

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



**Agenda of:** May 21, 2008

**Item No.:** 4.a.

**Staff:** Jonathan Fong

**PARCEL MAP**

**FILE NUMBER:** P07-0002

**APPLICANT:** John Euer

**AGENT:** Gene E. Thorne and Associates, Inc.

**REQUEST:** A Tentative Parcel Map creating two (2) parcels on an 84-acre site. Parcel A would be approximately 43-acres and Parcel B would be approximately 41-acres.

**LOCATION:** On the south side of South Shingle Road, approximately 1.5 miles west of the intersection with Latrobe Road in the Latrobe Area. Supervisorial District II. (Exhibit A).

**APN:** 087-030-48

**ACREAGE:** 84.18-acres

**GENERAL PLAN:** Rural Residential (LDR) (Exhibit B)

**ZONING:** Residential Agricultural 40-District (RA-40) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**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 applicant is requesting a Parcel Map creating two (2) parcels ranging in size from 41 to 43 acres. Improvements to South Shingle Road would be required as a Condition of Approval for the Parcel Map. The project would be served by private wells and on-site septic wastewater systems.

**Site Description:** The project site is located at an approximate elevation of 600 feet and is currently undeveloped. Slopes onsite are generally mild with less than 2 percent of the slopes exceeding 30 percent. Vegetation onsite is limited to native grasslands with no oak woodland habitat on the project site. One intermittent stream runs north to south near the eastern edge of the site. Two additional drainage channels exist near the western property boundary.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RA-40	RR	Undeveloped
<b>North</b>	RA-20	RR	Improved Residential
<b>South</b>	RA-40	RR	Undeveloped
<b>East</b>	RA-40	RR	Improved Residential
<b>West</b>	RA-40	RR	Undeveloped

The Parcel Map would create two parcels. The Parcel Map would allow for additional residential and agricultural development which would be consistent with the development in the area. The project would not create conflicts with the existing land use pattern in the project vicinity.

**General Plan:** The General Plan designates the parcel as Rural Residential (RR) which establishes a minimum parcel range of 10-160 acres. The project would create two parcels each over 40-acres in size. The project would create parcels which are consistent with the RR land use designation.

The project site is agriculturally zoned and is located adjacent to existing agriculture zoned lands. As required by **General Plan Policy 8.1.4.1** the Agriculture Commission reviewed the project at the March 14, 2007 Agricultural Commission Hearing and recommended approval of the project. The Agriculture Commission included in their motion of approval that in accordance with **General Plan Policy 8.1.3.2** the project parcels would be required to have a 200-foot setback for agriculturally incompatible land uses.

The Interim Interpretative Guidelines for **General Plan Policy 8.1.3.2** establishes that agriculturally incompatible land uses to be: residential structures, nursing homes, schools, recreational uses such as playgrounds, swimming pool, ponds, and churches. These types of uses would be required to be setback 200 feet from the property lines.

As shown on the Parcel Map, one intermittent stream and two seasonal drainage channels occur on the project site. **General Plan Policy 7.3.3.4** requires a 50-foot setback for intermittent streams. The parcel map would be conditioned to show this required setback on the final parcel map.

As shown on the submitted slope map, less than two percent of the onsite slopes exceed 30 percent. **General Plan Policy 7.1.2.1** prohibits development on slopes exceeding 30 percent. The proposed

parcel map would create two parcels each over 40-acres in size. Adequate developable areas exist on-site that would not require disturbance of these sloped areas.

Because the project site contains riparian areas, development setbacks would be required to be shown on the final Parcel Map from these riparian areas. With the inclusion of these setbacks Planning Services staff finds the project would be consistent with applicable General Plan policies and Interim Interpretive Guidelines.

**Zoning:** The project parcel is located within the Residential Agriculture 40-District (RA-40) which establishes a minimum parcel size of 40-acres. The Parcel Map would create two (2) parcels each over 40-acres in size. The project would conform to the minimum parcel size requirement of the RA-40 Zone District.

Section 17.30.100 (A-G) establishes Development Standards within the RA-40 Zone District. The proposed parcels comply with the minimum lot size and width established by the RA-40 Zone District. All future agriculture uses would be required to maintain a minimum 50 foot setback from all property lines. The proposed parcels are over 40-acres in size and would not prohibit adherence to the required setback.

The RA-40 Zone District requires a minimum setback for residential structures of 30 feet consistent with the Fire Safe Regulations. As discussed in the General Plan Section above, all agriculturally incompatible land uses would be required to maintain a 200 foot setback. Future residential development would be required to comply with the more stringent 200 foot setback as required by the General Plan.

As approved by the Board of Supervisors, Board of Supervisor Resolution 079-2007 establishes criteria for a reduction of the required setback up to 50% approvable either by the Development Services Director or by the Agricultural Commission. No development would be approved as part of this Parcel Map. Administrative Relief of the 200 foot setback could be made at the time a building permit is requested on the site.

Planning Services staff finds the project is consistent with the Zoning Ordinance.

## **ENVIRONMENTAL REVIEW**

**NOTE:** This project is not 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 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.

## **RECOMMENDATION**

1. Adopt the Negative Declaration based on the Initial Study; and
2. Approve P07-0002 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

### SUPPORT INFORMATION

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

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings of Approval
Exhibit A .....	Vicinity Map/ APN Page
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Tentative Parcel Map
Exhibit E.....	Environmental Checklist/ Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**File Number P07-0002  
Zoning Administrator Hearing  
May 7, 2008**

### **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 May 7, 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 will constitute a violation of permit approval.

The project description is as follows:

The project will allow the creation of two (2), 40 acre lots. Parcel A will be 43-acres and Parcel B will be 41-acres. Both parcels will be served by private well and on-site septic wastewater systems.

Road improvements will be required as a condition of approval. The access roads shall be improved to a width of 20 feet as required pursuant to Standard Plan 101C.

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. 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.

3. 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.
4. The subdivider shall be subject to a \$150.<sup>00</sup> park-in lieu fee payable to El Dorado County.
5. The intermittent streams onsite shall be located within 50 foot non-building easements. The easements shall be shown on the final parcel map.
6. All Planning Services fees shall be paid prior to filing of the parcel map.
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 final map filed until said fees are paid.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

9. The parcel map shall expire within three years unless a time extension is submitted prior to the expiration.

## **Department of Transportation**

### ***Project Specific Conditions***

10. The applicant shall widen the on-site portion of South Shingle Road to a width of 20 feet according to the provisions of Standard Plan 101C. The existing box culvert along this on-site portion of South Shingle Road shall be improved to accommodate the required widening of South Shingle Road. 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.

11. The applicant shall irrevocably offer to dedicate, in fee, the 30 foot wide on-site road and public utility easement for the on-site of South Shingle Road, prior to filing the parcel map. This offer will be accepted by the County.
12. The applicant shall provide a vehicular access restriction along the western and southern portion of this property, prior to filing of the parcel map.
13. The applicant shall form and/ or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site drainage facilities, prior to filing the parcel map.
14. 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.
15. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or 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.

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.

16. The applicant shall adhere to all DOT standard conditions as specified in Attachment A of the inter-office memorandum dated October 25, 2007.

**Air Quality Management District**

17. The applicant shall submit and pay appropriate fees for a Fugitive Dust Plan (FDP). The District shall review and approve the ADMP prior to issuance of a grading permit.
18. The applicant shall adhere to all District rules during project construction.

**County Surveyor**

19. All survey monuments must be set prior to the filing of the parcel map.
20. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions place on the map. The letter will state that all conditions placed on the map by that agency have been met.



## ATTACHMENT 2

### FINDINGS OF APPROVAL

**File Number P07-0002**  
**Zoning Administrator Hearing**  
**May 7, 2008**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1 of the California Government Code*:

#### FINDINGS FOR APPROVAL

##### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the 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 project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,876.75 and a \$50.00 El Dorado County processing fee based on *CDFG Code Section 711.4* and *Senate Bill 1535*.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA.

##### **2.0 General Plan Findings**

##### **2.1 The proposed parcel map is consistent with applicable general and specific plans;**

The parcel General Plan Land Use Designation is Rural Residential (RR) which establishes a parcel size range of 10-160 acres. The project will create two (2) parcels each over approximately 40-acres. The project meets the minimum parcel size within the RR district.

The project will be required to establish a 50-foot wide easement for the intermittent streams located on the project site. A 200 foot setback will be established for all agriculture-zoned parcels to establish a buffer from future agriculturally incompatible uses on the project site.

### **3.0 Zoning Findings**

#### **3.1 The proposed parcel map is consistent with the Zoning Ordinance;**

The project is zoned Residential Agriculture 40-acre District (RA-40) which establishes a minimum parcel size of 40acres. The project will create two (2) parcels each over 40-acres in size which is consistent within the RA-40 Zone District. The project will be consistent with the development standards of the RA-40 Zone District.

#### **4.0 Tentative Map Findings**

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

The Department of Transportation has reviewed the existing road conditions and have determined that the proposed improvements will provide adequate access.

The proposed parcels provide adequate area to meet the development standards of the RA-40 Zone District.

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

As determined through a Cultural Resource Study and staff analysis, the project site does not contain any natural resources that will be significantly impacted through the proposed residential development of the project.

Adequate developable areas exist on the parcel that will allow for residential development consistent within the Rural Residential Land Use Designation and the Residential Agriculture 40-District (RA-40) Zoning District.

##### **4.3 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;**

The required road improvements will not result in significant environmental damage. No riparian features would be affected as a part of the project and no sensitive species would be impacted as concluded by the Negative Declaration prepared by staff.

