

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



Agenda of:	October 3, 2007
Item :	4.a.
Staff:	Tom Dougherty

PARCEL MAP

FILE NUMBER: P07-0011

APPLICANT: Gregory and Tammy Garrett

REQUEST: A tentative parcel map creating two (2) parcels ranging in size from 5.0 to 5.78 acres on a 10.78-acre site, with a design waiver request to allow a driveway to access Parcel 2.

LOCATION: On the east side of Starbuck Road approximately 0.2 mile south of the intersection with Farview Drive in the Rescue area, Supervisorial District IV. (Exhibit A)

APN: 102-231-66

ACREAGE: 10.78

GENERAL PLAN: Low-Density Residential (LDR), Ecological Preserve (EP) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff.
2. Approve the Tentative Parcel Map P07-0011 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.
3. Approve the following design waiver since appropriate findings have been made as noted in Attachment 2:
 - a. Allow a driveway to access Parcel 2.

BACKGROUND: The subject 10.78-acre parcel was originally created in July of 1967 and has been adjusted over the years with boundary line adjustments. The current parcel size is the most recent modification and occurred subject to Boundary Line Adjustment (BLA 04-0061) which was finalized on September 24, 2004. There is an existing single-family dwelling built in 1966 and an existing second residential unit and attached garage constructed in 2002, both located on Proposed Parcel 1. The existing primary single-family dwelling will be located approximately 43 feet from the proposed shared parcel boundary.

STAFF ANALYSIS

Project Description: The applicant requests approval of a tentative parcel map creating two parcels ranging in size from 5.0 to 5.78 acres on a 10.78-acre site. A vehicular access restriction would be put on the existing driveway and on the entire length of any new driveway that will allow access to Parcel 2. Access to Parcel 1 would be from the northern most existing encroachment only and access to Parcel 2 will be from the southern most existing encroachment only onto Starbuck Road.

Site Description: The western portion of the parcel is developed with one primary and one secondary single-family residences and associated landscaping, accessory buildings and supporting utility and access infrastructure. The 10.78-acre site is located at the 1,445 foot to 1,480 foot elevation above sea level. The eastern portion of proposed Parcel 2 contains Gabbroitic-based soils that typically support a chaparral-type biotic community and is dominated by a chaparral shrub-based community. The rest of the subject parent parcel is a combination of trees and shrubs and annual, seasonal grasses typical of blue oak-foothill pine habitat type. There is a seasonal drainage running through the western portion of proposed Parcel 2 and draining from north to south that essentially begins at Farview Drive. That drainage has a ponding area on proposed Parcel 2 just before it exits offsite to the south. The only riparian vegetation observed by staff was on the southern portion of the dam. The watercourse itself is devoid of riparian vegetation.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR/EP	Primary single-family dwelling/second residential unit.
North	RE-10	LDR/EP to northwest RR/EP to northeast	Single-family dwellings, (three 7 to 10-acre parcels)
South	RE-5	LDR/EP	Single-family dwellings, (three 2 to 3.2-acre parcels)
East	RE-5	LDR/EP	Single-family dwelling. (one 5-acre parcel)
West	RE-5	LDR/EP	Single-family dwelling, (one 2-acre parcel)

General Plan: The General Plan designates the subject site as LDR/EP. Low-Density Residential (LDR) which permits a minimum parcel size of five acres. The proposed 5 to 5.78-acre parcels therefore conform to the General Plan land use designation of LDR. The purpose of the Ecological Preserve (EP) overlay designation is to identify those properties in public or private ownership which have potential to be established or have been established as habitat

preserve areas for rare or endangered plant and animal species and/or critical wildlife habitat and/or natural communities of high quality or of Statewide importance. The full discussion of the impacts of this project proposal related to the EP Overlay designation is discussed below in relation to Policy 7.4.1.1 and further in section IV in the Initial Study/ Environmental Checklist attached as Exhibit L. The following General Plan policies apply to this project:

Policy 2.1.1.7 directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan. The access encroachments exist for both parcels and the new driveway to be constructed in the future for access to Parcel 2 will be further analyzed by Building Services and Rescue Fire Protection District when a building or grading permit is submitted. Power and phone are available onsite. The site and soil analysis and percolation tests were reviewed by the El Dorado County Environmental Health Division and it was determined that the requirements for demonstrating adequate sewage disposal have been satisfied for both proposed parcels. Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The two new 5-acre parcel creations would be in keeping with the General Plan intended development pattern expected in lands designated as Low-Density Residential and would fit into the dominant pattern of parcel development for the area.

Policy 5.7.1.1 directs that applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. The project will be required to meet the required minimum fire flow requirements of the Rescue Fire Protection District which will be reviewed and approved by them as they review and approve the required Fire Safe plan.

Policy 6.2.3.2 directs that the applicant must 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. Starbuck Road currently meets Fire Safe standards for width and surfacing. Rescue Fire Protection District requires final approval of the Fire Safe Plan prior to final map approval. Upon fulfillment of the approved Fire Safe Plan, the proposed parcels will have adequate access and emergency evacuation capabilities.

Policy 7.4.1.1 directs that the County shall provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 17.71 and the USFWS's Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002). The proposed project is located in El Dorado County Plant Mitigation Area 0 of the County's Gabbro soils rare plant preserve program which identify areas of the County that potentially contain rare plants. The subject parcel is also located within the Ecological Preserve overlay zone. One species listed as rare in the El Dorado County General Plan was identified within the project area. Further studies may be required by the California Department of Fish and Game or United States Fish and Wildlife Service, however, the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards and requires that 85 percent of the existing oak tree canopy coverage for the 10.78-acre project area be retained as a result of the "Arborist Survey," dated March 21, 2007 which reported a 35

percent El Dorado County native oak tree coverage. No trees are proposed to be removed as part of this project proposal. The full discussion of the impacts to both 7.4.1.1 and 7.4.4.4 is contained in section IV in the attached Initial Study/ Environmental Checklist.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is zoned Estate Residential Five-acre (RE-5) which permits a minimum parcel size of five acres. The proposed 5.0 to 5.78-acre parcels conform to existing zoning and the development standards in section 17.28.210 for minimum lot width of 100 feet and minimum parcel size of five acres.

Design Waiver

A. **Allow a driveway to access Parcel 2.**

1. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

Discussion: Alternative access to proposed Parcel 2 on Farview Drive would involve introducing an eighteen-foot wide road to the parcel which would allow unwanted public access and require acquisition of lands through a neighboring parcel with a 20-foot wide easement, none of which are desirable to the surrounding residents or the applicant. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create irregular shaped parcels exceeding the required 3 to 1 ratio because they must remain 5 acres or more in size. The new parcel with a driveway standard would remain in standard rectangular shapes which would conform to the dominant pattern of the parcels surrounding them, and they would use an existing encroachments and not introduce any new undesirable impacts to the existing road system or to the existing neighbors.

2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Discussion: Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would create irregular shaped lots that exceed the 3 to 1 ratio and introduce new public access and road improvements that are not desired by any of the parcel owners involved for access from Farview Drive.

3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

Discussion: Allowing a parcel to use a driveway standard access road for exclusive access to Parcel 2 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4. This waiver(s) 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.

Discussion: The approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to rare plants, cultural resources and fire safety. Staff has determined that significant effects of the project on the environment have been mitigated therefore, a Mitigated 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.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Exhibit A	Vicinity Map
Exhibit B1	General Plan Land Use Map
Exhibit B2	Ecological Preserve Overlay
Exhibit C	Zoning Map
Exhibit D1	Parcelization Map, (Assessor's Map for the subject parcel)
Exhibit D2, D3	Parcelization Map, (Assessor's Map for surrounding parcels.)
Exhibit E	Record of Survey 29/142, recorded February 7, 2007
Exhibit F	Tentative Parcel Map, dated March, 2007
Exhibit G	Soils Map
Exhibit H	Shingle Springs U.S.G.S. Quadrangle
Exhibits I1, I2, I3, I4	Site Visit Photos from May 21, 2007 and August 8, 2007
Exhibits J1 and J2	Aerial Photos
Exhibit K	Environmental Checklist and Discussion of Impacts