

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



<b>Agenda of:</b>	May 20, 2015
<b>Item No.:</b>	5.a.
<b>Staff:</b>	Joe Prutch

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P14-0004/Billings Parcel Map

**APPLICANT:** Chris Billings (Property Owner)

**ENGINEER:** Northern California Geomatics (Brendan Williams)

**REQUEST:** Tentative Parcel Map to create a subdivision of two single family residential lots measuring 11.73 and 5.10 acres.

**LOCATION:** The property is on the north side of Zandonella Road, approximately 1,000 feet east of the intersection with Pleasant Valley Road, in the Diamond Springs area, Supervisorial District 3. (Exhibit A)

**APN:** 098-050-20 (Exhibit B)

**ACREAGE:** 16.83 acres

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

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

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

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

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff;
2. Approve Tentative Parcel Map P14-0004, based on the Findings and subject to the Conditions of Approval as presented.

**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.

**Project and Site Description:**

Request for a Tentative Parcel Map to create two parcels from a 16.83 acre site (Exhibit E). The elevation of the project parcel ranges from approximately 1,880 to 1,995 feet above sea level. The site is somewhat hilly sloping mostly from east to west. The site contains a residential home, barn, temporary mobile home, and detached garage. The single family home and barn would be located on Parcel 1 while the temporary mobile home and detached garage would be located on Parcel 2. There is a thin EID easement running along the length of the north property line and a 7,000 square foot EID easement in the east corner of the property. Neither of these EID easements are impacted by the proposed parcel map. Zandonella Road provides access to both proposed lots and is built to county standards. No road improvements or dedications are needed. The site is covered with pine trees, some grasses, and single family development.

**Project Discussion:**

Staff has analyzed the project in detail and has provided Conditions of Approval based on agency comments. Discussion items include traffic, building permits and a boundary line adjustment.

**Traffic:** The proposed project does not trigger the general plan requirement for a traffic study and, therefore, a traffic study is not required. Both parcels would be accessed from the existing county maintained Zandonella Road. Both existing dwellings already have driveway encroachments constructed to County standards.

Since one of the dwellings is a hardship mobile home, traffic impact mitigation fees were not paid at the time of temporary mobile home permit. If the mobile home is converted to a single family dwelling, TIM fees would be required and paid at time of building permit.

**Building Permits:** The project site includes finalized building permits for a 2,595 square foot single family dwelling with an 865 square foot attached garage, a 2,000 square foot barn, a 2,460 square foot temporary mobile home with 500 square foot deck, and a 670 square foot detached garage. The Temporary Mobile Home application (TMA13-0019) was approved by Planning Service on August 16, 2013 and would expire this coming August 16, 2015. A temporary mobile home is only allowed on a parcel as an accessory to a single family dwelling. The proposed lot split would separate the mobile home from the main dwelling. Therefore, the temporary mobile home would not be able to remain once the final map is approved. The applicant will be required to either remove the temporary mobile home or convert it to a permanent single family dwelling through the building permit process. The applicant has stated that they wish to keep the mobile home and will apply for building permits.

**Boundary Line Adjustment:** After the parcel map application was submitted, the applicant decided to work with the neighboring property owner to the west (APN 098-040-22) to adjust the property line between their two parcels. The reason for this adjustment is because the existing property line traverses directly under, or in close proximity to, the existing neighboring

residence. The Boundary Line Adjustment application (BLA15-0003), will allow for this residence to meet setback requirements. The BLA was approved on January 28, 2015, with a one year expiration, but would be recorded simultaneously with the recorded parcel map. The property lines shown on the attached Parcel Map (Exhibit E) depict the adjusted boundary line.

**General Plan:** The General Plan designates the subject site as Medium Density Residential (MDR) and **Policy 2.2.1.2** identifies that MDR establishes areas for single-family residences with larger lot sizes as a transitional land use between the more highly developed and the more rural areas of the County. This designation is considered appropriate within community regions. The maximum allowable density is one dwelling unit per 1.0 acre with parcel sizes to range from 1.0 to 5.0 acres. The project would create two single-family residential parcels comprising 11.73 and 5.10 acres in size. Although not consistent with the parcel size range of this land use designation, the lot sizes are consistent with the RE-5 Zoning District, which is consistent with the MDR land use designation pursuant to Table 2-4 of the General Plan.

**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 surroundings where parcels are of similar sizes.

**Texas Hill Reservoir Take Line: Policy 2.2.6.5** states that the creation of new parcels adjacent to the Texas Hill Reservoir Take Line as shown on the General Plan land use map shall maintain a minimum size of ten acres.

Discussion: Since the project site is across Pleasant Valley Road from the take line and not adjacent to the take line, the proposed parcel map is not subject to this Policy.

**Water Supply: Policy 5.2.1.2** requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Discussion: All lots within the project will be connected to public water and will have water pressure adequate for fire protection. The two homes on the property are already connected to public water, although the water line to proposed Parcel 2 will need to be relocated so it is solely on Parcel 2 and has its own water meter. The applicant will be required to obtain building permits for the mobile home on proposed Parcel 2 and the necessary water line relocation and new water meter will be reviewed with that building permit.

**Fire Protection: Policy 5.7.1.1, Fire Protection in Community Regions,** requires the applicant to demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or will 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. **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 El Dorado County Fire Protection District had no comments about this project as the two existing homes were built with approved building permits that included Fire District approval. The homes on the property have a connection to public water supplied by EID. Also, a fire hydrant is located at the intersection of Zandonella and Pleasant Valley Roads. The proposed parcels will have direct access onto Zandonella Road and the two homes have paved driveways meeting fire safe standards. Since no development or road/driveway improvements are proposed, the project would not need a fire safe plan and is in compliance with these General Plan policies relating to fire protection.

**Development on Slopes in Excess of 30 Percent:** **Policy 7.1.2.1** states that “development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.”

**Discussion:** As shown on the Parcel Map, the buildings and driveways are built on areas that are less than 30 percent slopes. The driveway leading to the home on Parcel 2 has a 16 percent slope. Although there appear to be some areas on the property exceeding 30 percent slopes, the applicant is not proposing any development on either parcel. Therefore, the project is in compliance with this policy.

**Conclusion:** It has been determined that the project would be in compliance with the applicable General Plan Policies. Findings of Consistency with the General Plan are provided in the attached Findings.

**Zoning:** The parcel is zoned Estate Residential Five-Acre (RE-5). The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks. The proposed lots meet the minimum lot size and width standards. The existing homes, detached garage, and barn are compliant with the setback requirements of the Zoning Ordinance.

**Agency and Public Comments:** Appropriate conditions from each reviewing agency are included with this staff report. The following agencies provided comments and/or conditions for this project:

El Dorado County Transportation Division  
El Dorado County Environmental Management Division  
El Dorado County Air Quality Management District  
Office of the County Surveyor  
El Dorado County Historical Society

**ENVIRONMENTAL REVIEW:** Staff has prepared an Initial Study, Environmental Checklist Form (Exhibit F). Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and 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 after approval (2015 fee is \$2,210.00), 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 Development Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## **SUPPORT INFORMATION**

Conditions of Approval  
Findings

Exhibit A.....	Location Map
Exhibit B.....	Assessors Map
Exhibit C.....	General Plan Map
Exhibit D.....	Zoning Map
Exhibit E.....	Tentative Parcel Map; January 2015
Exhibit F.....	Proposed Negative Declaration and Initial Study

# CONDITIONS OF APPROVAL

## **Tentative Parcel Map P14-0004/Billings Parcel Map Zoning Administrator/May 20, 2015**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked,

Exhibit E .....Tentative Parcel Map: January 2015

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 allows the creation of two parcels from a 16.83-acre site identified by Assessor's Parcel Number 098-050-20. Both parcels shall be served by public water and individual septic systems. The approval includes the following:

<b>Lot Number</b>	<b>Gross Area</b>	<b>Improvements</b>
1	11.73 acres	Single family home with attached garage, barn, and paved access driveway
2	5.10 acres	Temporary mobile home with detached garage and paved access driveway

The development, use, and maintenance of the property, the size, shape 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.

### **Development Services Division**

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
3. **Quimby Act Fee:** The certificate of compliance is subject to parkland dedication in-lieu fee. The fee shall be \$150.00 and shall be paid to Planning Services.
4. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.

5. **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.

6. **Temporary Mobile Home:** The temporary mobile home permitted under TMA13-0019, shall be removed or converted to a permanent structure with a building permit and all applicable fees paid within 90 days of recording the final parcel map, to the satisfaction of the Development Services Director. The TMA permit shall be renewed prior to August 16, 2015, unless the building permit can be issued prior to that date. Failure to remove the mobile home or obtain a building permit for the mobile home conversion will result in a notice of violation from code enforcement and possible double permit fees.
7. **Water Meter:** A meter award letter or similar document to provide water service to each parcel by the El Dorado Irrigation District shall be submitted to Planning Services for review and approval prior to filing the Parcel Map.

#### **Office of County Surveyor**

8. **Survey Monuments:** All survey monuments shall be set prior to filing the Parcel Map.
9. **Conditions of Approval:** Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P14-0004 by (that agency) have been satisfied.” The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

#### **Air Quality Management District**

10. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to any project construction if a grading permit is required by the County or if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during any construction. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
11. **Paving:** Any project construction that involves road development shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).

12. **Painting/Coating:** Any project construction that involves the application of architectural coating shall adhere to **AQMD** Rule 215 Architectural Coatings.
13. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
14. **Construction Emissions:** During any construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
15. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

## **FINDINGS**

### **Tentative Parcel Map P14-0004/Billings Parcel Map Zoning Administrator/May 20, 2015**

#### **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 proposal.
- 1.2 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 Division, Planning Services, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.5.21**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. The project site is surrounded by two public roads and further surrounded by undeveloped and developed residential land uses and a mobile home park, which are compatible with the proposed development.

##### **2.2 The project is consistent with General Plan Policy 5.2.1.2**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development. Both lots within the project site will have separate public water meters as approved by the El Dorado Irrigation District, which will provide domestic water and water for fire protection.

##### **2.3 The project is consistent with General Plan Policy 5.7.1.1**

General Plan Policy 5.7.1.1 requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development. The El Dorado County Fire Protection District would provide fire protection service to the project site. The El Dorado Irrigation District would ensure that water supplied to the parcels is adequate to meet emergency fire needs.

##### **2.4 The project is consistent with General Plan Policy 6.2.2.2**

General plan Policy 6.2.2.2 requires the County to 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 and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.

The El Dorado County Fire District made no comment to require a fire safe plan as the two existing homes were built with approved building permits which included Fire District approval. Since there is no new development proposed with this parcel map, a fire safe plan is not required and the project is in compliance with this policy.

**2.6 The project is consistent with General Plan Policy 6.2.3.2**

General Plan Policy 6.2.3.2 directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area. Since no new roads are required to access the two parcels and the existing homes and driveways have been permitted, the project is in compliance with this policy.

**2.7 The project is consistent with General Plan Policy 7.1.2.1**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The existing homes, barns, garages, and driveways are built on areas of the property that avoid any slopes exceeding 30 percent. No new development is proposed on either parcel. The project is in compliance with this policy.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.**

The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the Estate Residential Five-Acre (RE-5) development standards as provided within Section 130.28.210 of the County Code.

**4.0 PARCEL MAP FINDINGS**

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

The proposed Parcel Map is consistent with the General Plan as set forth in Finding 2.0.

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

The parcels have been analyzed in accordance with Section 130.28.210 (Development Standards) of the Zoning Ordinance and comply with the required minimum lot area and minimum lot width requirements. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

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

The proposed development meets the density requirements of the Medium Density Residential 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.**

The project impacts have been analyzed in the Negative Declaration and the project would not cause substantial environmental damage.