

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



Agenda of: December 15, 2010
Item No.: 5.b.
Staff: Tom Purciel

TENTATIVE PARCEL MAP

FILE NUMBER: P10-0006 / Forstedt

APPLICANTS: Matthew and Gail Forstedt

ENGINEER: Ron Turner, Turner and Associates, Inc.

REQUEST: Tentative parcel map to create two parcels of 13,699 square feet and 13, 413 square feet, respectively, from a 27,112 square foot parcel.

No design waivers from the DISM have been requested.

LOCATION: On the west side of Deveron Way at the intersection with Dundee Circle in the Lake Tahoe Basin area, Supervisorial District V. (Exhibit A)

APN: 032-322-10 (Exhibit B)

ACREAGE: .62 acres

GENERAL PLAN: Adopted Plan (AP) Tahoe Regional Planning Agency (TRPA) Tahoe Regional Plan – Plan Area Statement 131 Angora Highlands Residential Land Use Classification (Exhibit C)

ZONING: One-Family Residential District (TR1) (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. Conditionally approve Tentative Parcel Map application P10-0006 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 are provided in the following sections.

Background

The proposed parcels were initially created as Lots 63 and 64 of Unit 1 of the Angora Highlands Subdivision, recorded December 18, 1963 (Exhibit F). The existing single family residence was permitted in 1980 on original Lot 64 (Building Permit No. 18157). Subsequently, Lots 63 and 64 were merged (BLA 92-0048), as recorded in July 1992 (PM 43-102).

However, although the parcel owners completed a legal merge pursuant to the requirements of El Dorado County and the Subdivision Map Act, the above lots also fall under the jurisdiction of the Tahoe Regional Planning Agency (TRPA) and the above merge was never reviewed or approved by the TRPA. Therefore, the above two lots are still separate parcels for purposes of TRPA review. According to the TRPA, (former) Lot 63 is currently in violation of Section 4.2.A(11) of the TRPA Code of Ordinances, which states that "parcel consolidation (is allowed) provided deed restrictions permanently consolidating the parcels are recorded by the affected owners." No such deed restriction was ever recorded, and, therefore, the TRPA does not recognize or acknowledge the 1992 merger.

Because the two (former) lots are still separate parcels for TRPA purposes, Sections 18.2 and 18.2.A(1) of the TRPA Code of Ordinances prohibit accessory uses, like garages, without a primary approved use on each TRPA-approved parcel. As TRPA records currently indicate that a garage is the only structure on (former) lot 63, the TRPA can not allow the existing garage without either completing TRPA lot merge documents, or successfully resubdividing the original two lots.

Accordingly, this Tentative Parcel Map request is for a resubdivision of the original 1963 parcels, in order to allow a primary single family residence on (former) Lot 63, and therefore, comply with State, County and TRPA subdivision regulations.

Project Description

Tentative parcel map to create two parcels of 13,699 square feet and 13,443 square feet, respectively, from a 27,112 square foot parcel. Proposed lots would be served by public water and sewer service. Site access would be provided from Deveron Way.

Site Description

The project is located in the Angora Highlands subdivision, approximately 2.5 miles south of Fallen Leaf Lake at an elevation of approximately 6,800 feet above sea level. The site is within an open Jeffrey Pine forest with gently rolling topography. Natural understory vegetation includes annual grasses and Pine Mat Manzanita. Existing improvements include a single family residence, single story garage and paved parking pad (See Tentative Parcel Map, Exhibit E).

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	TR1	AP(TRPA Regional Plan) PAS 131*	Residential/single-family residence and accessory structure
North	TR1	PAS 131*	Residential/single family residence
South	TR1	PAS 131*	Residential/single family residence
East	TR1	PAS 131*	Residential/single family residence
West	TR1	PAS 131*	Residential/single family residence

*Plan Area Statement 131, Angora Highlands, which is primarily residential use.

ZONING AND GENERAL PLAN CONSISTENCY:

This project is consistent with zoning regulations and applicable policies of the adopted 2004 El Dorado County General Plan. The policies and issues that affect this project are discussed below.

Site Access and Infrastructure: General Plan **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. **Policy 2.1.1.7** directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated. **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: Proposed project access would be from existing driveway encroachments onto a County maintained road; no additional easements, encroachments or improvements would be required. Further, the El Dorado County Department of Transportation has reviewed the project and determined that the project will meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface and road width prior to additional development. In addition, on-site

driveways would be required to demonstrate adequate fire and emergency vehicle access as part of future building permits.

The project would also include the provision of adequate water supply, emergency water supply, and utilities to serve the proposed map. Therefore, as this project has demonstrated adequate emergency vehicular access, public utilities and emergency water supply, this project would be consistent with the above Policies.

Water and Wastewater: General Plan **Policy 5.2.1.2** directs the applicant to demonstrate adequate quantity and quality of water for all uses, including water and sewer service and fire protection.

Discussion: Public water and sewer service would be provided by the South Tahoe Public Utility District. As noted in a letter of July 19, 2010, the South Tahoe Public Utility District has both the water and sewer capacity to serve this project. Based on this information, the project would be consistent with this Policy regarding availability of reliable water supply.

Fire Safety: General Plan **Policy 6.2.2.2** states that the County shall preclude development in areas of high and very high fire hazard or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, 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.

Discussion: The project is located within a very high fire hazard area, requiring the submittal and approval of a fire safe plan by the Lake Valley Fire Protection District and CAL FIRE. Accordingly, the project was distributed to the Lake Valley Fire Protection District and CAL FIRE and there were no comments or concerns, as these agencies have determined that this project will comply with the full intent of **Policy 6.2.2.2**. Therefore, standard fire protection requirements will be reviewed as part of future building permit(s), and no special conditions will be required for this project. Therefore, as proposed, this project will be consistent with this Policy and other applicable Fire Safe regulations.

Land Use Compatibility: General Plan **Policies 2.2.1.2** and **2.2.5.2** direct that development be consistent with established land use designations and all other applicable Policies.

Discussion: As discussed above, the subject site is surrounded by residential uses. The proposed project would create 1 additional residential parcel from within an existing residential area. One of the proposed parcels contains an existing residence, while the other parcel would be allowed to construct a future single family residence by-right. The County General Plan designates the subject parcel as Adopted Plan, which refers to the Tahoe Regional Planning Agency’s Regional Plan. The parcel is located within TRPA Plan Area Statement (PAS) 131, Angora Highlands, which is primarily intended for residential use.

Therefore, as the proposed project density and use is consistent with the density and use permitted under TRPA Plan Area Statement (PAS) 131, Angora Highlands, this project will be consistent with these Policies.

Zoning: As proposed, this project will comply with all applicable provisions of the County Zoning Ordinance. Applicable zoning regulations are discussed below.

Discussion: The subject site is currently zoned One-Family Residential District (TR1) which permits a minimum lot width of sixty feet and a minimum lot area of 7,000 square feet when the lot is served by public water and a public sewer system. As proposed, the new parcels would conform to existing zoning and the development standards in Section 17.56.040 for minimum lot width and minimum lot area as well as having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060. In addition, proposed lot configurations will provide for adequate building setbacks for future structures as required in Section 17.56.040. Therefore, as both project parcels demonstrate consistency with the above development standards and zoning regulations, this project is consistent with the County Zoning Ordinance.

Parks: This project is subject to parkland in-lieu fees.

Discussion: Pursuant to Section 16.12.090.C(3) of the County Subdivisions Ordinance, the subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office, except where it has been determined by Planning Services that the amount of parkland area required is .03 acres or less. In that case, there shall be a minimum in-lieu fee of \$150.00. As this project would only require .0168 acres of parkland dedication, the minimum flat fee of \$150.00 will be applied to this project. This fee will be payable to El Dorado County and applied to the Tahoe Basin Parks and Recreation District, which includes the unincorporated areas of South Lake Tahoe.

Conclusion: As discussed above, staff finds that the parcel map, as conditioned, is consistent with applicable policies of the County General Plan, Zoning Ordinance and other applicable regulations. Findings for consistency with the General Plan are provided in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit G) 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 to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map Page
Exhibit C	TRPA Plan Area Statement 131, Angora Highlands
Exhibit D	Zoning Map
Exhibit E	Tentative Parcel Map
Exhibit F	Subdivision Map, Angora Highlands, Unit 1
Exhibit G	Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**PARCEL MAP P10-0006/Forstedt
Zoning Administrator/December 15, 2010**

I. PROJECT DESCRIPTION

1. This tentative parcel map is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit E, 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 application creating two parcels of 13,699 square feet and 13,413 square feet in size, respectively, from a 27,112 square foot parcel. Proposed lots will be served by public water and sewer service. Site access will be provided via Deveron Way, a County maintained road.

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 (tentative parcel map) must be submitted for review and approval and shall be implemented as approved by the County.

II. CONDITIONS OF APPROVAL

Planning Services

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

3. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
4. A meter award letter or similar document shall be provided by the water purveyor prior to filing the parcel map.
5. The applicant shall pay the required Park-in-Lieu fee of \$150.00 to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing of the parcel map.
6. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
7. All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.
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 Government Code.

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

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

County Surveyor's Office:

9. All survey monuments must be set prior to filing the Parcel Map.
10. 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 P10-0006 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Engineer and Applicant(s).

ATTACHMENT 2

FINDINGS

PARCEL MAP P10-0006/Forstedt Zoning Administrator/December 15, 2010

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 Adopted Plan (AP) land use designation of the subject site, as defined by General Plan Policy 2.2.1.2, which refers to the Tahoe Regional Planning Agency's Regional Plan, because the parcel is located within TRPA Plan Area Statement (PAS) 131, Angora Highlands, which is primarily intended for residential use.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7 and 2.2.1.2 (land use density), 2.2.5.2 (compatibility with the surrounding neighborhood), 5.7.1.1 and 5.2.1.2 (adequate water supply and utility infrastructure), 6.2.2.2 and 6.2.3.2 (adequate fire safe plan and fire safe access). As conditioned, the project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed parcels meet the development standards of the TR1 zone district pursuant to section 17.56.040 for minimum parcel areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan, where applicable. As proposed and conditioned, the tentative map conforms to the General Plan, in the form of the Tahoe Regional Plan, and applicable General Plan policies concerning adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, adequate water supply and fire safe access.*
- 4.1.2 *The tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance. The proposed parcel sizes of 13,699 square feet and 13,413 square feet conform to the 7,000 square foot minimum parcel size of the TR1 zone district and all applicable provisions of the Minor Land Division Ordinance.*
- 4.1.3 *The site is physically suitable for the proposed type and density of development. The creation of 2 additional parcels at the 27,112 square foot site is compatible with the surrounding existing residential land use densities. In addition, the project was designed in a manner which allows adequate emergency water, emergency access, and wastewater disposal. Further, the proposed development meets the land use and density requirements of the TRPA Regional Plan (Plan Area Statement No. 131) and conforms to the minimum parcel size and development standards of the TR1 Zone District. Future development would require consistency with applicable General Plan policies and Zoning Ordinance requirements.*
- 4.1.4 *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.*