

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



**Agenda of:** April 2, 2008  
**Item No.:** 4.b.  
**Staff:** Michael C. Baron

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P06-0034

**APPLICANT:** Robert Granade

**ENGINEER:** Carlton Engineering

**REQUEST:** The project would include a request for a Tentative Parcel Map to create 2 parcels each 5 acres in size on a 10-acre site (Exhibit B).

A Design Waiver has been requested for the following:

a. A Design Waiver has been requested to allow driveway access to Parcel B without frontage on a public street.

**LOCATION:** On the west side of Crooked Mile Court at the intersection with Shoreline Drive in the Rescue area, Supervisorial District IV (Exhibit A).

**APN:** 105-160-59

**ACREAGE:** 10 acres

**GENERAL PLAN:** Low Density Residential-Platted Lands (LDR-PL) (Exhibit B)

**ZONING:** Residential 5-Acre (RE-5) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Conditionally Approve

**BACKGROUND:** This Parcel Map application was submitted on August 22, 2006 by Robert Grenade. Initially, the project was deemed complete, however due to access and oak canopy issues the project was placed on hold. A new oak canopy analysis was provided and the project has been able to move forward. The 10-acre parcel was created by Parcel Map P74-117 and was

approved on June 24, 1974. The current property owner obtained the property on October 25, 2001.

**STAFF ANALYSIS**

**Project Description:** The property owner has requested a Tentative Parcel Map to create two lots, both 5 acres in size. Parcel A would contain a single family dwelling with an attached garage and Parcel B would be unimproved. A Design Waiver has been requested to allow driveway access to Parcel B without frontage on a public street. Parcel A would retain the current encroachment onto Crooked Mile Court. The current parcel has a paved driveway with a fire safe turn around.

**Site Description:** The project site lies on the western slope of the central Sierra Nevada in the Rescue area at an approximate elevation of 1,350 feet above mean sea level with a gentle increase in elevation to 1,370 feet in the middle of the property. The parent parcel contains 20 percent oak woodland canopy with sporadic foothill pines. The soil type is predominantly a mix of auburn very rocky silt loam and Serpentine Rock Land (AxE, AxD & SaF), which can both be characterized by well-drained soils with a mantle of 12 to 24 inches. These land types have moderate to rapid surface runoff and moderate to high erosion. Existing improvements on the site include one single family dwelling and a garage. The proposed parcels would be served by both public water and individual septic systems.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR/PL	Improved Residential
North	RE-5	LDR/PL/IBC	Improved/Vacant Residential
South	RE-5	LDR/PL	Vacant Residential
East	RE-5	LDR/PL/IBC	Vacant Residential
West	RE-5	LDR/PL	Improved Residential

**General Plan:** The General Plan designates the subject site as Low Density Residential which permits a minimum parcel size of 5 acres. The General Plan identifies the parcel as Platted Lands, which does not permit a smaller than the minimum parcel size allowed by the base land use designation. The proposed minimum 5-acre parcels therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

Policy 2.1.1.7: Requires 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 project has been conditioned by the Rescue Fire Protection District to provide a Fire Safe Plan

Policy 5.7.1.1: Requires that applicants demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development. The project has been conditioned by the Rescue Fire Protection District to provide a Fire Safe Plan

Policy 6.2.3.2: Requires that the applicant 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. Adequate utilities, and other public services, exist and are available for both existing parcels.

Discussion: The proposed parcel map has been reviewed by the Rescue Fire Protection District and has been conditioned to create a wildland fire safe plan, which would ensure consistency with General Plan Policies 2.1.1.7, 5.7.1.1, and 6.2.3.2. Furthermore, all access roads are required to meet all applicable California State Responsibility Area Fire Safe Regulations and the El Dorado County Design and Improvement Standards Manual.

Policy 7.1.2.1: Prohibits the development on slopes of 30 percent or greater. The proposed parcel map would create parcels that have buildable area on slopes less than 30 percent. Prior to issuance of any ministerial building permit on the proposed parcels, the property owner would be required to demonstrate compliance with General Plan Policy 7.1.2.1, prohibiting development on slopes greater than 30 percent.

Discussion: The applicant has created parcels that would provide adequate building sites on slopes that do not exceed 30 percent, which can be referenced by the topographic analysis provided by the applicant noting adequate development area for a single family dwelling and accessory structures on the proposed five acre parcels.

Policy 7.4.4.4: For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by a site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Discussion: The applicant has submitted a tree canopy analysis that identifies 20 percent oak canopy coverage for the entire 10 acre site. Estimated tree canopy retention after on-site road improvements would be 86 percent. However, to ensure consistency with Policy 7.4.4.4, any future ministerial building permits shall be consistent with the canopy retention standards set forth in policy 7.4.4.4 Option A.

**Zoning:** The subject site is zoned Residential 5-acre (RE-5) which requires a minimum parcel size of 5 acres and shall be consistent with the Development standards noted in *Chapter 17.28.210* for the RE-5 Zone District.

Discussion: As discussed above, staff finds that the project conforms to the Estate Residential 5-acre (RE-5) Zone District Development Standards. The proposed parcels are a minimum of 5 acres in size and exceed 100 feet in width. Future residential development would be able to satisfy the minimum 30-foot building setbacks as required by the RE-5 Zone District. Proposed Parcel A contains a single family dwelling with attached garage which would comply with the Development Standards for the RE-5 Zone District.

**Project Issues:** Discussion items for this project include road improvements as required by the Department of Transportation, septic capability of proposed parcels, and connection to public water systems. Discussion of each project issue is further discussed in detail below:

Road Improvements: The Department of Transportation has reviewed the project and has determined, with the required road improvements, the project would not significantly affect the transportation system. The applicant would be required to widen the onsite portion of Crooked Mile Court as well as provide turn-around for the proposed on-site access. 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 is on file and was reviewed by the County's Environmental Management Department. The current single family dwelling located on proposed Parcel A is served by an existing septic system, which is currently located on proposed Parcel B. As a result of the Parcel Map the applicant would provide a new septic system on proposed Parcel A to serve the existing single family dwelling. The existing septic system located on Proposed Parcel B would be adequate to serve any future single family dwelling on parcel B. 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.

Water: The applicant has submitted a Facilities Improvement Letter Dated December 6, 2006 noting the current availability of water meters to serve the project.

**Design Waiver Discussion:** A Design Waiver has been requested to allow driveway access to Parcel B without frontage on a public street. Alternative access to proposed Parcels B from Crooked Mile Court would involve introducing a twenty-four foot wide road to Parcel B. If Parcel B were to front a road pursuant to Volume II, Section 2, B (5) it would require creating a 100-foot of frontage pursuant to Section 17.28.210 (C) of the Zoning Code and would require construction of a twenty-four foot wide road from Crooked Mile Court. Allowing the creation of Parcel B using a driveway standard would reduce impacts to oak canopy and would require an encroachment permit onto Crooked Mile Court for Parcel B. This type of Design Waiver has been supported by the Department of Transportation due to the low average daily trips associated with the creation of one additional residential Parcel. Section 16.08.020(A) (2) of the El Dorado County Subdivision Ordinance requires that four specific findings must be made in order to approve a Design Waiver. These four findings are noted in Attachment 2.

**Agency and Public comments:** The following agencies provided comments and/or conditions of approval for this project:

El Dorado County Department of transportation  
Rescue Fire Protection District  
El Dorado County Surveyor

## **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, it has been determined that the project would avoid any potentially significant environmental effects. 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 \$1,876.<sup>75</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, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 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.

## **RECOMMENDATION**

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve the following Design Waiver based on the findings noted in Attachment 2; and
  - a. Allow driveway access to Parcel B without frontage on a public street.
3. Approve the Tentative Parcel Map (P06-0034) subject to the conditions in Attachment 1, based on the findings in Attachment 2.

## SUPPORT INFORMATION

### Attachments to Staff Report:

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

# **ATTACHMENT 1 CONDITIONS OF APPROVAL**

**FILE NUMBER P06-0034**

## **CONDITIONS OF APPROVAL**

### **Planning Services**

1. This Tentative Parcel Map approval is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit E dated February 2006 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:**

A Tentative Parcel Map creating two lots, both 5 acres in size. Parcel A contains a single family dwelling with an attached garage and Parcel B would be unimproved. A Design Waiver has been requested to allow driveway access to Parcel B without frontage on a public street. Parcel A would retain the current encroachment onto Crooked Mile Court. The current parcel has a paved driveway with a fire safe turn around.

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. The applicant shall be required to pay the Park in-lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
3. 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.
4. 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.

5. The applicant shall make the actual and full payment of planning processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
6. 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.
7. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
8. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.

#### **Department of Transportation**

9. The applicant shall widen the on-site portion of Crooked Mile Court and the on-site access roadway to a width of 24 feet according to the provisions of El Dorado County Standard Plan 101C. The maximum grade for a 101C roadway with a paved surface and County Engineer's approval is 18%. 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 of the Parcel Map.
10. The applicant shall provide a turn around at the end of the on-site access roadway to the provisions of County Standard Plan 114. 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 designate a 50-foot wide road and public utilities easement for the on-site access roadway as well as a road and public utilities easement for the turn around, prior to filing the Parcel Map.
12. The applicant shall provide/verify at least one off-site access meets the requirements of El Dorado County Standard Plan 101C, 18-foot roadway width as required in Section 3A)2)c)ii of the Design and Improvement Standards Manual. 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.

13. The applicant shall improve the on-site access driveways along the southern boundary of Parcel A for access to Parcel B, respectfully, to a driveway width of 12 feet and according to the design criteria of DISM, Standard Plan 101C. The improvements shall be substantially complete, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Parcel Map.
14. The applicant shall irrevocably offer to dedicate the 30 foot wide on-site road and public utility easements for the on-site portion of Crooked Mile Court prior to the filing of the Parcel Map. This offer will be rejected by the County.
15. The applicant shall form and/or verify the existence of an entity, satisfactory to DOT, for the maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Crooked Mile Court prior to the filing of 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 timeframe 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. 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 the filing of the Parcel 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 the 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 offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction, surveying, construction management, and 20% 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.

**Rescue Fire Protection District**

18. A Fuel Modification and Wildland Fire Safety Plan by a registered forester shall be submitted to and approved by the Rescue Fire Protection District & California Department of Forestry prior to filing the Parcel Map.

**County Surveyor**

19. All survey monuments shall be set prior to filing the Parcel Map.
20. 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 in 16.44.120(B)(2) with the legal right to improve that access as required by the County Design Manual.
21. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Parcel Map.
22. Prior to filing the Parcel Map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by the agency have been met.

## **ATTACHMENT 2 FINDINGS**

### **FILE NUMBER P06-0034**

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 Finding**

- 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 proposal.
- 1.2 The project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game.
- 1.3 The documents and other materials which constitute the record of the proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Ct, Placerville, CA 95667.

##### **2.0 Parcel Map Findings**

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

The proposed parcels meet the minimum five acre parcel size, width and frontage noted in the development standards as required by the Residential 5-acre (RE-5) Zone District.

- 2.2 **The site is physically suitable for the proposed type and density of development.**

The project site has been determined suitable for residential development by the Environmental Management Department and Planning Services based on the information provided by the applicant. There are numerous building sites on the proposed 5 acre parcels that would not be constrained by excessive slope, tree canopy, streams or wetlands as shown on Exhibit D.

**2.3 The proposed parcel map is not likely to cause substantial environmental damage.**

A negative declaration was prepared for the proposed parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.

**2.4 The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project has been designed in compliance with the Low Density Residential Land Use Designation requiring minimum five (5) acre parcel sizes. County regulations, addressing environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff report.

**3.0 Design Waiver Findings**

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

Alternative access to proposed Parcel B from Crooked Mile Court would involve introducing a twenty-four foot wide road to Parcel B. Requiring parcel B to front a road pursuant to Volume II, Section 2, B (5) would require creating a 100-foot property frontage pursuant to Section 17.28.210 (C) of the Zoning Code would require construction of a twenty-four foot wide road from Crooked Mile Court Road. Allowing the creation of Parcel B using a driveway standard would reduce impacts to oak canopy unwanted public access and will only require an encroachment permit onto Crooked Mile Court for Parcel B.

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

Strict application of the requirement for parcels 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 introduce new public access and road improvements and removal of additional oak canopy for access to only a single parcel.

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

Allowing Parcel B to use a driveway standard for exclusive access across Parcel A will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

**3.4 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 approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.