

COUNTY OF EL DORADO DEVELOPMENT SERVICES  
BOARD OF SUPERVISORS  
STAFF REPORT



Agenda of: October 13, 2009

Staff: Michael Baron

## SUBDIVISION MAP AMENDMENT

**FILE NUMBER:** TM86-1051-C/Pioneer Place

**APPLICANTS:** Darin and Diana Swart

**REQUEST:** A request for a Subdivision Map Amendment to remove a 75-foot setback for noise attenuation on Lot 149 recorded on the Pioneer Place Final Subdivision Map J-17-B approved by the Board of Supervisors on February 19, 1987 (Exhibit D).

**LOCATION:** On the north side of Green Valley Road, 0.4 miles west of the intersection with Bass Lake Road in the Rescue area, Supervisorial District IV (Exhibit A).

**APN:** 102-560-03 (Exhibit G)

**ACREAGE:** 1.0 acre

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

**ZONING:** Single-Family One Acre (R1A)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to CEQA Guidelines Section 15305(a)

**SUMMARY RECOMMENDATION:** Staff recommends that the Board of Supervisors take the following actions:

1. Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15305(a); and

2. Approve Final Map Amendment TM86-1051-C amending Map J-17-B subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

## **BACKGROUND:**

The Pioneer Place Final Subdivision Map was approved by the Board of Supervisors on February 19, 1987. The recorded map J-17 created 161 lots. Review of the historical files, site inspection and review of a noise analysis (J.C. Brennan & Associates August 6, 2009) provided by the property owner support removal of the 75-foot setback for noise attenuation in order to allow the property owner to construct a pool within the setback. The setback for noise attenuation was recorded for the protection of the residential homes from potential traffic noise. There does not appear to be any hindrances to removing the easement and a vehicle access restriction would remain in effect on the map. The removal of the 75-foot setback for noise attenuation would allow a reduction in building setbacks for second dwellings, garages, barns, pools, and other accessory structures.

**Project Description:** This Subdivision Map Amendment would remove the 75-foot setback for noise attenuation on Lot 149 of the recorded subdivision map. A non-vehicular access restriction would remain on the subdivision map. No additional properties within the subdivision are included in the proposed amendment.

**Amending of Final Maps:** *Chapter 16.72* of the *El Dorado County Code* and *Section 66472.1* of the Subdivision Map Act allows the amending of final maps by either the filing a Certificate of Correction or amending the map. Should the County determine that the Map Amendment be approved, a Certificate of Correction is recommended to affect the removal of the 75-foot setback for noise attenuation.

*Section 16.72.040* of the *County Code* and *Subdivision Map act Section 66472.1* requires the decision makers make findings for an amended map that there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary and that the changes do not impose any additional burden on the present fee owner of the properties. Further, the modifications proposed should not alter any right, title or interest in the real property reflected in the recorded map and that map as modified shall conform to the provisions of *Section 66474* of the *Government Code*.

The findings for approving the subdivision map amendment are discussed in more detail within Attachment 2.

## **GENERAL PLAN**

The General Plan designates the subject site as Medium-Density Residential (MDR) which establishes that the maximum allowable density shall be one dwelling unit per an acre. Parcel sizes shall range from 1 to 5 acres. The lots within the subdivision were established as approximately 1-acre parcels and thus are consistent with the Medium Density Residential General Plan Land Use Designation. The parcels that make up the subdivision are within the Cameron Park Community

Region (CP) Planning Concept Area. The proposed Map Amendment would not have an affect on the sizes of the parcels within the subdivision, as the lot sizes would be retained. General Plan Policy 6.5.1.1 requires that noise-sensitive land uses proposed in an areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 6-1 (60dB), an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design. In this case, the applicant provided an acoustical analysis (J.C. Brennon & Associates, dated August 6, 2009) which predicted that future traffic noise could measure 64 dB at the edge of the pool site, but that the existing block wall would reduce traffic noise levels by 7dB and would therefore reduce noise levels to 57 dB. Based upon the analysis, the predicted traffic noise levels at the pool area would comply with the 60 dB exterior Noise criterion required by the General Plan Noise Element.

## ZONING

The map amendment is consistent with the regulations established for the underlying Single-Family One-Acre Residential (R1A) zone district and the general provisions outlined by the Zoning Ordinance. No conflicts with the development standards of the zone district or El Dorado County Zoning Ordinance exist and no conflicts would be created with this action. Any future development must observe the requirements of the underlying zone district and the general development provisions outlined by the County Zoning Ordinance.

**Amending Final Parcel Maps:** Chapter 16.72 of the El Dorado County Subdivision Ordinance allows the processing of a map amendment to make minor changes on a recorded final map. This project is a request to remove a 75-foot setback for noise. There would be no improvements required with this map amendment and the findings necessary to support this proposal are included as Attachment 2.

**Agency and Public Comments:** The following agencies provided conditions of approval noted in Attachment 1:

El Dorado County Surveyor  
El Dorado County Department of Transportation

## ENVIRONMENTAL REVIEW

This project is exempt from the requirements of *CEQA* pursuant to *Section 15305(a)* because it can be determined with certainty that this map amendment would have no effects on the environment. No improvements are necessary in order to process this Map Amendment and the project is Categorically Exempt from CEQA review.

A \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## CONCLUSION

Analysis of the noise study provided for the proposed amendment of the subdivision map to remove the 75-foot setback for noise attenuation provided sufficient reason to remove the special setback from the subdivision map and therefore the Map Amendment can be approved.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Pioneer Place Subdivision Map J-17-B
Exhibit E .....	Signed Request by Property Owner
Exhibit F .....	Noise Study
Exhibit G .....	Assessor's Map

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### File Number TM86-1051-C Pioneer Place Map Amendment Board of Supervisors Hearing/October 13, 2009

#### Planning Services

1. This map amendment is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits D and 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 the approval.

The project description is as follows:

Removal of a 75-foot setback for noise attenuation from Lot 149 from the Pioneer Place Subdivision Final Map J-17-B approved on February 19, 1987, by the Board of Supervisors. No improvement to any road or easement is required and/or authorized with this Map Amendment.

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. 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 *California 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.

3. Prior to filing the map amendment the applicant shall make the actual and full payment of planning processing fees for the map amendment prior to the County Recorder processing the map amendment.
4. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be made payable to El Dorado County and must be submitted to Planning Services within five days following the approval of the Board of Supervisors.

#### **Department of Transportation**

5. Currently, the right-of-way width of Green Valley road as shown on the plat of Pioneer Place, Unit 4 (J maps, Page 17) is 20 feet as measured from the centerline. The ultimate right-of-way for Green Valley road in the area has been designated to be 60 feet in width (30 feet from centerline). Therefore, the applicant shall dedicate, in fee, one-half of a 60 foot wide non-exclusive road and public utilities easement for Green Valley Road, prior to recording the Map Amendment.

#### **County Surveyor**

6. The property owners shall submit a "Certificate of Correction" prepared by an appropriately licensed professional, to the County Surveyor pursuant to the Subdivision Map Act and County Code for review. Then upon approval by the County Surveyor the "Certificate of Correction" shall be recorded in the County Recorder's Office. The property owners are responsible for all associated processing and recording fees.

## ATTACHMENT 2

### FINDINGS

#### **File Number TM86-1051-C Pioneer Place Map Amendment Board of Supervisors Hearing/October 13, 2009**

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 can be made:

#### FINDINGS FOR APPROVAL

##### **1.0 CEQA FINDINGS**

- 1.1 This map amendment is Categorical Exempt from CEQA review pursuant to CEQA Guidelines Section 15305(a) that allows exemptions minor alternations in land use limitations when no effects to the environment will occur. There will be no improvements required or associated to this map action. No effects to the environment will occur with this request.

##### **2.0 MAP AMENDMENT FINDINGS**

- 2.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.*

Based on analysis and a site inspection, the existing 75-foot setback for noise attenuation was recorded with the subdivision map in order to ensure that no impacts associated with noise would impact the single-family residence; however a pool within the 75 foot setback would not be impacted by noise due to traffic along Green Valley Road.

- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.*

The property owner that requested the removal of the 75-foot setback for noise attenuation within the Pioneer Place Subdivision has agreed to this change by providing signed documents. A Certificate of Correction must be filed with the County Surveyors and the documents must be recorded with the County Recorder following this map action for the Amendment to be finalized.

- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.*

The removal of the 75-foot setback for noise attenuation would not alter legal access rights or any other right, title or interest in the real property reflected in the recorded subdivision map.

- 2.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.*

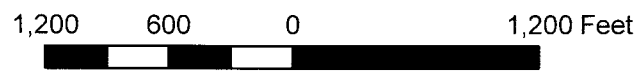
Section 66474(g) requires the County to find that the changes to the final subdivision map would not conflict with easements for access through or use of property within the subdivision. It has determined that removal of the 75-foot setback for noise attenuation would not conflict with easements for access through or use of any properties within the subdivision.



# EXHIBIT A: Location Map

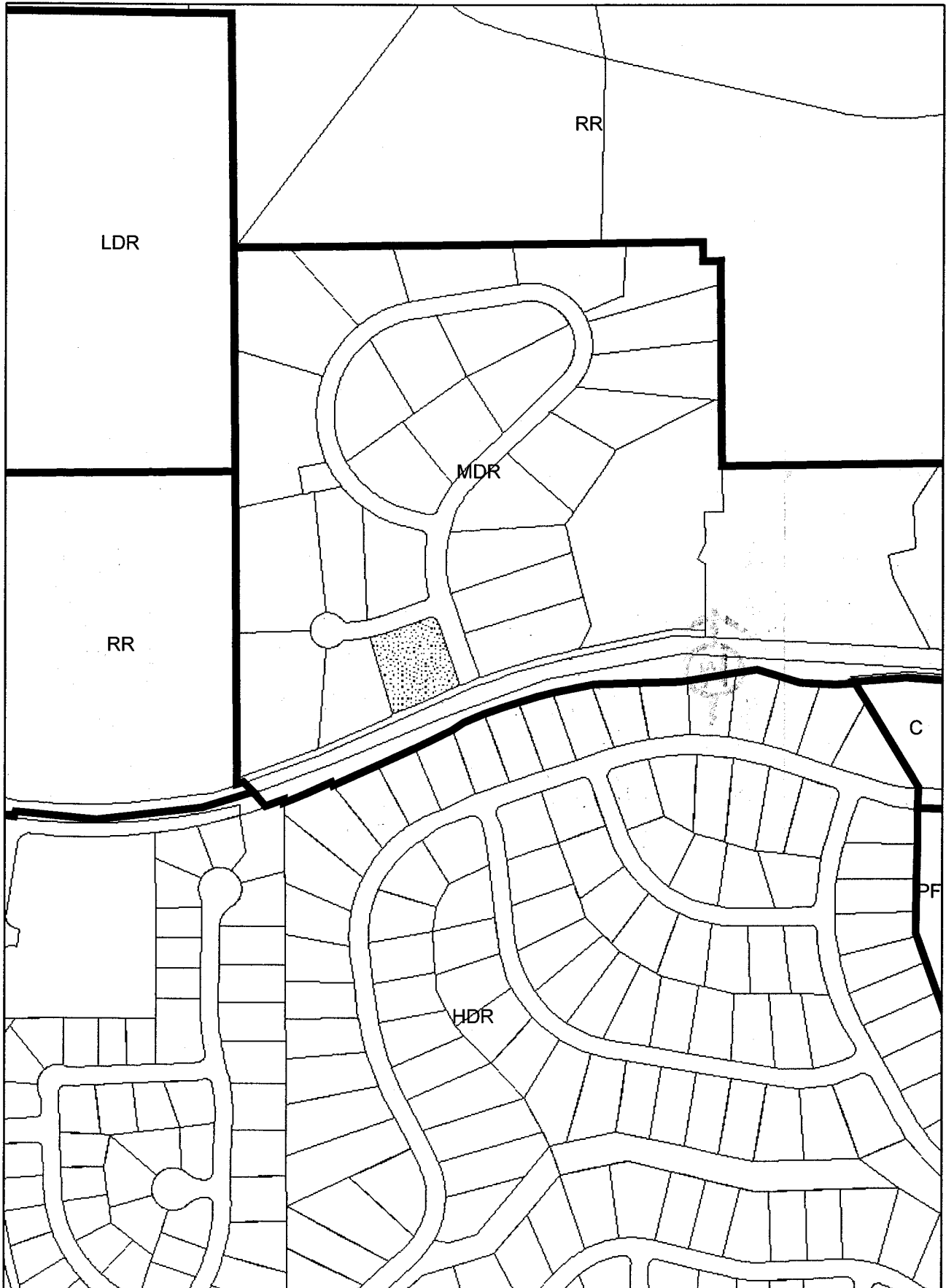


TM86-1051-C



Prepared By: Michael C. Baron  
El Dorado County Planning Services

# EXHIBIT B: General Plan Land Use Map

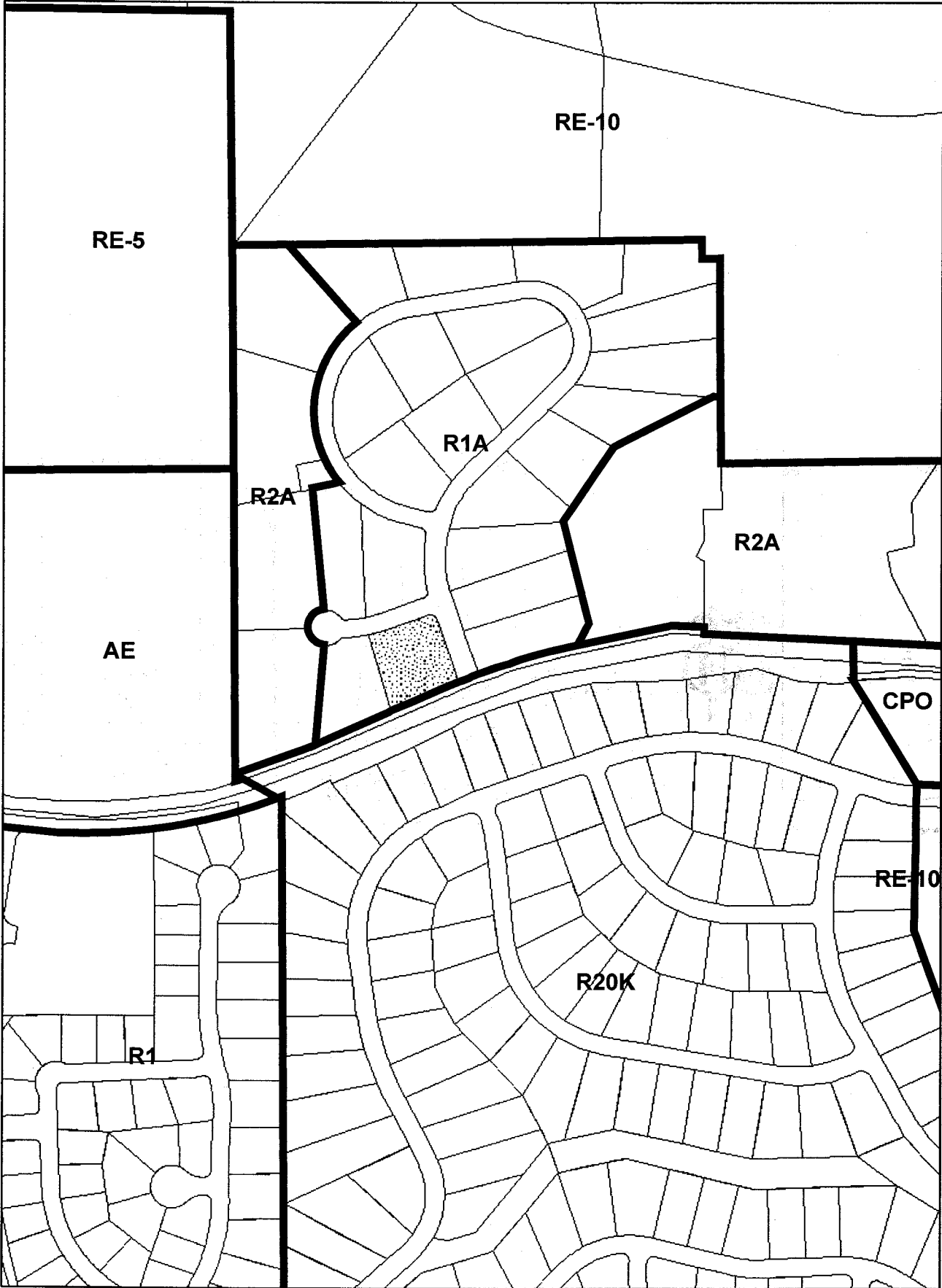


500 250 0 500 Feet

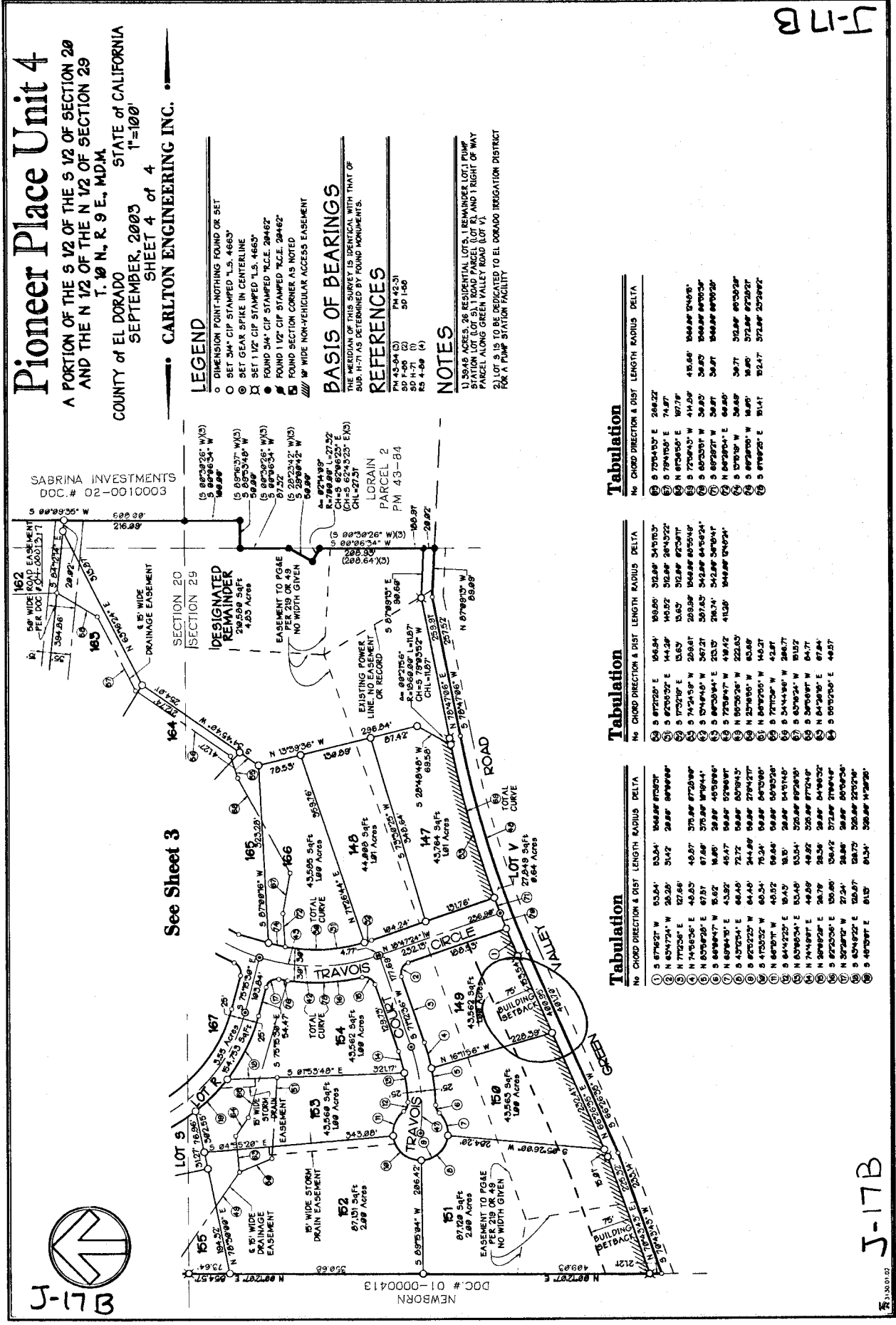


Prepared By: Michael C. Baron  
El Dorado County Planning Services

# EXHIBIT C: Zoning Map



# Exhibit D: Pioneer Place Subdivision Map J-17-B



J-17-B

J-17-B

# Exhibit E: Signed Request by Property Owner

March 11, 2008

03 MAR 12 AM 8:01  
RECEIVED  
PLANNING DEPARTMENT

El Dorado County Planning Department  
2850 Fairlane Court  
Placerville, CA 95667

Subject: Map Amendment for Parcel 102-560-03-1

We are requesting a Map Amendment for Parcel 102-560-03-1 with street address 216 Travois Court, Rescue, CA 95672. We intend to build an in-ground swimming pool and the current Map indicates we have a 75 foot setback from Green Valley Road. We want to locate the pool approximately 50 feet from Green Valley Road.

County records show that the 75 foot setback was required to prevent building too close to Green Valley Road and subjecting the property to excessive road noise. A swimming pool, with waterfall, will help to mitigate road noise. The existing Map setback requirements are no longer necessary because all housing construction is complete and a pool will not bring additional residents. In addition, subsequent to the drawing of the existing Map, a six foot sound wall was constructed by the subdivision builder, which provides additional noise mitigation.

Please accept this request to remove the 75 foot setback requirement for our property.

Sincerely,



Darin Swart  
216 Travois Court  
Rescue, CA 95672  
(530) 672-9853  
(916) 464-0404

**TM 86-1051 C**

09-1197.A.13

# EXHIBIT F: Noise Study

**j.c. brennan & associates**  
*consultants in acoustics*

P.O. Box 6748 • Auburn, California 95604  
263 Nevada Street • Auburn, California 95603  
p.530.823.0960 • f.530.823.0961 • www.jcbrennanassoc.com

August 6, 2009

Mr. Darin Swart  
216 Travois Court  
Rescue, CA 95672

## **Subject: Analysis of Green Valley Road Noise Levels at the Pool Area**

Dear Mr. Swart:

j.c. brennan & associates, Inc. has conducted an analysis of the Green Valley Road traffic noise levels at the 216 Travois Court swimming pool area. The analysis also accounts for shielding from the existing combination berm/sound wall located on the property line.

### **Background and Criteria:**

Currently, the recorded map for your parcel shows the 60 dB Ldn/CNEL<sup>1</sup> Green Valley Road traffic noise contour located on your parcel. The El Dorado County General Plan Noise Element requires that outdoor activity areas comply with a 60 dB Ldn/CNEL exterior noise level standard.

### **Analysis of Future Traffic Noise Levels:**

j.c. brennan & associates, Inc., employs the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) for the prediction of traffic noise levels. The model is based upon the CALVENO noise emission factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site.

Peak hour traffic volumes for Green Valley Road future conditions (Year 2025) were obtained from the traffic study contained in a Technical Memorandum from Fehr & Peers traffic consultants dated July 7, 2004. This memorandum was prepared for the Modified 1996 General Plan Draft Environmental Impact Report (DEIR). Peak hour traffic volumes were used to calculate the average daily traffic volumes (ADT) for future conditions.

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<sup>1</sup> For an explanation of these terms, see Appendix A: "Acoustical Terminology"

Based upon the site plan and observations, the pool area is located approximately 75 feet from the Green Valley Road centerline. The property line barrier is a minimum of 6-feet in height, and the base of the barrier is located on a berm which is a minimum of 2-feet above the roadway grade. Based upon the Year 2025 traffic volume of 10,000 ADT, the FHWA model predicted that the future traffic noise level at the edge of the pool is 64 dB Ldn/CNEL. Appendix B shows the complete FHWA traffic noise model inputs.

j.c. brennan k& associates, Inc. used the FHWA barrier prediction model to determine the shielding effects from the barrier. Based upon the barrier calculations, the barrier will reduce the traffic noise levels by 7 dB. Therefore, the predicted exterior Green Valley Road traffic noise level at the pool area is 57 dB Ldn/CNEL.

**Conclusions:**

Based upon the analysis, the predicted traffic noise level at the pool area of 216 Travois Court will comply with the El Dorado County General Plan Noise Element exterior noise level criterion of 60 dB Ldn/CNEL.

If you or the county staff have any questions, please contact me at (530) 823-0960.

Sincerely,

j.c. brennan & associates, Inc.

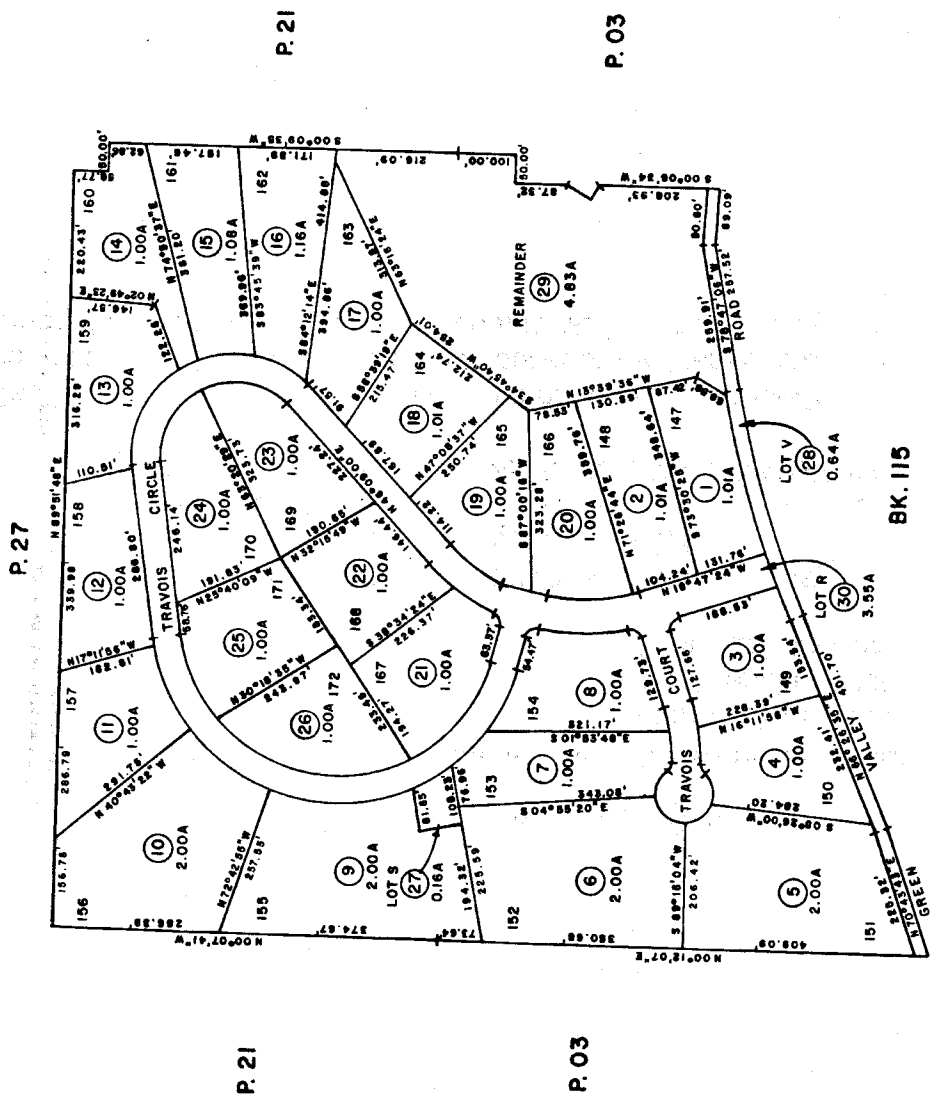


Jim Brennan  
President



# EXHIBIT G: Assessor's Map

POR. SECS. 20 & 29, T. 10 N., R. 9 E., M. D. M.  
PIONEER PLACE UNIT 4  
J-17



Assessor's Map Bk. 102 -- Pg. 56  
County of El Dorado, California

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co.  
Assessor's office for assessment purposes only.