

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



Agenda of: September 1, 2010
Item No.: 4.a.
Staff: Gina Paolini

PARCEL MAP

FILE NUMBER: P09-0008/Taylor
APPLICANT: Ken and Linda Taylor
AGENT: Brad Friar
ENGINEER: Bob Olson
REQUEST: Tentative Parcel Map creating two (2) parcels approximately five (5) acres in size on a 10.048-acre project site.
LOCATION: On the east side of Snows Road north of the intersection with Freegold Drive in the Camino area, Supervisorial District II (Exhibit A).
APN: 077-810-14 (Exhibit B)
ACREAGE: 10.048 acres
GENERAL PLAN: Low-Density Residential (LDR) (Exhibit C)
ZONING: Estate Residential Five-Acre (RE-5) (Exhibit D)
ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Tentative Parcel Map Application P09-0008, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2;

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Zoning Administrator consideration is provided in the following sections.

Project Description: The project request is for a Parcel Map to create two (2) parcels, 5.024 acres in size, on a 10.048-acre site (Exhibit E). The two proposed parcels would be served by private well and septic facilities. The project would be accessed by Freegold Road.

Site Description: The project site is situated at an approximate elevation of 2,400 feet above mean sea level. The site is characterized by sloping terrain with a southeast exposure. Weber Creek lies approximately 200 feet to the south of the parcel. Vegetation on the site consists of incense cedar, black oak, interior live oak, Ponderosa pine, Douglas fir, sugar pine, buckbrush, ceanothus, manzanita, California blackberry, and California buckeye.

Soils on the site are classified as Sites very rocky loam, 15 to 50 percent slopes (SrE). Rock outcrops make up 5 to 25 percent of the surface area. Surface runoff is medium to rapid, and the erosion hazard is moderate to high. Sites series consists of well-drained soils that are underlain by vertically tilted metasedimentary and metabasic rocks at a depth of 40 inches to more than 60 inches. These soils are rolling to very steep on mountainous uplands.

There is an existing water impoundment basin for water storage with culverts on site. The basin is dry. This basin was to feed a fire hydrant; however, the hydrant is dry. There are two wells on the site.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|-------|--------|--------------|-------------------------------------|
| Site | RE-5 | LDR | Undeveloped |
| North | RE-10 | RR | Single Family Residential/Residence |
| South | RE-10 | RR | Undeveloped/EID property |
| East | RE-10 | RR | Undeveloped/EID property |
| West | RE-5 | LDR | Single Family Residential/Residence |

Discussion: The project site is surrounded by residential development which consists of larger parcels. The project is located within a residential setting and would be consistent with surrounding densities. As such, the project would not create conflicts with the surrounding uses.

Project Issues:

Discussion items for this project include cultural resources, road improvements, water and sewer improvements, fire safety, and available public services.

Cultural Resources: A Cultural Resource Study was prepared for the site by Historic Resources Associates, dated April 2008. The study indicated that there were no significant prehistoric or historic archaeological sites, features, or artifacts found, nor were any buildings, structures or objects identified at the project site. Standard Conditions of Approval have been included to protect undiscovered sub-surface cultural resources.

Access: Access for the project site would be from Freegold Drive. In accordance with the Fire District and the County's Design and Improvements Standards Manual (DISM), the access road would be required to be improved to a 20-foot road width. Design Waivers have not been requested.

Water and Septic System: The project would be served by private wells and septic disposal systems.

There are two (2) wells on the project site. Prior to recording the map, the applicant would be required to submit to Environmental Health a current production report for the wells demonstrating production and water quality in compliance with EDC Policy No. 800-02 on each proposed parcel.

The project would be served by septic facilities. A report of percolation test was completed on October 2, 2008 by Wheeldon Geology and was received by the El Dorado County Environmental Management Department, Environmental Health Division. Five (5) holes were tested on Parcel No. 1. Based on the test hole stabilized percolation rate, the site has an average percolation rate of 132 minutes per inch. Four (4) holes were tested on Parcel No. 2. Based on the test hole stabilized percolation rate, the site has an average percolation rate of 33 minutes per inch. The Department would require permits to be obtained for the installation of septic facilities prior to issuance of building permits.

Fire Access: Pursuant to Cal Fire the access road must be a minimum road width of 20-feet pursuant to the California Fire Code. The road would need to be constructed with an approved all weather surface.

High Wildland Fire Hazard: General Plan Policy **6.2.2.2** requires that *The county shall preclude development in areas of high and very high wildland fire hazard...unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.* The subject parcel is located in the very high wildland fire hazard area. The project has been conditioned by El Dorado County Fire Protection District. A Fire Safe Plan would be required prior to filing the Parcel Map.

Park Land: This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands.

General Plan

The policies and issues that affect this project are discussed below:

The project site is located within the Rural Region, and is designated as Low-Density Residential (LDR) by the General Plan which establishes areas for single-family residential development in a rural setting. In rural regions, this area provides a transition between the community regions and rural centers. Pursuant to General Plan **Policy 2.2.1.2**, the allowable density for the designation is one (1) dwelling unit per five (5.0) acres with parcel sizes ranging from five (5.0) to ten (10.0) acres.

Discussion: The proposed two parcels would be in keeping with the General Plan intended development pattern expected in lands designated as LDR and would provide a similar and consistent residential density between existing residential development of similar lot sizes. Therefore, the proposed project would be compatible within the context of the surrounding land uses pursuant to **Policy 2.2.1.2**.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: Surrounding parcels in the immediate vicinity are developed with single-family residences on lot sizes consistent with the five (5) acre or greater parcels proposed. As such, the two (2) new parcels and their residential uses would be consistent with the intended development pattern.

Policy 2.3.2.1 states disturbance of slopes thirty (30) percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation removal.

Discussion: Minimal grading is proposed for the on-site road improvements. Limits of grading for the project's proposed access driveway would be from Freegold Drive. The access driveway would transverse slopes 20 to over 30 percent (Exhibits F and G).

Policies 5.1.2.1 and **5.1.2.2** require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made, and the development shall not result in a reduction of services below minimum established standards.

Discussion: The project is located within the rural region and would be served by private wells and on-site sewage disposal. No public services would be impacted by the project.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The project would be required to meet the required minimum fire flow requirements of the El Dorado County Fire Protection District which would be reviewed and approved prior to issuance of a building permit for each lot.

Policy 6.2.3.2 directs 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.

Discussion: The project would be served by Freegold Drive. The road would be improved to the El Dorado County Fire Protection District, Cal Fire and Department of Transportation standards. The applicant would be required to prepare a Wildland Fire Safe Plan to be reviewed and approved by El Dorado County Fire Protection District and Cal Fire. The project would be conditioned to ensure that access roads would be constructed capable of accommodating and supporting the imposed load of fire apparatus, weighing at least 75,000 pounds.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. Existing project oak tree canopy coverage is estimated at 25 percent. Under General Plan Policy 7.4.4.4, Option A, 85 percent of the existing canopy must be retained. Future development of the proposed parcels would have the option of complying with either Option A or Option B of Policy 7.4.4.4.

Discussion: The proposed project would impact oak woodland habitat, which pursuant to **Policy 7.4.4.4** requires retention and replacement of the affected habitat. Future development of the site would result in varying degrees of disturbance to oak woodland, depending on the scope of future improvements such as building pads and driveways. Oak canopy covers approximately 25 percent of the site. For a project site of 10.048-acres, 85 percent of the existing oak canopy would be required to be retained or mitigated through the County Oak Woodland Management Plan. The applicant would be required to comply with General Plan Policy 7.4.4.4 during the grading and building permit development phase, as required by Ordinance 4771 (Oak Woodland Management Plan). The project has been conditioned to comply with the plan.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning

All future development would be required to adhere to the RE-5 Development Standards. The lot sizes for the two proposed lots met the minimum size required in the RE-5 Zone District.

Discussion: As proposed the project would be consistent with the RE-5 Zone District requirements. Findings of Consistency with the Zoning Ordinance are provided in Attachment 2.

Agency and Public Comments: Appropriate conditions from each reviewing agency are included in Attachment 2. The following agencies provided comments and/or conditions for this project:

- El Dorado County Department of Transportation
- El Dorado County Environmental Management Department
- El Dorado County Air Quality Management District
- El Dorado County Resource Conservation District
- Office of the County Surveyor
- El Dorado County Fire Protection District
- Department of Forestry and Fire Protection

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (see Exhibit I) to assess project-related environmental impacts. Based on the Initial Study, it has been determined that there is no substantial evidence that the proposed project would have a significant effect on the environment. Therefore, a Negative Declaration has been prepared.

NOTE: This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or 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 \$2060.25 after approval, but prior to filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, which is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2010.25 is forwarded to the State Department of Fish and Game and issued to defray the cost of managing and protecting the states fish and wildlife resources.

***SUPPORT INFORMATION**

Attachments:

- Attachment 1 Conditions of Approval
- Attachment 2 Findings

- Exhibit A Location Map
- Exhibit B Assessor's Parcel Map
- Exhibit C General Plan Land Use Map
- Exhibit D Zoning Map
- Exhibit E Tentative Parcel Map
- Exhibit F Slope Map
- Exhibit G Building Pads and Driveways
- Exhibit H Environmental Checklist

ATTACHMENT 1
CONDITIONS OF APPROVAL
Parcel Map P09-0008/Taylor

1. Project Description:

This Tentative Parcel Map is based upon and limited to compliance with the project description, staff report, hearing Exhibits A-I, 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:

Tentative Parcel Map to create two parcels, each to be 5.024 acres in size, created from Assessor's Parcel Number 077-810-14. The two proposed parcels shall be served by private wells and septic facilities. The project shall utilize Freegold Drive as the primary access. Snows Road shall be restricted for access.

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.

Planning Services

2. **Archeological Resources:** 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.
3. **Park-in-Lieu Fees:** The applicant shall be required to pay a Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant do El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to the office of the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the Parcel Map.

4. **Development Services Processing Fees:** The applicant shall make the actual and full payment of all Development Services processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
5. **Permit Time Limits:** This Tentative Parcel Map shall expire within 36 months from the date of approval unless a timely extension has been filed.
6. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 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.
7. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays.
8. **Oak Woodland:** Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, as amended.
9. **Fire Safe Plan:** A Fire Safe Management Plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the appropriate agency to Planning Services prior to filing the Parcel Map.
10. **Hold Harmless:** 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 Parcel Map, 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.

El Dorado County Department of Transportation

11. **Access Roadway:** The applicant shall improve Freegold Road roadway to a 20-foot roadway in width in accordance with the El Dorado County Design and Improvements Standards Manual (DISM) 101C and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
12. **Encroachment Permit:** The applicant shall construct the driveway encroachments onto Freegold Drive to the provisions of County Design Standard Plan 103B-1. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drainage system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Parcel Map.
15. **Drainage Easements:** Pursuant to Section 4.D of the County Design Improvements Standards Manual, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and/or on the map.
16. **Electronic Documentation:** 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.
17. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit application is deemed complete.

El Dorado County Fire Protection District

18. **Fees:** Prior to filing the Parcel Map, the applicant shall submit a review fee of \$120.00 to the Fire District.

Department of Forestry and Fire Protection

19. **Minimum Road Width:** Freegold Drive shall be a minimum road width of 20 feet per the California Fire Code from Snows Road along proposed Parcel 1 and proposed Parcel 2 unless increased road width, or distance of the improved road, is required by DOT (2007 California Fire Code, Appendix D).
20. **Driveway Surface:** Freegold Drive shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D).
21. **Dead-End Road Standard:** The maximum length of the dead-end road shall not exceed 2640 feet for parcels zoned for 5 acres to 19.99 acres (Article 2. Emergency Access, Section 1273.09(a) of the Fire Safe Regulations).

Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

- a. parcels zoned for less than one acre-----800 feet
- b. parcels zoned for 1 acre to 4.99 acres-----1320 feet
- c. parcels zoned for 5 acres to 19.99 acres -----2640 feet
- d. parcels zoned for 20 acres or larger -----5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

Dead- end roads shall have a turnaround constructed at its terminus (Article 2. Emergency Access, Section 1273.09(c) of the Fire Safe Regulations and 2007 California Fire Code, Appendix D).

22. **Driveway Turnarounds:** Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart (Article 2. Emergency Access, Section 1273.10(a) of the Fire Safe Regulations).

The applicant should contact the El Dorado County Fire Protection District for driveway design standards prior to issuance of a building permit.

23. **Fire Safe Setbacks:** All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe

Regulations).

24. **Wildland Fire Safe Plan:** A Wildland Fire Safe Plan shall be developed by a qualified consultant to address mitigations that need to be developed to ensure that the safety of the public and firefighters who may be called upon to respond to wildland fires and other emergencies within the project area. The Fire Safe Plan shall be reviewed and approved by Cal Fire and the El Dorado County Fire Protection District prior to filing the Parcel Map.

El Dorado County Surveyor's Office

25. **Survey Monuments:** All survey monuments shall be set prior to filing the Parcel Map.
26. **Conditions of Approval:** Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that "all conditions placed on P09-0008 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor's and copied to the consultant and the applicant.

Air Quality Management District

27. **District Rule 223 and 223-1:** The applicant shall adhere to all district rules during project construction, as specified by the District prior to issuance of any permits associated with the project.
28. **Fugitive Dust Plan:** The applicant shall submit and pay appropriate fees for a Fugitive Dust Mitigation Plan. The District shall review and approve the Plan prior to issuance of a grading permit.

ATTACHMENT 2 FINDINGS FOR APPROVAL

**File Number P09-0008/Taylor
Zoning Administrator, September 1, 2010**

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered 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 the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation as defined within General Plan Policy 2.2.1.2 because the LDR land use designation permits residential uses on parcel sizes that range from 5.00 to 10.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 2.3.2.1 (discourages disturbance of slopes thirty (30) percent or greater), 5.1.2.1 and 5.1.2.2 (adequacy of public services), 5.7.1.1 (emergency water supply), 6.2.3.2 (fire safe access) and 7.4.4.4 (Preservation of Oak Woodland Habitat). It has been determined that the project is consistent with the General Plan because the project is consistent with the land use density, avoids slopes, would not impact public services, provides adequate access and emergency water supply, complies with lot configuration standards and would protect oak tree canopy.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Estate Residential Five-Acre (RE-5) which permits parcel sizes of 5 acres under Section 17.28.210(A) of the County Code.

4.0 ADMINISTRATIVE FINDINGS

4.1 Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.* The proposed tentative Parcel Map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the Parcel Map conforms to the Low-Density Residential General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, grading, transportation, fire protection, water supply and wastewater disposal.
- 4.1.2 *The proposed tentative parcel map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.* As proposed, the tentative parcel map conforms to the development standards within the Estate Residential Five-Acre Residential (RE-5) Zone District and the Minor Land Division Ordinance.
- 4.1.3 *The site is physically suitable for the proposed type and density of development.* The project site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant disturbances of slopes in excess of 30 percent, excessive grading and oak tree canopy removal.
- 4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage.* The proposed Parcel Map is not likely to cause substantial environmental damage as determined in the prepared environmental document.