

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



Agenda of: December 1, 2010
Item No.: 4.b.
Staff: Tom Purciel

PARCEL MAP

FILE NUMBER: P09-0011/Jones
APPLICANT: Wayne Jones
AGENT: Carlton Engineering, Inc.
OWNER: Jones L. Survivor Living Irrevocable Trust, Lois A Jones, Trustee
ENGINEER: Carlton Engineering, Inc.
REQUEST: Tentative Parcel Map creating two (2) parcels approximately ten acres in size on a 20.01-acre project site.
LOCATION: On the northeast side of Fernwood Drive, approximately 700 feet north of the intersection with Bullard Drive, in the Shingle Springs area, Supervisorial District 2 (Exhibit A).
APN: 087-270-38 (Exhibit B)
ACREAGE: 20.01 acres
GENERAL PLAN: Low-Density Residential (LDR) (Exhibit C)
ZONING: Estate Residential, 10-Acre (RE-10) (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 P09-0011, 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 Tentative Parcel Map request and issues for Zoning Administrator consideration are provided in the following sections:

Background: The subject parcel was created as part of Parcel Map 77-472 on July 27, 1977 and recorded on August 19, 1977 (PM 16-129). Previous applications processed on the subject site include a rezone (Z 91-0043) approved in 1991, a tentative parcel map and revision (P91-0045/ P91-0045-R) that was not finalized, and a parcel map extension (P91-0045-E) that was withdrawn.

Project Description: The Tentative Parcel Map would create two parcels, ten acres in size from a 20.01-acre site (see Exhibit E). The two proposed parcels are currently undeveloped and would be served by domestic well and septic facilities. The project would be accessed by Fernwood Drive, a private road.

Site Description: The project site is situated at elevations between 1,085 feet and 1,322 feet above mean sea level. The site slopes from southwest to northeast, from a high point at the proposed Fernwood Drive encroachment. Site vegetation includes native oaks (*Quercus* sp.), foothill pines (*Pinus sabiniana*) and mixed grasses and shrubs. There are no existing improvements on site.

Soils on the site are classified as Auburn very rocky silt loam, 2-30 percent slopes (AxD) and Auburn silt loam, 2-30 percent slopes (AwD). The soil surface runoff is slow to medium and erosion hazard is slight to moderate.

There are 4.193 acres of existing oak canopy (interior live oak, blue oak, black oak, valley oak and oracle oak) on the project site. Dominant trees in this community are interior live oak and blue oak.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	LDR	undeveloped
North	RE-5	LDR	Developed with single-family residence
South	AE	RR	Developed with single-family residence
East	RE-5	LDR	Developed with single-family residence
West	AE	LDR	Developed with single-family residence

Discussion: All lands in the project vicinity are designated by the General Plan as LDR or RR (see Exhibit C). The project parcel is bounded on the north and east by residential land uses on residentially zoned lands (RE-5) and on the west and south by residential land uses on agriculturally

zoned lands (AE). Also, it should be noted that none of the adjacent agriculturally zoned lands (AE) are currently under any Williamson Act or Farmland Preserve contract(s). As such, the project is located within a residential setting and would not create conflicts with the surrounding uses.

Access: Access for the project site would be served by driveway encroachments from Fernwood Drive, a private road. Proposed Parcel 1 would be served by a direct encroachment, while Proposed Parcel 2 would be served by a separate encroachment, via driveway easement, through Parcel 1. In accordance with the Department of Transportation DISM, driveway encroachments would be required to be improved to a 12-foot road width.

Water and Wastewater: The project would be served by on-site well and septic facilities. A geological report was completed on October 25, 1991 by Wheeldon Geology and was received by the El Dorado County Environmental Management Department, Environmental Health Division discussing domestic well water availability and on-site wastewater disposal. Based on this report, existing well water is available to serve both parcels at a flow rate of 20 gallons per minute. A percolation test was also completed, with a test hole stabilized percolation rate of 74 minutes per inch. The Department would require permits to be obtained for the installation of septic facilities prior to issuance of building permits.

Fire Safety and Water Supply: The two parcels would not be located in the El Dorado Irrigation District (EID) service area and would instead be served by domestic wells. The parcels would be required to meet the required fire flow needed for fire protection as determined by the El Dorado County Fire Protection District. A Fuel Modification and Wildland Fire Safety Plan would be required for approval by the El Dorado County Fire Protection District. The project has been conditioned to meet these requirements prior to filing the parcel map.

General Plan: The General Plan designates the subject site as Low Density Residential (LDR). Policy 2.2.1.2 directs that LDR establish areas *for single-family residential development in a rural setting. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres.* The project would create two parcels on 20.01 acres with a density of 1 unit per ten acres and therefore would be consistent with this policy.

Rural Regions: **Policy 2.1.3.1** defines Rural Regions as *all lands not contained within the boundaries of a community Region or a Rural Center.* The subject parcel is not located within a Community Region or Rural Center. **Policy 2.1.1.2** directs that *this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water and public sewer are generally not available.*

Consistent: As conditioned, the project would meet the intent of these policies by providing rural type development having sufficient infrastructure, utilities and travel available consistent with the Rural Region designation.

Land Use Compatibility: **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Consistent: Residential uses would be consistent and compatible with the intended development pattern in the immediate neighborhood.

Fire Protection: **Policy 5.7.1.1**, requires the applicant demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development, **Policy 6.2.2.2**, Wildland Fire Hazards, requires that the County preclude development in areas of 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, and **Policy 6.2.3.2**, Adequate Access for Emergencies, 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.

Consistent: Domestic wells would serve the site for adequate domestic water and fire-flow from two existing wells located on proposed Parcel 1 and Parcel 2 (see Exhibit E). The Department of Transportation has reviewed the project and supports the proposed Parcel Map provided that the proposed 50 foot non-exclusive driveway and public utilities easement serving proposed Parcel 2 meet current County fire-safe driveway standards. As the site is located in a high fire hazard area, the El Dorado County Fire Protection District has requested Conditions of Approval addressing the emergency access issues for the project site. These conditions have been incorporated into the project. As conditioned, the project would conform to the General Plan policies.

Oak Canopy: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards. There are 4.193 acres of existing oak canopy (interior live oak, blue oak, black oak, valley oak and oracle oak) on the project site. Dominant trees in this community are interior live oak and blue oak. Existing oak tree canopy coverage is estimated at 21 percent. Proposed oak tree canopy removal, associated with driveway access improvements, will not exceed five percent of existing oak tree canopy, or 9,227 square feet. (Tree Survey, Preservation and Replacement Plan for Fernwood Drive Parcel Map, Ruth A. Willson, July 2009).

Consistent: Proposed oak tree canopy removal is consistent with the retention and replacement standards of **Policy 7.4.4.4**. It is the applicant's intent to utilize Option B of this Policy, which would require a fee payment of \$1,034.00 into the Oak Woodland Conservation Fund to mitigate for .22 acres of oak canopy removal associated with proposed improvements. Future development would have the option of complying with Option A (on or off site oak replacement) or Option B (in-lieu mitigation fee payment).

Wetlands: **Policy 7.3.3.4** requires that until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum development setback of 50 feet from intermittent streams and wetlands. Based on a recent wetlands evaluation, a small seasonal wetland has been identified on the project parcels (Wetland Evaluation, Jones Tentative Parcel Map, Ruth A. Willson, December 2009).

Consistent: Required wetland setbacks will be incorporated into this project as a Condition of Approval.

Special Agricultural Setbacks: **Policies 8.1.3.1** and **8.1.3.2** Require agriculturally-incompatible (residential) uses adjacent to agriculturally zoned parcels outside designated Agricultural Districts provide a minimum setback of two hundred feet on parcels ten acres and larger. As the proposed parcels are not located in an Agricultural District, but over ten acres in size, new residential uses will be subject to this Policy.

Consistent: Required setbacks for agriculturally-incompatible uses will be verified prior to issuance of future building permit(s).

Conclusion: It has been determined that the project would be consistent with the applicable General Plan Policies. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is located within the Estate Residential Ten Acre (RE-10) zone district. The proposed Parcel Map would create two parcels which would be consistent with the development criteria identified within Section 17.70.110 of the Zoning Ordinance. Proposed residential uses would be permitted by right under Section 17.70.090; future development for proposed Parcel 1 and Parcel 2 would be required to adhere to the RE-10 Development Standards. Findings of Consistency with the Zoning Ordinance are provided in Attachment 2.

Design Waivers

No design waivers from the DISM have been requested for this project.

Agency and Public Comments: Appropriate conditions from each reviewing agency are included in Attachment 1. 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 Agricultural Commission
- El Dorado County Fire Protection District

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 \$2,060.25 after approval, but prior to filing the Notice of Determination on the project. This fee, plus a separate \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 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 Oak Canopy Exhibit
- Exhibit H Aerial Photo
- Exhibit I Environmental Checklist

ATTACHMENT 1

CONDITIONS OF APPROVAL

Parcel Map P09-0011/Jones
December 1, 2010 Zoning Administrator Hearing

CONDITIONS OF APPROVAL

Project Description

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit A through 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 would constitute a violation of permit approval.

The project description is as follows:

The project would allow the creation of two parcels, each ten acres in size, from a 20.01-acre site. The two proposed parcels are currently undeveloped and would be served by on-site well and septic facilities. Access for the project site would be served by private driveway encroachments from Fernwood Drive, a private road. Proposed Parcel 1 would be served by a direct encroachment, while Proposed Parcel 2 would be served by a separate encroachment, via driveway easement, through Parcel 1. In accordance with the Department of Transportation DISM, driveway encroachments would be required to be improved to a 12-foot road width.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Site Specific and Standard Conditions

2. The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
3. The applicant shall make the actual and full payment of Development Services Department

processing fees for the tentative Parcel Map application prior to filing the Parcel Map.

4. The applicant shall submit a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game fee to Planning Services 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.
5. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing the parcel map.
6. The applicant shall pay the in-lieu fee for 0.21 acres of oak canopy removed. The fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the in-lieu fee prior to issuance of a grading permit.
7. The Parcel Map shall show a 50-foot non-building wetland setback from the edge of the existing wetland area along the northeast project boundary (current APN 087-270-38). This wetland setback shall be verified prior to the filing of the Parcel Map.
8. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

9. 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 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 parcel map, which action is brought within the time period provided for in Section 66499.37.

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

El Dorado County Department of Transportation

10. Encroachment: The applicant shall construct the driveway encroachment onto Fernwood Drive to the provisions of County Design Std 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.
11. Off-site Easements: Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
12. Vehicular Access Restriction: A Vehicular Access Restriction (VAR) shall be placed along the proposed 50-foot road and public utility easement along the entire on-site portion of Parcel 1, prior to the filing of the parcel map. This easement shall be restricted for access use serving Parcel 2.
13. Easements: All applicable existing and proposed easements shall be shown on the project plans.
14. Parcel Map Improvement Agreement & Security: If improvements are necessary, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. This condition shall appear as a note on the recorded parcel map.
15. 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 drain 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 map.

16. **Drainage Easements:** Pursuant to Section 4.D of the DISM, 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.
17. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
18. **Electronic Documentation:** Upon completion of any improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
19. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

20. Prior to the filing of the Parcel Map, a site plan review fee of \$120.00 shall be submitted to the District.
21. Submit a Wildfire Safe Plan, approved by the Fire District (Cal Fire should only be included if they have specifically requested this condition and will require staff from their office to review the plan and provide a signature to show their approval), which is prepared by an approved Fire Safe Planner or Professional Forester. The applicant shall record a Notice of Restriction (NOR) that includes a copy of the approved plan and states that both proposed lots shall adhere to the conditions of the plan. The NOR shall be approved by the Fire District and shall record concurrently with the final map so that the documents may cross reference each other and become a part of the official chain of title for the parcels.
22. Provide an enforceable agreement with the Fire District indicating that no occupancy of any additional structures shall occur prior to installation of a NFPA 13D home sprinkler system having a minimum of 4,250 gallons of water storage for all new structures built on each parcel not to exceed 3,600 square feet. Larger buildings will require more water storage. Said agreement shall be received by the Fire District prior to the issuance of a building permit. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction (NOR) shall be recorded requiring that this condition be satisfied.

The NOR shall be reviewed and approved by the Fire District prior to recordation, and recordation shall occur prior filing the Parcel Map.

El Dorado County Environmental Health Division

23. Prior to recording the Parcel Map, both parcels shall each have an individual well that provides a safe and reliable water source.

El Dorado County Surveyor's Office

24. All survey monuments shall be set prior to filing the Parcel Map.
25. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
26. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P09-0011 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Agent and/or Engineer.

ATTACHMENT 2

FINDINGS

Parcel Map P09-0011/Jones

December 1, 2010 Zoning Administrator Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received 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 of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one dwelling unit per five acres and the project proposes one unit per ten acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.1.3.1 (rural regions), 2.2.1.2 (land use category definitions), 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access) 7.4.4.4 (native oak canopy retention), 7.3.3.4 (wetlands), 8.1.3.1 and 8.1.3.2 (special agricultural setbacks). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, mitigation for proposed oak canopy removal, wetland protection, special setbacks for agricultural protection and efforts to fit within the context of the surrounding land uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Estate Residential Ten Acre (RE-10) which permits the proposed parcel sizes of 10.0 acres under Section 17.70.110(A).
- 3.2 The proposed residential uses at the subject site are permitted by right under Section 17.70.090. As proposed, the project meets all applicable development standards contained within Section 17.70.110 of the El Dorado County Zoning Ordinance.

4.0 PARCEL MAP FINDINGS

- 4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

All necessary improvements have been considered by the reviewing disciplines to determine that this tentative Parcel Map is consistent with the policies of the 2004 General Plan, as analyzed and described in the staff report and the General Plan findings above.

- 4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.

As proposed and conditioned, the tentative Parcel Map conforms to the development standards within the Estate Residential Ten Acre (RE-10) zone district and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which allows suitable emergency water, emergency access, and septic disposal area and fits within the context of the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the LDR General Plan land use designation and conforms to the minimum parcel size and development standards of the RE-10 zone district. Future development would require consistency with applicable General Plan policies and Zoning Ordinance requirements.

- 4.4 The proposed subdivision is not likely to cause substantial environmental damage.

The proposed Parcel Map is not anticipated to cause substantial environmental damage as determined in the Initial Study and Negative Declaration prepared by staff.