

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



Agenda of:	April 6, 2016
Item No.:	4.a.
Staff:	Jennifer Franich

TENTATIVE PARCEL MAP

FILE NUMBER: P15-0007/Ambrozewicz Parcel Map

APPLICANT: Bogdan Ambrozewicz

OWNER: Bogdan Ambrozewicz

ENGINEER: Giuliani & Kull, Inc.

REQUEST: Tentative Parcel Map to create a subdivision of two single family residential lots measuring 20 and 24.02 acres.

LOCATION: East side of Highway 193 approximately 0.8 mile east of the intersection with Coon Creek Road, in the Greenwood Area, Supervisorial District 4 (Exhibit A).

APN: 074-042-29 (Exhibit B)

ACREAGE: 44.03 acres

GENERAL PLAN: Low Density Residential - Important Biological Corridor - Mineral Resource Area (LDR - IBC - MR) (Exhibit C)

ZONING: Rural Lands Twenty-Acre (RL-20) (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; and
2. Approve Tentative Parcel Map P15-0007, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

This Tentative Parcel Map would create two residential lots measuring 20 and 24.03 acres in a rural area east of the Greenwood Rural Center, south of Highway 193/Georgetown Road. With the incorporation of the recommended conditions of approval, staff recommends approval of this parcel map and the adoption of the Negative Declaration. The tentative parcel map is required by the Subdivision Ordinance for land divisions of four or fewer lots. The site is within the Important Biological Corridor, as it has the high wildlife habitat value, however, no oak trees are to be removed and no grading is proposed at the site. Two existing pads, graded for the purpose of barns, are proposed for the new house pads. As discussed in the Findings, staff has determined that the proposed project is consistent with the low-density residential land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the RL-20 zone and other Zoning Ordinance requirements.

SITE DESCRIPTION

The project site consists of 44.03 acres and is located at approximately 1,800 feet above mean sea level. The parcel is within an Important Mineral Resource area. The primary on-site biological communities include annual grasses, and native pines, oaks, and shrubs. The site is surrounded by other large-lot residential parcels similar to the project site. A 30-foot electricity easement runs north to south along the east portion of the property. The site is accessed from Georgetown Road/Highway 193 and Coon Creek Road, a gravel, non-county-maintained road within a fifty-foot non-exclusive road and public utility easement. Greenwood rural center is approximately 200 feet east of the site. The tentative parcel map indicates that at the southeast corner of the site there is a thirty-foot non-exclusive road and utility easement from Coon Creek road east. Both proposed parcels have exiting gravel access driveways, graded pads for the purposes of a barn or storage (Permit No. 234351), and existing wells.

PROJECT DESCRIPTION

The Tentative Parcel Map would create two parcels, 24.03 acres and 20 acres in size, from a 44.03 acre site. Onsite septic wastewater systems would be installed for each proposed dwelling unit. The septic areas were tested for capacity and approved by the County Environmental Management division. The project would not involve the removal of oaks or other trees.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit G). 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.

SUPPORT INFORMATION

Findings
Conditions of Approval

Exhibit A.....Location Map
Exhibit B.....Assessors Map
Exhibit C.....General Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit E.....Tentative Parcel Map; November 5, 2015
Exhibit F.....Tree Preservation Plan; November 5, 2015
Exhibit G.....Proposed Negative Declaration and Initial Study

FINDINGS

Tentative Parcel Map P15-0007/Ambrozewicz Parcel Map Zoning Administrator/April 6, 2016

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 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 Division, Community Development Agency, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

Policy 2.2.1.2 identifies that the Low-Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, 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. The maximum allowable density is one dwelling unit per 5.0 acres.

Rationale: The project proposes to split a 44.03-acre lot into two lots. Parcel 1 would be 24.03 acres, and Parcel 2 would be 20 acres. The site is in a rural region near the Greenwood rural center, and land use at the site is residential. The proposed project is compatible with the land use designation.

2.2 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.

Rationale: The project site is surrounded by rural residential development and small-scale agriculture, with the Greenwood rural center nearby to the east. The new parcels would be similar in size to the surrounding parcels, and there would be no change in use, which is currently compatible with the adjoining existing development. The proposed parcel sizes are similar to those surrounding the site, and use is consistent and compatible with the development pattern in the immediate surroundings.

2.3 The project is consistent with General Plan Policy 2.2.2.7.

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the Mineral Resources overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses.

Rationale: The project area is within a Mineral Resource Zone according to the general plan. According to Policy 7.2.2.2., the Low-Density residential land use designation is considered potentially compatible with surface mining. The project would not preclude the study or identification of economically viable natural resources on the subject parcel. Because of the relatively small project footprint, mineral resource exploration and extraction could potentially occur on site, without significant encumbrance due to the presence of an additional residential parcel. The project would not introduce development that would compromise the natural resource value of the parcel.

2.4 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.

Rationale: Each lot is currently served by a domestic well. The Garden Valley Fire Protection District and CALFIRE both determined that the current water supply would be adequate for the purposes of fire protection.

2.5 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1, Fire Protection in Community Regions, requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Garden Valley Fire Protection District would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. The Garden Valley Fire Protection District approved the use of the existing road and for fire access. The California Department of Forestry and Fire Protection (CALFIRE) reviewed the application and included conditions for road and driveway design and maintenance, and defensible space requirements. With the incorporation of these requirements, the project is in compliance with these General Plan policies related to fire protection.

2.6 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas 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.

Rationale: The property is located in a High Fire Hazard Zone. CALFIRE reviewed the application and included conditions of approval regarding road design and maintenance. These include facilities for engine access and turn-around, defensible space requirements, and review of plans at the time of building permit.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

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.

Rationale: The Transportation Division reviewed the application and has required on-site road improvements and entitlements for use of the off-site roads and public utility easements. Both Garden Valley Fire Protection District and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. The project is in compliance with this policy.

2.8 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 restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The existing structures are built on areas of the property that avoid any slopes exceeding 30 percent. The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

2.9 This project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires that for all new development projects that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, that the project applicant shall adhere to the tree canopy retention and replacement standards described in Option A.

Rationale: A graded pad exists on both proposed parcels, and the applicant is not proposing any new development on other portions of the property. The proposed area for development is located in an area that does not contain oak trees. As proposed, the project would retain 100 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A and the El Dorado County Oak Woodland Management Plan. The proposed new homes would be reviewed at the time of building permit for compliance. An additional accessory dwelling unit could also be constructed on each of the two lots. Future residential development on either proposed parcel would be required to mitigate the loss of oak canopy in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

2.10 This project is consistent with General Plan Policy 7.4.2.9.

Policy 7.4.2.9 establishes the Important Biological Corridor (IBC) overlay, which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.

Rationale: The subject parcel has an existing road, driveways, and two graded pads which are proposed for residential development. Two wells to serve each proposed parcel are also existing. The entire parcel is located within the IBC. The parcel map would not directly impede the intentions of this policy in a significant manner, because the size of the lots would allow large areas to be left as they exist currently. There would be no removal of oak tree canopy associated with the parcel map or the construction of the single-family home. Additionally, future construction would be reviewed at the time of grading and building permit for compliance with IBC standards.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Rural Lands Twenty-Acre (RL-20). The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed lots meet the minimum lot size and width standards. The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the Estate Rural Lands Twenty-Acre (RL-20) development standards as provided within Section 130.40.350 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.

Rationale: 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.**

Rationale: 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.**

Rationale: The proposed development meets the density requirements of the Low Density Residential (LDR) land use designation and conforms to the minimum parcel size and development standards of the RL-20 zone district.

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

Rationale: The project impacts have been analyzed in the Initial Study, which resulted in a Negative Declaration. The project would not cause substantial environmental damage.

CONDITIONS OF APPROVAL

Tentative Parcel Map P15-0007/Ambrozewicz Parcel Map Zoning Administrator/April 6, 2016

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit ETentative Parcel Map; November 5, 2015
Exhibit F.....Tree Preservation Plan; November 5, 2015

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 44.03-acre site identified by Assessor's Parcel Number 074-042-29. Both parcels shall be served by individual water meters and septic systems. The approval includes the following:

Lot Number	Gross Area	Improvements
1	24.03 acres	New Single-family home, road improvements, well, septic system
2	20.00 acres	New Single-family home, driveway improvements, well, septic system

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. **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.

4. **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.

5. **Tree Preservation:** In the event that residential or other structures are proposed for construction outside of the previously graded areas identified on the Tentative Parcel Map, a tree preservation plan shall be submitted to Planning Services for review and approval prior to Building Permit issuance.

Office of County Surveyor

6. All survey monuments shall be set prior to filing the Parcel Map.
7. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).
8. Situs addressing for the project shall be coordinated the County Surveyors Office prior to filling the Final Map.
9. 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 P15-0007 by (that agency) have been satisfied." The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

CALFIRE

10. Driveways shall provide a minimum 10 foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. A turnaround shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.

11. Defensible Space-The intent of this regulation is to provide guidance for implementation of Public Resources Code 4291(a) and (b), and minimize the spread of fire within a 100 foot zone around a building or structure.
- a) A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and is within State Responsibility Area, shall do the following:
 - (1) Within 30 feet from each building or structure maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth pursuant to PRC § 4291(a). Single specimens of trees or other vegetation may be retained provided they are well spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
 - (2) Within the 30 feet to 100 feet zone (Reduced Fuel Zone) from each building or structure (or to the property line, whichever is nearer to the structure), provide a fuel break by disrupting the vertical and/or horizontal continuity of flammable and combustible vegetation with the goal of reducing fire intensity, inhibiting fire in the crowns of trees, reducing the rate of fire spread, and providing a safer environment for firefighters to suppress wildfire pursuant to PRC § 4291(b).
 - b) Any vegetative fuels identified as a fire hazard by the fire inspection official of the authority having jurisdiction shall be removed or modified provided it is required by subsection (a)(1) & (a)(2).
 - c) Within the intent of the regulations, the fire inspection official of the authority having jurisdiction may approve alternative practices which provide for the same practical effects as the stated guidelines.
 - d) Guidance for implementation of this regulation is contained in the publication: “General Guidelines for Creating Defensible Space” as published by the Board of Forestry and Fire Protection by resolution adopted on February 8, 2006.

Transportation Division

12. Road Improvements: The on-site roadways shall be constructed to County Standard Plan 101C. The access road shall be 18 feet in width plus one-foot shoulders on each side.
13. Road & Public Utility Easements: The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the on-site access roadways, shown on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.

14. **Proof of Offsite Road Entitlements:** The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.
15. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
16. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

17. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Transportation Division for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division
18. **Improvements prior to filing of the map.** The improvements shall be installed to the satisfaction of the El Dorado County Transportation Division prior to filing of the map. This condition shall appear as a note on the recorded parcel map.
19. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

Air Quality Management District

20. Fugitive Dust: The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
21. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
22. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
23. 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).
24. Construction Emissions: During 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: <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
Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
25. 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.