

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: May 11, 2017

Staff: Evan Mattes

REZONE/TENTATIVE PARCEL MAP

FILE NUMBER: Z16-0001/P16-0001/Hansen

APPLICANT/OWNER: Allen J. Hansen

ENGINEER: Ken Purcell

REQUEST:

- 1) Rezone from Rural Lands 20-Acres (RL-20) to Rural Lands 10-Acres (RL-10);
- 2) Tentative Parcel Map creating a rural subdivision of four single family residential lots ranging in size from 10 to 13.5 acres, including an offer to the County for a 1.05 acre parcel containing a cemetery; and
- 3) Tentative Parcel Map includes the following requests for design waivers from the El Dorado County Design and Improvement Standards Manual (DISM) standards:
 - a) Allow a length to depth ratio greater than 3:1 for Parcels 1 and 2; and
 - b) Allow tangent lengths between reversing curves of 200 feet or greater in radius to no less than 40 feet.

LOCATION: West side of South Shingle Road, approximately six miles south of the intersection with Highway 50, in the Latrobe area, Supervisor District 2 (Exhibit A).

APN: 087-021-05 (Exhibit B)

ACREAGE: 45.69 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Rural Lands Twenty Acre (RL-20) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission recommend the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff;
2. Approve Rezone Z16-0001, based on the Findings as presented;
3. Approve Tentative Parcel Map P16-0001 based on the Findings and subject to the Conditions of Approval as presented;
4. Find that the dedication of the Bryant Cemetery to El Dorado County is consistent with the General Plan pursuant to the requirements of Government Code Section 65402; and
5. Approve the following design waivers from the El Dorado County Design and Improvement Standards Manual (DISM) standards based on the Findings and subject to the Conditions of Approval:
 - a) Allow a length to depth ratio greater than 3:1 for Parcels 1 and 2; and
 - b) Allow tangent lengths between reversing curves of 200 feet or greater in radius to no less than 40 feet.

EXECUTIVE SUMMARY:

Approval of this Parcel Map and rezone would allow the division of a 45.69-acre property into four residential parcels ranging in size from 10 to 13.5 acres. The project site is zoned RL-20 and proposes a rezone of the property to RL-10 (Exhibit E). The proposed parcels are of sufficient size for the proposed zone and provide sufficient grading and building area to avoid sensitive areas on site. An additional 0.79 acre parcel containing South Shingle Road 1.05 acres parcel containing a cemetery, known as the “Bryant Cemetery”, would be created by this map (Exhibit F). Bryant Cemetery is to be offered to and accepted by the County of El Dorado. Staff has determined that the proposed project is consistent with the Rural Residential land use designation and RL-10 zone, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

SITE DESCRIPTION:

The project site consists of 45.69 acres and is located at approximately 1,000 to 1,100 feet above mean sea level. The topography is relatively flat, gently sloping to the west. One ephemeral drainage swale with two small wetlands and an intermittent creek within a wetland is on the project site. The primary on-site vegetation communities consist of annual grasses and oak woodland. The site is surrounded by other large-lot residential parcels similar to the development on-site. A single-family residence, well and septic system already exists on proposed Parcel 1. An additional well exists on proposed Parcel 4. A cemetery, known as Bryant Cemetery, exists on the proposed Parcel B. While, Bryant Cemetery is currently held in private trust, the cemetery is maintained by the County and open to the public. Bryant Cemetery has been County

Maintained since 1973, when the El Dorado County Board of Supervisors authorized County Grounds Maintenance to care for and map the County Operated Cemeteries. Bryant Cemetery was included in this list of County Operated Cemeteries where it remains presently. In 2002 the Board of Supervisors authorized Ground Penetrating Radar and mapping of the plots for recordation with the Recorder's Office. With this Bryant Cemetery was officially dedicated as public cemetery in 2003.

PROJECT DESCRIPTION:

The project would rezone the parcel from Rural lands 20-Acres to Rural Lands 10-Acres. The Tentative Parcel Map would create four parcels from a 45.69 acre site. Parcel 1 would be 13.5 acres, Parcel 2 would be 10.27 acres, and Parcels 3 & 4 would each be 10.04 acres. Parcel A would be 0.79 acre and contains part of South Shingle Road and Parcel B is 1.05 acre and the county maintained Bryant Cemetery. Both Parcel A and B would be offered to and accepted by the County of El Dorado. Parcel 1 is currently served by a private well and septic system, Parcel 4 is served by a private well and would require installation of a septic system. All other proposed parcels would require the installation of wells and septic systems. Access to the parcels via private driveways would be from a new private road connecting to South Shingle Road, an existing public, county maintained road. Site disturbance would avoid steep slopes, cultural resources, watercourses, wetlands and sensitive plant communities (Exhibit F).

Parcel Maps are allowed to create no more than four residential parcels. Section 66426.5 exempts from the total lot count the conveyance of land to a public entity such as El Dorado County. The Parcel Map creates four single family residential parcels and two other properties that will be offered to the County. One property is the cemetery property. Another property is a strip of land along South Shingle Road dedicated for road and public utilities. The creation of these lots for conveyance to the County is consistent with the Subdivision Map Act and the local Subdivision Ordinance, Title 120.

CONSISTENCY:

As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Rural Residential (RR) land use designation. The project application was forwarded to the El Dorado County Agricultural Commission for review. The Agricultural Commission reviewed the application at its regularly scheduled meeting on February 8, 2017 (Exhibit H). Some members of the Ag Commission expressed concern over the use of the 10-acre parcels compared to 20-acre parcels. By a vote of 5-2, the commission did not recommend approval of the project, as it could not be determined that the project would not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities. As such the project would be in conflict with General Plan policies 8.1.4.1.A and 8.1.4.1.C. The Agricultural Commission is an advisory body to the Planning Commission and the Board of Supervisors.

Planning staff acknowledges the recommendations made by the Agricultural Commission, however the project site is proposed to be zoned RL-10 and incorporates a 200 foot buffer setback with the neighboring agricultural land, reflecting the Board adopted General Plan

Policies. The Agricultural Element of the General Plan identifies a 10-acre minimum parcel size and a 200-foot buffer setback for properties adjacent to agriculturally zoned properties, so as to minimize potential conflicts between adjacent residential areas and agricultural activities. The General Plan is intended to be comprehensively applied with no single component standing alone in the review and evaluation of the project. Therefore, staff is recommending that the proposed project is found to be consistent with the El Dorado County General Plan and Subdivision Ordinance.

ENVIRONMENTAL REVIEW:

Staff has prepared an Initial Study (Exhibit J). Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

The filing of the NOD begins the statute of limitations time period during which litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,156.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report

Findings
Conditions of Approval

Exhibit A.....Location Map
Exhibit B.....Assessor's Parcel Map
Exhibit C.....General Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit E.....Proposed Zoning
Exhibit F.....Tentative Parcel Map
Exhibit G.....Design Waiver Request; May 12, 2016
Exhibit H.....Agricultural Commission Memorandum;
February 9, 2017
Exhibit I.....Biological Resources Report; June 2015
Exhibit J.....Proposed Mitigated Negative Declaration and Initial
Study