

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



Agenda of: October 20, 2010
Item No.: 4.a.
Staff: Gina Paolini

PARCEL MAP

FILE NUMBER: P07-0014/45 Guadalupe LLC

APPLICANT: 45 Guadalupe LLC

ENGINEER: CTA Engineering and Surveying

REQUEST: The application consists of the following requests:

1. Tentative Parcel Map creating two parcels one acre in size.
2. Design Waiver to maintain the existing roadway along the project frontage, reducing the required width from 28 feet to a pavement width of 18 feet.

LOCATION: On the west side of Guadalupe Drive 2,000 feet west of the intersection with Francisco Drive in the El Dorado Hills area, Supervisorial District I (Exhibit A).

APN: 110-460-63 (Exhibit B)

ACREAGE: 2 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

ZONING: One-Acre Residential (R1A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

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

1. Deny Tentative Parcel Map application P07-0014 based on the Findings in Attachment 1.

BACKGROUND

The project parcel was created from Parcel Map P89-129 (Exhibit G) which was approved on September 16, 1993 and was recorded on July 29, 1999 (PM47/25). The Parcel Map created four (4) parcels ranging in size from one (1) acre to two (2) acres in size.

The application was submitted in April 2007. During the Technical Advisory Meeting (TAC) the El Dorado Hills Fire Department indicated that there were issues with the private access gate that had been established between Guadalupe Drive and Jefferson Place. Additional issues raised by planning staff included oak woodland canopy and steep slopes.

The El Dorado Hills Fire Department stated that unrestricted access between the Summit subdivision and Guadalupe Drive would be required prior to the creation of any additional parcels. Planning Services staff researched the history of both subdivisions and the establishment of the gate. It was determined that the gate was legally installed being authorized by the tentative map approval and approved by El Dorado Hills Fire Department. The Summit Subdivision (TM86-1057) was approved April 23, 1987, subject to Conditions of Approval. The access gate was to be maintained subject to approval by County Emergency Service Agencies:

Condition No. 16: The subdivider shall be responsible for establishing a long-term mechanism insuring adequate access through the project entry gate and emergency access points to Guadalupe Road and Francisco Drive for the El Dorado Hills Fire Department, County Sheriff's Department and other emergency response agencies. Verification of compliance with the above condition shall be obtained from the local fire chief and the County Emergency Services Coordinator.

The gate was installed in 1987 and later replaced in 2008 by the Summit Association. At that time, the gate did comply with the El Dorado Hills Fire Department "Knox lock" system.

The applicant has been working with the El Dorado Hills Fire Department to resolve the secondary access issue, including unrestricted gated access. In February 2010, the El Dorado Hills Fire Department agreed to Conditions of Approval for second egress for the project that would allow for the parcel split.

Staff continued to request information regarding driveway profiles and reduced building envelopes, as development was proposed within areas of 30 percent slope or greater. The applicant has decided to move forward with the application with development envelopes that do not comply with the General Plan.

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 parcels, 1 acre in size, on a 2-acre site (Exhibit E). The two proposed parcels would be served by public water and sewer facilities. The project would be accessed by Guadalupe Drive. A Design Waiver has been requested to maintain the existing roadway along the project frontage, keeping the pavement width at 18 feet without additional improvements (Exhibit F).

Site Description: The project site is situated at an approximate elevation of 600 feet above mean sea level. The site is characterized by sloping terrain with slopes from 0 to over forty percent. The site has oak canopy coverage of over 43 percent. The site is located along the Folsom Lake State Recreation Area. Soils on the site are classified as Auburn very rocky silt loam (AxE), 30-50 percent slopes. Erosion hazard is moderate to high.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MDR	Undeveloped
North	R1A	MDR	Single Family Residential/ undeveloped
South	R1A	MDR	Single Family Residential/under construction
East	R1A	MDR	Single Family Residential/ developed residence
West	RF	OS	Folsom Lake State Recreation Area

Discussion: The project site is surrounded by residential development. 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 slopes, setbacks, oak woodland, access, water and wastewater, reasonable use and land use compatibility.

Slopes: The project site slopes from Guadalupe Drive towards the Folsom Lake State Recreation Area. The Interim Interpretive Guidelines for General Plan Policy 7.1.2.1 were accepted for use by the El Dorado County Planning Commission on June 22, 2006 and were modified by the Planning Commission on August 10, 2006. The policy states that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

1. Reasonable use of the property would otherwise be denied.
2. The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.
3. Replacement or repair of existing structures would occur in substantially the same footprint.

4. The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under 30 percent. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

In accordance with this policy, new parcels proposed to be created through the land division process must each have sufficient land area with slopes under 30 percent to accommodate anticipated development.

The slopes on the site range from 0 to over 40 percent. The following table demonstrates the slope ranges on site:

SLOPE RANGE		AREA	PERCENT OF AREA
0 percent	10 percent	0.26 acres	13.3 percent
11 percent	20 percent	0.24 acres	12.4 percent
21 percent	29 percent	0.62 acres	31.3 percent
30 percent	39 percent	0.54 acres	27.4 percent
40 percent		0.31 acres	15.6 percent

The project proposal would subdivide the two acre site into one acre parcels; however, 0.85 acres of the site is 30 percent slope or greater. The applicant has placed the development envelopes at the top of the lots (at the street level) which would not be consistent with General Plan Policy 7.1.2.1; however, it is the applicant’s opinion that the development envelopes meet the intent of the policy. The proposed development envelopes are entirely within areas of 30 percent slope or greater, and have not been limited to access. General Plan Policy 7.1.2.1 has not been met with this project.

Further more, the site has limited area for development as a single parcel, with 57 percent of the site having slopes less than 30 percent. Because there would be inadequate development areas with less than 30 percent slope, staff recommends denial of the Parcel Map and that the applicant be directed to utilize the Interim Interpretive Guidelines for General Plan Policy 7.1.2.1 to develop the site for a single family home.

Setbacks: The site is zoned One-Acre Residential (R1A). In accordance with Section 1276.01 of the Fire Safe Regulations, 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. The applicant has been requested to provide the required setback or provide a waiver for the same practical effect from the El Dorado Hills Fire Department.

The proposed development envelopes do not reflect the required 30-foot side yard setback. The applicant has indicated that the same practical effect could be achieved along the side property lines, and a reduced setback would be approved by the El Dorado Hills Fire Department. As previously stated within the slope discussion section, development areas are limited with slopes and the prescribed setbacks, therefore, staff recommends denial of the Parcel Map and recommends that the applicant be directed to develop the site with a single family home, and utilize Interim Interpretive Guidelines, as necessary, to achieve “reasonable use” of the property.

Oak Woodland: The project site has an oak canopy of 43 percent of the project site. The El Dorado County Oak Woodland Management Plan requires 80 percent retention of existing canopy cover for parcels over one acre having 40-69 percent oak canopy cover. The project could remove 0.26 acres for Option A. The applicant plans to utilize a combination of both Option A and Option B (replacement and payment of mitigation fee) during the grading and building permit development phase, as required by Ordinance 4771 (Oak Woodland Management Plan). The applicant would comply with General Plan Policy 7.4.4.4

Access: Access for the project site would be from Guadalupe Drive. The El Dorado Hills Fire Department has tentatively approved a proposal for an automatic egress gate between Guadalupe Drive and Jefferson Place, subject to Conditions of Approval. A Design Waiver has been requested and would be supported by the Department of Transportation to maintain the existing pavement width of 18 feet as opposed to 28 feet, as required by the Design and Improvements Standard Manual (Standard Plan 101-B).

Water and Wastewater: Public water and sewer service would be provided by the El Dorado Irrigation District. As noted in the Facilities Improvement Letter dated July 23, 2010, the El Dorado Irrigation District has the capacity to serve the project.

Reasonable Use: The County developed the interim guidelines for General Plan Policies concerning slopes for existing lots of record. The guidelines could not be utilized for newly created parcels; which appears to be the case with the subject application. These guidelines could be utilized with the development of a single family home on the subject site, and may be necessary with the constraints that have been identified here within. It is important to note that the ministerial process for single family home development does allow for some flexibility that is not available through the discretionary review process.

Land Use Compatibility: As discussed above, the subject site is surrounded by residential uses. The proposed project would create one additional residential parcel from an existing parcel within an existing residential area. The proposed project density is consistent with surrounding residential densities. Therefore, the proposed project would be compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

General Plan

The project is inconsistent with the 2004 El Dorado County General Plan. As discussed in subsections above, the project would be inconsistent with General Plan Policies 7.1.2.1 (Development of slopes exceeding 30 percent).

Discussion: As outlined above, it has been demonstrated that the parcel has limited development area, which does not allow for further subdividing of the parcel. Staff finds that the Parcel Map, as proposed, would be inconsistent with the policies of the County General Plan. Findings for inconsistency with the General Plan are provided in Attachment 1.

Zoning

The site is zoned One-Acre Residential (R1A), which permits a minimum lot size of one acre. The proposed parcels would comply with the minimum lots sizes within the zone district. As previously stated in the above subsection, the proposed development envelopes do not comply with the setbacks for the size of the lot, or the zone district. However, the side setbacks could be reduced with approval of same practical effect and waiver from the El Dorado Hills Fire Department.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (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	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map

Exhibit ETentative Parcel Map
Exhibit FDesign Waiver
Exhibit G..... Parcel Map P89-129
Exhibit H Slope Map/Oak Canopy Exhibit
Exhibit IEnvironmental Checklist

ATTACHMENT 1 FINDINGS FOR DENIAL

File Number P07-0014/45 Guadalupe Zoning Administrator, October 20, 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 Medium-Density Residential (MDR) land use designation as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits residential uses on parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is inconsistent with General Plan Policy 7.1.2.1 (Development of slopes exceeding 30 percent) as the project does not provide sufficient land area with slopes under 30 percent to accommodate anticipated development.

3.0 ZONING FINDINGS

- 3.1 The project would comply with the minimum lot requirement for the One-Acre Residential (R1A) zone district. However, the proposed development envelopes do not comply with the setbacks for the size of the lot, or the zone district. A waiver to the setbacks could be approved for same practical effect from the El Dorado Hills Fire Department.

4.0 ADMINISTRATIVE FINDINGS

4.1 Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, would not be consistent with the General Plan.* The proposed tentative Parcel Map, including design and improvements would be inconsistent with the General Plan. As proposed, the Parcel Map

does not comply with the applicable General Plan policies concerning development within slopes exceeding 30 percent.

- 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.* The proposed 1 acre parcel sizes conform to the minimum parcel size of the R1A zone district. However, the project does not comply with the minimum setbacks for the zone district.
- 4.1.3 *The site is not physically suitable for the proposed type and density of development.* The project site is not physically suitable for the proposed type and density of development, as the project has not been designed in a manner which avoids significant disturbances of slopes in excess of 30 percent.
- 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.