

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: October 12, 2006

Item No.: 8.a.

Staff: Jason R. Hade

REZONE/SUBDIVISION MAP

FILE NUMBER: Z05-0004/TM05-1395 - Le Caille Estates

APPLICANT: Danny L. Dorkin

ENGINEER: Gene E. Thorne and Associates, Inc.

REQUEST: Zone change request to change zoning from Estate Residential Ten-acre (RE-10) to One-acre Residential (R1A) and tentative subdivision map (Exhibit E) to create 24 lots ranging in size from 1.0 acre to 2.2 acres. Also proposed is project annexation into the El Dorado Irrigation District (EID) service area. A design waiver request has been submitted to construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk required under Standard Plan 101B.

LOCATION: On the south side of Meder Road, approximately 0.9 miles west of the intersection with Ponderosa Road, in the Shingle Springs area. (Exhibit A)

APN: 070-072-44 (Exhibit B)

ACREAGE: 36.51 acres

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

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Recommend Approval to Board of Supervisors

BACKGROUND: Z05-0004/TM05-1395 was submitted on October 3, 2005 and deemed complete for processing on February 1, 2006. A Technical Advisory Committee (TAC) meeting was held on March 20, 2006. As a result of agency comments and General Plan issues discussed at the TAC meeting, additional map revisions were required and received by staff on May 3, 2006. After the resolution of several issues by the applicant, the submitted traffic study was reviewed and approved by the Department of Transportation (DOT) on July 21, 2006. An addendum to the traffic study was submitted to DOT on July 28, 2006.

STAFF ANALYSIS

Project Description: Zone change request to change zoning from Estate Residential Ten-acre (RE-10) to One-acre Residential (R1A) and tentative subdivision map to create 24 lots ranging in size from 1.0 acre to 2.2 acres. Also proposed is project annexation into the El Dorado Irrigation District (EID) service area. A design waiver request has been submitted to construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk required under Standard Plan 101B.

Site Description: The project site lies at an elevation of approximately 1,480 feet above mean sea level. Topography of the property is level to gently sloped land that is vegetated mostly with oak trees and shrubs. As indicated above, rural residential development surrounds all sides of the proposed development. A preliminary jurisdictional delineation report indicates that the total acreage of potential jurisdictional wetlands and other waters of the United States within the project study area are 1.012 acres. Proposed lot 21 contains an existing single-family home and accessory structure while proposed lot 19 includes an existing single-family home and three other accessory buildings. Access to the proposed subdivision is from Meder Road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Single-Family Residence/Accessory Buildings
North	RE-10	LDR	Single-Family Residences
South	RE-5	MDR	Single-Family Residences
East	R1A/RE-10	MDR	Single-Family Residences
West	R1A	MDR	Single-Family Residences

General Plan: The General Plan designates the subject site as Medium-Density Residential (MDR), which permits a minimum parcel size of 1 acre. The proposed 1.0 to 2.2-acre lots therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

Policy 2.2.1.5: The General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3:

Discussion: As indicated in Table 2-4, General Plan Land Use Designation and Zoning District Consistency Matrix, the proposed One-acre Residential (R1A) Zone District is consistent with the MDR land use designation.

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated June 21, 2005, states that adequate water facilities are available to serve the proposed project upon annexation into the EID service area.

2. *Availability and capacity of public treated water system;*

Discussion: As discussed above, EID has adequate water facilities to serve the projected needs of the project.

3. *Availability and capacity of public waste water treatment system;*

Discussion: The proposed lots will be served by individual on-site sewage disposal systems subject to Environmental Management Department review and approval. The Environmental Management Department submitted a memorandum dated June 21, 2006, indicating that all requested information had been received, and the Department had no conditions for the map.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: The project site is located within Buckeye Union School District one and a half miles from Ponderosa High School. The affected school district was contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

5. *Response time from the nearest fire station handling structure fires;*

Discussion: The El Dorado County Fire Protection District is responsible for providing fire protection to the subject site. As such, the District has reviewed the proposal and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of six fire hydrants, provision of established fire flow, submittal of fire safe plan, and construction of road improvements shown on the tentative map, will satisfactorily address all fire related safety issues. No response time concerns are present.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located within the Shingle Springs Community Region. As proposed, the project is an in-fill residential project surrounded by compatible existing residential land uses.

7. *Erosion hazard;*

Discussion: According to the *Soil Survey of El Dorado Area, California, 1974*, the erosion hazard of soils at the subject site is slight to moderate. The land capability report states, “No rock outcrops of significance were observed. No critically expansive soils were observed. No geological hazards are associated with the site” (*Land Capability Report For Le Caille Estates*. Gene E. Thorne & Associates, Inc. October 3, 2005). Based upon this information, the impact from expansive soils and erosion hazards is less than significant.

8. *Septic and leach field capability;*

Discussion: The proposed lots will be served by individual on-site sewage disposal systems subject to Environmental Management Department review and approval. The Environmental Management Department submitted a memorandum dated June 21, 2006, indicating that all requested information had been received, and the Department had no conditions for the map.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by EID public water facilities.

10. *Critical flora and fauna habitat areas:*

Discussion: Mitigation Measures 8 through 20 within Attachment 1 are proposed to reduce potential impacts to critical flora and fauna habitat areas to a less than significant level. A detailed discussion of the biological issues at the subject site is provided under Biological Resources in the prepared environmental document attached as Exhibit M.

11. *Important timber production areas:*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: Review of the Important Farmland GIS map layer for El Dorado County developed under the Farmland Mapping and Monitoring Program indicates that approximately 20 percent of the project area falls into the United States Department of Agriculture (USDA) Prime Farmland – Rescue Sandy Loam two to nine percent slopes (ReB) category. In addition, El Dorado County has established the Agricultural (-A) General Plan land use map and included this overlay on the General Plan land use maps. Review of the General Plan land use map for the project area indicates that

there are minimal areas of Prime Farmland at the subject site and no properties are designated as being within the Agricultural (-A) General Plan land use overlay district area adjacent to the project site. Although the El Dorado County Resource Conservation District expressed concern regarding the loss of the agricultural potential of these productive soils, the project site is surrounded by residential development, and agricultural activities are no longer feasible. Therefore, the project will not result in significant conversion of farmland to non-agricultural uses.

13. *Important mineral resource areas;*

Discussion: The project will not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation reviewed the submitted traffic study and concluded that Mitigation Measure 25, along with the recommended conditions of approval, will sufficiently address project traffic issues and reduce potential impacts to a less than significant level.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing residential land uses. Staff has determined that the proposed project is consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: According to the preliminary jurisdictional delineation report submitted, the total acreage of potential jurisdictional wetlands and other waters of the U.S. at the subject site are 1.012 acres. General Plan Policy 7.3.3.4 requires a minimum setback of 50 feet from the wetlands delineated on Figure 3 within the report. According to the submitted land capability report, "it is the intent of the project to address wetlands by avoidance. Where roads cross drainages identified in the Sycamore report, grading will be minimized and structures will be utilized to cross over, rather than through, the wetlands" (*Land Capability Report for Le Caille Estates October 3, 2005*. Gene E. Thorne & Associates, Inc. October 3, 2005). Discharge of fill into jurisdictional wetlands or below the OHWM (ordinary high water mark) of a channel requires a Section 404 permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a 1602 Streambed Alteration Agreement from the California Department of Fish and Game. Mitigation Measures 16 through 18 are required to address potential wetlands impact concerns.

17. *Important historical/archeological sites;*

Discussion: The applicant submitted a cultural resources study prepared by Historic Resource Associates in August 2004. According to the study, "Since no significant prehistoric or historic archaeological sites, features, or artifacts were found, nor were any significant historic buildings, structures, or objects discovered, no additional archaeological work is recommended" (*Resources Study*

of APN 070:072:44, Bordering Meder Road, Near Shingle Springs, El Dorado County, CA. Historic Resource Associates. August 2004).

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area will be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area. Master CC & R's will be reviewed and recorded prior to final map approval.

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: As discussed above, the subject site is surrounded by residential uses. The proposed subdivision will fit within the context of these existing residential uses.

Policy 5.2.1.2: An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Discussion: Upon annexation, the El Dorado Irrigation District will provide water to the subject site, and individual on-site sewage disposal systems will serve each of the proposed lots subject to El Dorado County Environmental Management Department review and approval. According to the *Facility Improvement Letter, Dorkin Annexation (FIL1205-221)* prepared by the El Dorado Irrigation District, December 21, 2005, "in terms of water supply, as of January 1, 2005, there were 2,434 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. [The proposed project as of this date] would require 26 EDUs of water supply." A 16-inch water line exists along the southern property line, and a 10-inch water line exists in Meder Road. In order to provide water service for the project, the applicant must construct a looped water line extension from the existing 16-inch water line along the southern property line to the existing 10-inch water line in Meder Road or connect the two 10-inch lines in Meder Road and extend a line into the project.

Policy 5.2.1.3: All medium-density residential, high-density residential, multi-family residential, commercial, industrial and research and development projects shall be required to connect to public water systems when located within Community Regions and to either a public water system or to an approved private water system in Rural Center.

Discussion: As stated in the submitted EID Facility Improvement Letter, the project will connect to public water.

Policy 5.3.1.2: The creation of lots less than five acres in size in Medium-Density Residential areas relying on on-site septic systems shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than five acres.

Discussion: The proposed tentative subdivision map will connect to public water and utilize on-site septic systems subject to the review and approval of the Environmental Management Department.

Policy 5.7.1.1: Prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Discussion: The El Dorado County Fire Protection District has reviewed the project and stated that the proposed access and on-site roadways are adequate for the development.

Policy 7.3.3.4: Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site-or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: Pursuant to the General Plan policy above, a 50-foot setback is required from the 1.012 acres of wetlands located at the site and shall be shown on the final map prior to approval. These water features at the subject site are mapped in Attachment 2 of Exhibit M. After applying the 50-foot wetland setbacks, 30-foot building setbacks, septic area, related setbacks, and tree canopy retention standards, buildable areas for each lot were verified and are shown within Exhibit F. The proposed subdivision was also reduced from the originally proposed 26 lots to 24 to accommodate the various constraints identified at the project site. As stated in the land capability report (Exhibit K), the applicant intends to use structures to cross the delineated wetlands rather than disturb them. The proposed wetland crossing structure is shown in Exhibit L.

Policy 7.4.4.4: For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) 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, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
80–100	60% of existing canopy
60–79	70% of existing canopy
40–59	80% of existing canopy
20–39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

Discussion: The applicant submitted a tree canopy analysis which determined that existing tree canopy at the site is approximately 82 percent. Estimated tree canopy retention after road improvements and lot development is 66.7 percent. The project will include the removal of approximately 610 trees. Building envelopes included on Exhibit F confirm that the project is consistent with General Plan tree canopy retention policies. Tree canopy retention Mitigation Measures 18 and 19 are included in Exhibit M.

Conclusion: Staff finds after review of the above policies that the project, as conditioned, conforms to the General Plan.

Zoning: The subject site is requested to be rezoned to One-acre Residential (R1A) which permits a minimum parcel size of one acre. Therefore, the proposed 1.0 to 2.2 acre parcels conform to the requested zone change to R1A.

Design Waivers Discussion: As proposed, the Le Caille Estates subdivision map requests the following design waiver:

- a. Request to construct a four-foot wide sidewalk in-lieu of the six-foot wide sidewalk required under Standard Plan 101B.

The proposed design waiver has been reviewed and approved by the Department of Transportation (DOT) and El Dorado County Fire Protection District with findings listed in Attachment 2 of the staff report. Planning staff concurs with DOT and the Fire District recommendation for approval as

a four-wide sidewalk will provide sufficient pedestrian circulation and fit well within the rural context of the surrounding area.

Other Issues:

Access/Circulation: The Department of Transportation reviewed the proposed subdivision map and determined that the applicant shall construct on-site roads to Standard Plan 101B and improve the intersection of Meder Road and Resler Way as outlined in the conditions of approval. Additionally, the applicant shall improve the sight distance from Resler Road to the east on Meder Road, to a distance of 385 feet. The sight distance improvement was identified as a necessary mitigation measure within the submitted traffic study and is discussed further within Exhibit M.

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. This project is located in the Cameron Park Community Region (Figure LU-1: Land Use Diagram of the General Plan), so Level of Service E is allowable (General Plan Policy TC-Xd). Intersections affected by this project will be at Level of Service C for the year 2011. As such, no improvements are required to maintain or attain a higher Level of Service.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and determined that the project would have a less than significant impact on the air quality with the implementation of Mitigation Measures 1 through 7 in Exhibit M.

Construction Storm Water: The California Regional Water Quality Control Board – Central Valley Region submitted project comments pertaining to storm water discharges associated with construction activities, post construction storm water management, and wetlands. The issues raised above were considered in the prepared environmental document and related mitigation measures.

Cultural Resources: As previously discussed, no significant cultural resources exist at the site.

Drainage and Grading: The El Dorado County Resource Conservation District reviewed the project and expressed concerns regarding the loss of agricultural potential of approximately 20 percent of productive soils at the subject site as well as the presence of several listed or endangered species in and adjacent to the project area. These concerns are addressed within the prepared environmental document. Conditions of approval are included in Attachment 1 that address drainage issues, such as cross-lot drainage, identified by the Department of Transportation.

EID Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive water services. LAFCO recommended the applicant contact LAFCO “near the end of the tentative map process to inquire about annexation into EID.” LAFCO also identified potential issues to be addressed within the Initial Study.

Fire: The El Dorado County Fire Protection District reviewed the proposed tentative map and will require six new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

Public Transit: The El Dorado County Transit Authority reviewed the proposed subdivision and had no concerns or specific conditions of approval requested.

Surveyor's Office: The Surveyor's Office reviewed the proposed project and noted that survey monuments must be set and roads named through the Surveyor's Office prior to final map filing.

Utilities: Pacific Gas and Electric Company reviewed the proposal and had no comments.

Wastewater: As proposed, the Environmental Management Department – Environmental Health Division, initially commented that “a map showing the location and size of usable sewage disposal area for each parcel, along with the accompanying data, including percolation rates and test trench locations, shall be submitted to Environmental Health for review” prior to final map approval. Additionally, all existing wells on the property shall be destroyed by a licensed well driller under a permit from the Environmental Management Department – Environmental Health Division. Staff received a memo from Environmental Management Department – Environmental Health Division staff dated June 21, 2006, indicating that all information previously requested from the applicant had been received. As such, the memo noted, “Environmental Health has no conditions for the map.”

Wetlands: The U.S. Army Corps of Engineers submitted a letter dated February 24, 2006, requesting a preliminary wetlands delineation be prepared for the proposed project. The applicant prepared such a study and intends to avoid project features which would require the discharge of dredged or fill materials into waters of the United States.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached as Exhibit M) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on air quality, biological resources, cultural resources, noise, and transportation/traffic. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

NOTE: 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 \$1,285.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$35.⁰⁰ processing fee, is forwarded to the State

Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION: Recommend approval

SUPPORT INFORMATION

Attachments to Staff Report:

Exhibit A.....	Vicinity Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Tentative Subdivision Map
Exhibit F.....	Development Constraints Map
Exhibit G.....	Preliminary Grading and Drainage Plan
Exhibit H.....	Slope Study
Exhibit I.....	Preliminary Water Plan/Septic Disposal Areas
Exhibit J.....	Soils Map
Exhibit K.....	Land Capability Report
Exhibit L.....	Proposed Wetlands Crossing Structure
Exhibit M.....	Environmental Checklist and Discussion of Impacts