACREAGE: 17.49

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

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study; and

2. Approve parcel map P07-0024 as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the conditions itemized 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 permit requests and issues for Zoning Administrator consideration are provided in the following sections.

Project Description: The parcel map would subdivide a 17.49 acre parcel into three parcels, ranging in size from 5.031 to 7.36 acres, from a 17.49 acre site. The proposed parcels would access private driveways encroaching onto Davidson Road (Parcel 1) and Great House Lane (Parcels 2 and 3). Additionally, the applicant is requesting a design waiver to allow the existing onsite portion of Davidson Road to remain 20 feet in width. The existing roadway is paved at an approximate width of 20 feet.

Site Description: The project site lies at an approximate average elevation of 1,500 feet above mean sea level. The northeast portion of the parcel is the lowest point at approximately 1,470 feet above mean sea level, whereas the southwest corner rises to about 1,565 feet. Oak woodland habitat covers approximately 42 percent of the parcel. The three proposed parcels are covered with oak canopy of 19, 41, and 77 percent, respectively. The subject parcel has been improved with a number of structures. These include a single-family dwelling, a temporary mobile home, a second residence, and numerous utility buildings. As proposed, each of the three residences (i.e. the single family home, the temporary mobile home, and the second residence) will be located on individual parcels.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-IBC	Single Family Residence, temp mobile home, second residence
North	RE-5	LDR-IBC	Single family residence
South	RE-5	LDR-IBC	Single family residence
East	RE-5	LDR-IBC	Single family residence
West	RE-5	LDR-IBC	Undeveloped

The project parcel is bounded on three of four sides by residential uses, with the fourth having the potential for development. 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: An archeological survey was completed by Historic Resource Associates for this parcel. This survey indicated a low possibility of identifying Native American Artifacts and a low possibility of identifying historic-period cultural resources in the project area. Based on the archeological survey results, 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 and reviewed by the County’s Environmental Management Department. Each of the three proposed parcels currently has a permitted septic system, indicating 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 Removal: A site evaluation and subsequent report (*Final Biological Resources Study and Important Habitat Mitigation Program*, EN2 Resources, Inc., April 13, 2007) determined that a total of 42 percent of oak canopy is located on the entire 17.49 acre site. As shown in Table 1, the 42 percent of existing oak canopy coverage requires 80 percent retention pursuant to General Plan Policy 7.4.4.4. Overall canopy removal shown in Table 1 is consistent with the retention provisions of Policy 7.4.4.4.

TABLE 1: Tree Canopy Summary				
Proposed Parcel	Oak Canopy (%) Pre-Project	Oak Canopy (%) Post-Project	Proposed Project Retention (%)	7.4.4.4 Retention Standard (%)
<i>Parent Parcel</i>	42	37	89	80

TABLE 1: Tree Canopy Summary cont.				
Parcel 1	19	17 (19)*	86 (100)*	90
Parcel 2	41	41	100	80
Parcel 3	77	64	83	70

* With approval of the requested design waiver, no additional oak canopy removal would be required for on-site road improvements, and numbers would increase to parenthetical values.

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. 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**. The proposed parcel map would provide public water and individual septic systems for each of the proposed lots. Each of the three proposed parcels has a permitted septic system. As such, Environmental Management had no comment on the project. Based on a tree canopy exhibit, provided by the applicant, it should be concluded that any oak canopy removal required for building residential structures and driveway improvements on the site would not exceed the retention standards required under **Policy 7.4.4.4**.

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 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 the existing onsite portion of Davidson Road to be unimproved. The existing roadway is paved at an approximate width of 20 feet.

Discussion: The existing frontage of the parcel is 183 feet. Widening of this portion of Davidson Road would not positively affect the operational characteristics of the road. Further, as there is no easement along the southerly shoulder of the road, widening, or further improving the road would result in the removal of three oak trees, varying in width from 30 to 36 inches. 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 \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ 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
Exhibit G	Tree Canopy Analysis
Exhibit H	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER P07-0024

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 tentative parcel map, creating three parcels 5.031 to 7.36 acres in size from a 17.49 acre site. The parcels would access private driveways encroaching onto Davidson Road (Parcel 1) and Great House Lane (Parcels 2 and 3). A design waiver allowing the existing onsite portion of Davidson Road to remain as is. The existing roadway is paved at an approximate width of 20 feet.

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 filing 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. Prior to filing the parcel map, the existing temporary mobile home, subject of Permit TMA 98-0010, shall either be removed and the permit abandoned, or shall be converted to the primary residence through all necessary permits and fees.
6. Prior to filing the parcel map, the applicant shall provide Planning Services with a meter award letter or similar assurance from the El Dorado Irrigation District.
7. 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

8. Davidson Road shall be improved per DISM 101C, with a minimum gravel shoulder width of 2-feet. The 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 filing the parcel map.
9. Greathouse Lane shall be improved per DISM 101C, with a minimum roadway width of 18-feet with shoulders. The 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 filing the parcel map.
10. The applicant shall construct the residence driveway encroachments that will access the on-site roadway to the provisions of DISM 103B-1. The 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 filing the parcel map.
11. The applicant shall construct encroachment from Greathouse Lane to Davidson Road to the provisions of DISM 103D. The 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 filing the parcel map.

12. Per the DISM Section 3.B.2, street shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 70 degrees. Provide bearings on the centerline of proposed roadway to show said condition is met.
13. The applicant shall irrevocably offer to dedicate the 30 foot wide on-site road and public utility easement for the on-site portion of Davidson Road, prior to filing the parcel map. This offer will be accepted by the County.
14. The applicant shall provide a 60-foot wide non-exclusive road and public utility easement through the onsite portion of Greathouse Lane.
15. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Davidson Road and Greathouse Lane, prior to filing the parcel map.
16. 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.
17. If the subdivider is required to perform off-site improvements and 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 commence 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 Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite 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 certified appraiser of the cost of land necessary to complete the off-site improvements.
 - d. Completed CEQA analysis.

18. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.
19. 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.
20. 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.
21. 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.
22. 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.
23. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
24. 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.
25. This project disturbs 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.

26. 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.
27. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Diamond Springs-El Dorado Fire Protection District

31. Minimum fire flow required for the project is 1,500 gpm at 20 psi for two hours for any residential unit larger than 3,600 square feet. If the square footage is below 3600 square feet, the minimum fire flow will be 1,000 gpm at 20 psi for 2 hours. The applicant shall provide documentation from EID and the Fire District to show adequacy of the system, prior to filing the parcel map.
32. Projects which do not meet these fire flow requirements found in Condition 31 shall enter into a deed restriction requiring a NFPA 13D residential sprinkler system with 3,000 gallons of water storage, approved by the Fire District.
33. This project shall meet the requirements of California Public Resources Code 4291.

El Dorado County Air Quality Management District

34. 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 (PM₁₀) 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.

County Surveyors Office

35. All survey monuments shall be set prior to filing the parcel map.
36. 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

FILE NUMBER P07-0024

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 Parcel Map Findings

- 2.1 **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 on pages 3 and 4 of the staff report.

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

The Department of Transportation and the Diamond Springs-El Dorado Fire Protection District have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. With three existing, permitted systems, all three parcels would provide adequate septic area. The proposed parcels provide adequate area to meet the development standards of the RE-5 Zone District.

- 2.3 **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.

3.3 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;

The required road improvements would not result in significant impacts to the environment or wildlife. 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.

The existing frontage of the parcel is 183 feet. Widening of this portion of Davidson Road would not positively affect the operational characteristics of the road. Further, widening or further improving the road would result in the removal of three oak trees, varying in width from 30 to 36 inches. 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.

Widening this portion of Davidson Road would require the removal of three oak trees varying in width from 30 to 36 inches, thus subjecting the parcel to the replanting requirements of General Plan Policy 7.4.4.4. Otherwise, no oak trees are proposed to be removed from Parcel 1.

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, traffic increases will be negligible as the two additional parcels are currently developed. Along with the frontage improvements consistent with 101C standards, 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.

The project improvements will be consistent with the minimum road standards of the Fire Safe Regulations. The project will improve the existing 20 foot paved access roads with 2-foot shoulders.