

COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT



Agenda of: November 16, 2011
Item No.: 4.a.
Staff: Tom Dougherty

TENTATIVE PARCEL MAP

FILE NUMBER: P10-0010/L'Ecluse Parcel Map

APPLICANT: Steve and Lynn L'Ecluse

ENGINEER: ECM Services

REQUEST: Tentative Parcel Map to create two single-family residential parcels comprising 4.94 and 5.05 acres from a 9.99-acre parcel. A Design Waiver is requested to allow proposed Parcel B to have a depth more than three times the average width.

LOCATION: East side of Union Mine Road approximately 800 feet northeast of the intersection with East China Hill Road, in the El Dorado area, Supervisorial District 3. (Exhibit A).

APN: 092-090-03 (Exhibit B)

PARCEL SIZE: 9.99 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit D)

ZONING: Estate Residential Five-Acre (RE-5) (Exhibit E)

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 P10-0010 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and

3. Approve a Design Waiver from the Design and Improvements Standards Manual allowing Parcel B to have a depth more than three times the average width, as the required findings have been made as noted in Attachment 2.

BACKGROUND: The application was submitted on November 24, 2010 and was deemed complete on August 16, 2011.

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:

Project Description: The Tentative Parcel Map would create two single-family residential parcels comprising 4.94 and 5.05 acres from a 9.99-acre parcel. A Design Waiver from the Design and Improvements Standards Manual is requested to allow proposed Parcel B to have a depth more than three times the average width.

Site Description: The 9.99-acre parcel varies in elevation from 1,480 to 1,640 feet above sea level. The project parcel abuts Union Mine Road on the west. A single family residence and detached garage are currently located in the western portion of the project site along Union Mine Road. The majority of the site outside of the area developed for the current residence is covered with indigenous oak and pine tree canopy. Deadman Creek enters the northwest corner of the parcel and flows south through the property. There is an existing 12-foot wide bridge that spans the creek that is proposed to be used as access to the proposed Parcel A development area. That area has been graded and contains an existing power source and well. There is an existing graveled road used as access from Union Mine Road to proposed Parcel A that travels through the neighboring parcel to the north.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential/Single-family residence
North	RE-5	LDR	Residential/Vacant
South	RE-5	LDR	Residential/Single-family residence
East	RE-5	LDR	Residential/Single-family residence
West	RE-5	LDR	Residential/Single-family residence

The project is located within a Rural Region Planning Concept area. All lands in the project vicinity are designated by the General Plan for low-density residential uses. The surrounding parcels in the vicinity are developed with single family residences with the exception of the parcel to the north which is vacant. The proposed parcel map would create two residential parcels which would be consistent with the surrounding land uses.

Project Issues: Discussion items for this project include access and circulation, and building envelope.

Access and Circulation: The existing residence on proposed Parcel B is accessed from a direct encroachment onto Union Mine Road. The existing building pad located on proposed Parcel A would be accessed via a road through the parcel to the north (APN 092-090-01), and then via an existing driveway that travels from the proposed Parcel A boundary and then across an existing 12-foot wide bridge that spans Deadman Creek. Both existing access encroachments have been approved and the access road to proposed Parcel A was subject to a previous grading permit. The Fire District did not recommend any conditions of approval for the access roadway however the applicant would be required to fulfill any access requirements of an approved Fire Safe Plan prior to filing the Parcel Map. The project would be responsible for any access improvements required of that plan.

Building Envelope: The submitted Tentative Parcel Map shows a building envelope on proposed Parcel A. This is presented for review purposes only and is not intended to be recorded on the filed Parcel Map.

General Plan: The project site has a land use designation of Low-Density Residential (LDR). 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 Tentative Parcel Map would create two single-family residential parcels comprising 4.94 and 5.05 acres from a 9.99-acre parcel. Therefore, the proposed parcels would conform to the LDR General Plan land use designation.

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

Discussion: The parcel sizes and residential uses would be consistent and compatible with the 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 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*, 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*.

Discussion: The Diamond Springs-El Dorado Fire Protection District has requested Conditions of Approval addressing the emergency ingress/egress. A Wildland Fire Safe Plan approved by the Fire District and Cal Fire would be required prior to filing the Parcel Map. Conditions have been incorporated into the project to assure compliance with the Fire District requirements. As conditioned, the project would conform to the General Plan policies.

Wetlands/Intermittent Streams: **Policy 7.3.3.4** directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands.

Discussion: Deadman Creek is classified as an intermittent stream and therefore requires a 50-foot non-building setback on each side of the creek measured from the Ordinary High Water Mark as defined by U.S. Army Corps of Engineer standards. A condition of approval has been included in Attachment 1 for this setback to be recorded on the filed Parcel Map.

Oak Canopy Coverage: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: Because both proposed parcels have existing development areas and an access road and driveway, the project would not be anticipated to remove any oak canopy. Canopy removal for potential future parcel development would be addressed for compliance with Policy 7.4.4.4 at the time of a grading and/or building permit.

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 parcel is zoned Estate Residential Five-Acre (RE-5). The two parcels proposed to be 4.94 and 5.05 acres in size would conform to the development standards in Section 17.28.210 for minimum parcel area of five acres and minimum lot width of 100 feet at the project frontage. Compliance with setbacks, building coverage, building height, and parking development standards would be reviewed at time of building permit application submittal. The applicant has shown that there would be adequate area for that to occur.

Section 17.14.120 allows parcel size exceptions in the RE-5 zone district. Subsection (C) (1) would permit Parcel A to be 4.94 acres in size because it is larger than 4.5 acres when groundwater dependant. Findings for Approval are provided in Attachment 2.

Design Waiver: A Design Waiver has been requested to allow a variation of DISM Volume 2, Section 2(B)(10) to allow a parcel to have a depth more than three times the average width.

Discussion: The Parcel Map would create one 5.05-acre parcel with greater than a 3 to 1 depth to width ratio. The Design and Improvement Standards Manual establishes that a deep parcel (a lot that exceeds the 3 to 1 lot width ratio) requires a Design Waiver. The proposed parcel equally distributes the useable portions of the parcel. The applicant has demonstrated that the proposed lots have the potential to facilitate the required 30-foot setback requirements. It appears that the parcel can be more logically and effectively split along the existing access road to evenly divide the parcel. Granting of the Design Waiver would not be injurious to any of the affected property owners as it would allow the existing developed access roadway from Union Mine Road, driveway, bridge and building pad to remain. Without the modification, the existing improvements and a five-acre minimum parcel size would not be preserved and excessive, unnecessary environmental damage would occur. Neither the Fire District, nor DOT has outstanding concerns with the Design Waiver request. Therefore, based on the existing parcel design, staff recommends approval of the Design Waiver. Findings of Consistency for the proposed Design Waiver have been provided in Attachment 2.

ENVIRONMENTAL REVIEW: Staff has prepared an Environmental Checklist Form and Discussion of Impacts, (provided in Exhibit H), to determine if the project may have a significant effect on the environment. Based on the Initial Study, it has been determined that there is not substantial evidence that the proposed project would have a significant effect on the environment. Therefore, a Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E.....	Tentative Parcel Map, dated July 22, 2011
Exhibits F-1 to F-2	Site visit pictures
Exhibits G.....	Vicinity aerial map
Exhibit H	Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Tentative Parcel Map P10-0010/L'Ecluse Parcel Map
Zoning Administrator/November 16, 2011

CONDITIONS OF APPROVAL

Project Description

1. This Tentative Parcel Map (Exhibit E) is based upon and limited to compliance with the project description, the following hearing exhibit 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 consists of the creation of two single-family residential parcels, comprising 4.94 and 5.05-acres in size from a 9.99-acre parcel currently identified by Assessor's Parcel Number 092-090-03, as shown in Exhibit E. The project shall utilize Union Mine as primary access. Both parcels shall be served by wells and septic facilities. The approval includes the following:

Parcel Number	Gross Area (acres)	Existing Improvements
A	4.94	One bridge, well, and power pole.
B	5.05	One 880 sq. ft. single-family dwelling, 768 sq. ft. garage, well, and septic system.

In addition, a Design Waiver is approved allowing Parcel B to have a depth more than three times the average width.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, and parking 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

2. **Compliance with Conditions:** Prior to filing the Parcel Map, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the

project with each condition imposed as part of the project approval. Planning Services shall verify compliance prior to filing the Parcel Map.

3. **Wetland Setback:** A 50-foot setback line shall be shown on the Parcel Map that begins at the High Water Mark, as defined by U.S. Army Corps of Engineer standards, on both sides of Deadman Creek. No development shall occur within the setback area. The identification shall be made on the Parcel Map, Site Plan Review, grading and building plans where applicable.
4. **Map Time Limits:** 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.
5. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee 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.
6. **Park In-Lieu Fee:** The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to 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.
7. **Cultural and Historic Resources:** 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.

8. **Indemnity:** 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.

The developer and land owner 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.

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

Environmental Health Division

9. Prior to filing the Parcel Map; each parcel shall have a well that provides a safe and reliable water source. The well require at a minimum, four hour production testing in compliance with EDC Policy 800-02.

Diamond Springs-El Dorado Fire Protection District

10. The applicant shall submit a parcel split review fee of \$328.00 to the Fire District prior to filing the Parcel Map.
11. The applicant shall submit a Fire Safe Management Plan, approved by the Fire District and Cal-Fire, which is prepared by a Registered Professional Forester. The applicant shall record a Notice of Restriction (NOR) that states that the newly created parcel shall adhere to requirements of the plan. Said Notice of Restriction shall include an attached copy of the approved Wildfire Safe Plan. The approved NOR shall be recorded and a copy of the recorded document shall be received by Planning Services and Diamond Springs Protection District prior filing the Parcel Map.
12. The applicant shall provide a drawing to scale showing the location of the water storage tank(s) and outlets sized to meet El Dorado County Fire Prevention Standard "Residential Water Supplies without a Purveyor" to be approved by Diamond Springs Fire District. The tanks and appurtenances shall be installed prior to the issuance of the building permit.
13. Community Facilities District: Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD. The project shall be annexed into the CFD prior to the filing the Parcel Map.

County Surveyor's Office

14. All survey monuments must be set prior to filing the Parcel Map.
15. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to Parcel A across the parcel identified by APN 092-090-01 to a State or County Maintained Road as defined in 16.44.120(8)(2).

16. 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.
17. 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 P10-0010 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

Tentative Parcel Map P10-0010/L'Ecluse Parcel Map Zoning Administrator/November 16, 2011

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 base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

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 parcel sizes that range from 5.00 to 10.00 acres. One parcel is 5.05-acres in size. The 4.94-acre parcel can be found to be consistent because it is permitted by Zoning Code Section 17.14.120 which allows parcel size exceptions in the RE-5 zone district. Subsections (C) (1) permit Parcel A to be 4.94 acres in size because it meets the requirement of said Section by providing an area greater than 4.5 acres when groundwater dependant. The project therefore would be consistent with this policy.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (wildfire safety), 6.2.3.2 (fire safe access), 7.3.3.4 (wetlands), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan, because, as conditioned, the project provides adequate access, adequate water supply for fire protection, would be compatible with the surroundings land uses, considers the wetland impacts, is not anticipated to require oak canopy removal, and will not be anticipated to significantly impact other biological resources.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Estate Residential Five Acre (RE-5) which permits the proposed parcel sizes of 4.94 and 5.05 acres under Sections 17.14.120 and Subsection (C) (1), and 17.28.210 (A). The parcel size exception can be found to be consistent because it meets the requirement of said Section by providing an area greater than 4.5 acres when groundwater dependant.
- 3.2 The existing and proposed residential uses at the subject site are permitted by right under Section 17.28.190 (A). As proposed, the project has the ability to meet all applicable development standards contained within Section 17.28.210 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* because all necessary improvements have been considered by the reviewing agencies to determine that, this Tentative Parcel Map is consistent with the policies of the 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* because as proposed, conditioned, the Tentative Parcel Map has shown the existing and ensuing residential development does and can conform to the development standards within the RE-5 zone district and the Minor Land Division Ordinance.
- 4.3 *The site is physically suitable for the proposed type and density of development because*, the site is physically suitable for the proposed type and density of development. The project was designed in a manner which equally distributes the existing suitable emergency and potable water, emergency access, septic disposal areas, and natural feature features. The project avoids disturbances to slopes in excess of 30 percent, shows the ability for minimum impacts on the drainage swale areas and Deadman Creek, and is compatible within the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the General Plan LDR land use designation and conforms to the minimum parcel size and development standards of the RE-5 zone district.
- 4.4 *The proposed subdivision is not likely to cause substantial environmental damage* because the proposed Parcel Map is not anticipated to cause substantial environmental damage as after agency and staff review of the project, conditions have been added which reduced the potential for the project to for causing significant effects on the environment to insignificant levels. The project site includes a residential unit and a graded pad area with existing supporting access roadways, electrical, and telephone facilities available to the site. The applicant has shown the resultant parcels can be developed with typical residential infrastructure improvements in areas of less than 30 percent slopes with minimum potential impacts to existing woody vegetation and the riparian corridor.

5.0 DESIGN WAIVER APPROVAL FINDINGS

- 5.1 Allow a variation of DISM Volume 2, Section 2(B)(10) to allow a parcel to have a depth more than three times the average width.
- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The special conditions or circumstances that are peculiar to this property relate to the shape and topography of the parent parcel. The subject site is unique in that there is an existing residential unit and an additional, separate existing building pad, access roadway and driveway, and a bridge over Deadman Creek on-site which constrain how the parcel can be divided. In addition, the parcel is irregularly shaped. Dividing the project site will provide two parcels for the residential development which efficiently and equally distributes the useable land and existing supporting infrastructure. The proposed Design Waiver allows creation of one additional parcel consistent with the minimum lot size requirements and development standards of the underlying RE-5 zoning designation and consistent with the General Plan Designation of Low Density Residential (LDR).
- 5.1.2 *Strict application of the design or improvement requirements will cause extraordinary and unnecessary hardship in developing the property.* Strict application of the 3 to 1 ratio requirements would cause the project to be redesigned in ways that will not allow the most effective utilization of the existing land contours in ways that allow the most efficient use of the existing access driveway and building pad for proposed Parcel A. Requiring strict application will require unnecessary impacts to Deadman Creek, the existing drainage sheds, and re-grading of the site's existing slopes.
- 5.1.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The shape of the parcels will not be injurious to adjacent properties or detrimental to the public health, safety, convenience and welfare because as conditioned, the existing project site elements comply with all fire safety, environmental health, and access requirements.
- 5.1.4 *It can be found that this waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of the County Code or any of the other applicable ordinances discussed within the staff report.