

CONDITIONS OF APPROVAL

File Number P06-0027 – Martines

Approved by El Dorado County Board of Supervisors June 19, 2007

Planning Services

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, dated June 19, 2007, 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 permit approval.

The project description is as follows:

A Tentative Parcel Map to create two lots, 5.09 acres and 4.81 acres, from a 9.9 acre site. The project includes a design waiver request to reduce road improvements on Mary Ann Lane from a 24-foot wide roadway to an 18 foot paved roadway with 2-foot shoulders per SRA Fire Safe Regulations.

2. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.09.
3. The temporary mobile home permitted under S85-61, shall be removed or converted to a permanent structure prior to or concurrently with the filing of the parcel map.

Department of Transportation

4. The applicant shall irrevocably offer to dedicate, in fee, the on-site 30 foot road and public utilities easement for Sand Ridge Road, along the entire property frontage, prior to the recordation of the parcel map. This offer will be accepted by the County.
5. The applicant shall irrevocably offer to dedicate the on-site 25 foot wide road and public utilities easement along the entire property frontage along Mary Ann Lane, prior to the recordation of the parcel map. This offer will be rejected by the County.
6. The applicant shall pay the traffic impact fees in effect at the time a building permit application is deemed complete. Traffic Impact Fees will be due and payable prior to building permit issuance.

County Surveyor

7. All survey monuments must be set prior to filing the parcel map.

8. Applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County maintained road as defined in 16.44.120(B)(2) with the legal right to improve that access as required by the County Design Manual.
9. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.



El Dorado County

Master Report

330 Fair Lane, Bldg A.
Placerville, California
530 621-5390
FAX 622-3645
co.el-dorado.ca.us/bos

File Number: 07-903

File ID: 07-903	Agenda Type: Agenda Item	Status: Failed
Version: 2	Reference:	Gov Body: Board Of Supervisors
Department: Development Services - Planning		Created: 05/23/2007
Agenda Title: Appeal - Tentative Parcel Map P06-0027		Final Action: 06/19/2007

Title: Hearing to consider an appeal on the denial of Tentative Parcel Map P06-0027 to allow the creation of two parcels ranging in size from 4.81 to 5.08 acres and a design waiver to allow a reduction of road improvements over an 80-foot on-site portion of Mary Ann Lane from 24 to 18 feet with 2-foot shoulders per SRA Fire Safe Regulations on property, identified as APN 046-410-21, consisting of 9.9 acres located in the Somerset/Fairplay/Mt. Aukum area; Appellant: Julius C. and Maria B. Martines. (District II)

Notes:

Sponsors:

Attachments: P06-0027 Appeal Form.pdf ,P06-0027 Attachment 1.pdf ,P06-0027 Staff Report.pdf

Same:

Contact: Gregory L. Fuz (5445)/Lawrence W. Appel (7698)/Peter N. Maurer (5331)

Agenda Date: 06/19/2007

Agenda Number:

Enactment Date:

Enactment Number:

Hearing Date: 06/19/2007

Next Meeting Date:

Approval History

Version	Date	Approver	Action
1	05/24/2007	Greg Fuz	Disapproved
Notes see handwritten comments to larry a			
2	05/24/2007	Greg Fuz	Approved

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

6/25/07
cc: Martines
Jolann - Planning

2 Board Of Supervisors 06/19/2007 Denied Pass
Action Text: After hearing testimony, a motion was made by Supervisor Baumann, seconded by Supervisor Dupray to trail this matter to the end of the day.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

A motion was made by Supervisor Baumann, seconded by Supervisor Sweeney to grant the Appeal approving Tentative Parcel Map P06-0027, subject to conditions of approval and findings with the exception of conditions 4, 5, 8, 9, 10, 11 and 12 which were waived by the Department of Transportation; and to accept the additional exemption.

Mover: Helen Baumann Yes5 5
Supervisor Dupray, Supervisor Baumann, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

Text of Legislative File 07-903

Hearing to consider an appeal on the denial of Tentative Parcel Map P06-0027 to allow the creation of two parcels ranging in size from 4.81 to 5.08 acres and a design waiver to allow a reduction of road improvements over an 80-foot on-site portion of Mary Ann Lane from 24 to 18 feet with 2-foot shoulders per SRA Fire Safe Regulations on property, identified as APN 046-410-21, consisting of 9.9 acres located in the Somerset/Fairplay/Mt. Aukum area; Appellant: Julius C. and Maria B. Martines. (District II)

RECOMMENDED ACTION: Planning Services recommends the Board deny the appeal, thereby upholding the action of the Zoning Administrator on May 16, 2007, denying Tentative Parcel Map P06-0027.

Alternative Recommendation: Alternatively, the Board may consider adding a provision to the General Plan, similar to one contained in the Zoning Ordinance, that would allow the project to be approved with a less than five-acre parcel. A revision to Policy 5.3.1.2 would also be needed to address an Environmental Management policy requiring public water and sewer for parcels smaller than five acres. Staff has confirmed that Environmental Management would also support a similar amendment to Policy 5.3.1.2, thus allowing parcels of 4.5 acres to be consistent with the Land Use Element. Staff would then recommend that the project be continued off calendar with direction to staff to bring a Resolution of Intention back to the Board to amend General Plan Policy 5.3.1.2 and develop a new policy similar to the Zoning Ordinance exception.

Background: At the Zoning Administrator hearing on May 16, 2007, Tentative Parcel Map P06-0027 was denied because the minimum five-acre parcel size required under the Low Density Residential General Plan land use designation was not met. The minimum parcel size is also inconsistent with General Plan Policy 5.3.1.2 requiring that the creation of lots less than five acres be required to provide either public water or sewer. This parcel map proposes to provide both well and individual septic systems.

The applicants would like the parcel map approved using the parcel size exception provision from Chapter 17.14.120 of the Zoning Ordinance to allow the 4.81-acre parcel to be found consistent with the General Plan.

Chapter 17.14.120, Parcel Size Exception provides for one new parcel of less size than is required in the prevailing zone regulations to be created. The point raised by the appellant is that at the time County staff began processing the parcel map application, staff believed that the parcel size exception provisions could be applied to the project. It was later determined that the provision of the Zoning Ordinance allowing for a 10 percent reduction in parcel size does not apply, because the minimum parcel size required under the General Plan land use designation does not provide any exceptions to minimum parcel size, and the Zoning Ordinance is subservient to the General Plan.

In addition, there are no provisions in the General Plan allowing exceptions to the five-acre minimum parcel size required for the creation of parcels providing individual well and septic systems under *Policy 5.3.1.2. Environmental Management* should be consulted to see if this regulation could be amended without causing an inconsistency with any state or local ordinance.

ATTACHMENTS

Appeal Form

Attachment 1 - Findings for denial

Staff Report dated May 16, 2007

Contact: Gregory L. Fuz (5445)/Lawrence W. Appel (7698)/Peter N. Maurer (5331)

File Number: PO6-0027-A
Date Received: 5/18/07

Receipt No.: 23715
Amount: \$200⁰⁰

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Julius C. and Maria B. Martinis
ADDRESS 6444 Mary Ann Lane, Placerville, Ca. 95667
DAYTIME TELEPHONE (530) 622-0793 or (530) 626-1642

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT Gene E. Thorne & Associates, Inc.
ADDRESS 4080 Playa Goldorado Circle, Cameron Park, Ca. 95682
DAYTIME TELEPHONE (530) 677-1747

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

We applied to the County in March 2006 to split our property of 9.906 Acres. The County informed us we were eligible to split because there is a 10% variance and we more than qualified. At the zone clearing of May 16, 2007 our split was denied based on the fact they stated we did not qualify because our property did not meet the 5 acre minimum to split. No one will address the fact the County stated yes because of the 10% variance.

DATE OF ACTION BEING APPEALED May 16, 2007

Julius C. Martinis and Maria B. Martinis
Signature

May 18, 2007
Date

ATTACHMENT 1

FINDINGS FOR DENIAL

**File Number P06-0027 – Martines
May 16, 2007 Zoning Administrator Hearing**

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 DENIAL

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved.
- 1.2 The documents and other materials which constitute the record of the proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Ct, Placerville CA 95667.

2.0 Parcel Map Findings

- 2.1 **The proposed parcel map does not conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

One of the proposed parcels does not meet the minimum five (5) acre parcel size. However, Section 17.14.120 provides an exception to the minimum parcel size, thus rendering the 4.81 acre parcel consistent. Additionally, the width and frontage noted in the development standards are consistent with the Estate Residential Five-acre (RE-5) Zone District.

- 2.4 **The proposed use is not consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project has not been designed in compliance with the Low Density Residential Land Use Designation requiring minimum five (5) acre parcel sizes. Further, General Plan Policies 5.2.3.5 and 5.3.1.2 also require 5 acre minimum parcel sizes for the creation of parcels proposing both individual well and septic systems. County regulations, addressing aesthetics, environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff report.

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



Agenda of: May 16, 2007
Item No.: 6.b.
Staff: Michael C. Baron

PARCEL MAP

FILE NUMBER: P06-0027

APPLICANT: J.C. and Maria Martines

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: A tentative parcel map creating two parcels ranging in size from 5.08 acres to 4.81 acres on a 9.9-acre site (Exhibit B).

Design waiver(s) have been requested for the following:

- a. Request to allow a reduction of road improvements over an 80 foot on-site portion of Mary Ann Lane from 24 feet to 18 feet with 2-foot shoulders per SRA Fire Safe Regulations.

LOCATION: On the south side of Sand Ridge Road, at the intersection with Mary Ann Lane in the Somerset /Fairplay/Mt. Aukum, Supervisorial District II. (Exhibit A)

APN: 046-410-21

ACREAGE: 9.9 acres

GENERAL PLAN: Low Density Residential (LDR) Important Biological Corridor (IBC) (Exhibit B)

ZONING: Estate Residential Five-acre Zone District (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15270(b) of the CEQA Guidelines

SUMMARY RECOMMENDATION:

Denial based on non-compliance with minimum parcel size for General Plan Land Use Designation

BACKGROUND: The parent parcel was created by parcel map P74-0229 approved 10/16/74. A single-family dwelling was built on the property the following year. In 1985 an application (S85-0061) for a special use permit was processed for a 1,248 square foot hardship mobile home on the property.

STAFF ANALYSIS

Project Description: The applicant is requesting a tentative parcel map creating two (2) parcels ranging in size from 4.81 acres to 5.08 acres, from a 9.9-acre site, with a design waiver to reduce on-site road improvements from 24 feet to 18 feet with 2-foot shoulders along Mary Ann Lane, approximately 80 linear feet.

Project Issues: Three critical issues (minimum parcel size, location within Important Biological Corridor, and road improvements) have been identified by staff as they relate to the proposed parcel map. The applicants are prop, as well as the General Plan. Chapter 17.14.120 "*Parcel Size Exception*" allows for one new parcel of less size than is required in the prevailing zone regulations. However, the parcel map cannot be approved because the minimum parcel size is not consistent with the Low Density Residential General Plan Land Use Designation, which requires a minimum parcel size of five (5) acres. The parent parcel is 4,356 square feet short of the necessary 10 acres. The proposed parcel split lies within the County's Important Biological Corridor Overlay, which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Access to the proposed parcels would require the existing encroachments on both Mary Ann Lane and Sand Ridge Road to be widened. These issues are discussed in more detail below.

Site Description: The project site lies in the southeastern part of El Dorado County at an approximate elevation of 2,280 feet above mean sea level with a gently rolling aspect from north to south. The woodland habitat is characterized as approximately 45 percent mixed oak and pine species. The soil type is predominantly a mix of Ahwanee very rocky coarse sandy loam and Auberry coarse sandy loam (AdD and ArD) which can both be characterized by well-drained soils that are underlain by granite rocks at a depth of more than 40 inches. This soil type has medium to rapid surface runoff and high erosion. Existing improvements on the site include two single-family dwellings, one of which was originally permitted as a hardship mobile home 20 years ago (S85-61), two wells, horse arena, attached garages, and barn.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR/IBC	Improved Residential
North	RA-20	RR	Improved Residential
South	RE-5	LDR/IBC	Improved Residential
East	RE-5	LDR/IBC	Improved Residential
West	RE-5	LDR/IBC	Improved Residential/Vacant Residential

General Plan: The General Plan designates the subject site as Low Density Residential which permits a minimum parcel size of five acres and within the Important Biological Corridor Overlay. One of the proposed parcels is 4.82 acres, which is below the five-acre minimum required by the Low Density Residential Land Use Designation. Section 17.14.120 of the Zoning Ordinance allows for minimum parcel size exceptions under certain circumstances. However, the proposed parcels do not meet the minimum parcel size required for the Low Density General Plan land use designation noted under Policy 2.2.1.2., which is further discussed below. The General Plan does not provide a similar size exception. The following General Plan policies would also apply to this project:

Policy 2.2.1.2 states, “The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.” The proposed parcel map is not consistent with this policy because it does not meet the minimum 5 acre parcel size required under the Low Density Residential Land Use Designation and therefore cannot be approved.

Policy 5.2.3.5 requires minimum parcel sizes of 10 acres or larger within areas known to have groundwater supply limitations. Also, Policy 5.3.1.2 requires that the creation of lots less than 5 acres 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 5 acres.

This project is proposing to create lots considerably smaller than the 10 acre limit noted in Policy 5.2.3.5. Further, Policy 5.3.2.1 does not allow for parcel sizes less than 5 acres without public water. For this project, the applicant provided a well production report for the two existing wells that currently supply the two existing dwellings. The report concluded that the wells are capable of producing 7.1 gpm and 10.7 gpm, which is below the threshold of water required to support a single family dwelling. The Environmental Management Department does not support the parcel map due to these policy requirements.

Policy 5.7.1.1 directs that applicants demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. Further, 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.

Adequate utilities and other public services exist and are available for both existing dwellings. The Pioneer Fire Protection District has provided comments for the proposed parcel map stating that adequate access for fire protection services exists. The proposed parcels would provide adequate water supply as shown by well test performed by a contractor hired by the applicant.

Policies 2.2.2.8 and 7.4.2.9 establish 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. Both proposed parcels are presently improved with single family dwellings, barns, fencing, wells and septic systems. The project may result in the future development of a second single family dwelling and driveway encroachment that may result in some tree removal. However, any ministerial building permit will be required to retain a percentage of the tree canopy as required under General Plan Policy 7.4.4.4. While the entire parcel is located within the IBC overlay, the creation of two (2), approximately five-acre, parcels will not impede the intentions of this policy in a significant manner. Significant disturbances that are not typical of single-family residential uses would not be expected.

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 not consistent with the General Plan due to inadequate parcel size.

Zoning: The subject site is zoned Estate Residential Five-acre (RE-5) which permits a minimum parcel size of five (5) acres. However, *Chapter 17.14.120, Parcel Size Exception* allows for one new parcel of less size than is required in the prevailing zone regulations. Therefore, the proposed 4.82-acre and 5-acre parcels would conform to existing zoning.

Design Waiver(s) Discussion: A design waiver request has been made to allow for an existing 18-foot paved road with 2-foot shoulders to serve as adequate access along Mary Ann Lane in place of a 24-foot 101C road standard. Planning staff has received notification from the Department of Transportation stating that they would be in support of the design waiver request. As described in the County Design and Improvement Standards Manual, Section 16.08.020(A)(2) of the El Dorado County Subdivision Ordinance requires that four specific findings must be made in order to approve a design waiver.

Conclusion: The design waiver request to reduce road improvements from 24 feet to 18 feet with 2-foot shoulders, per SRA Fire Safe Regulations, along Mary Ann Lane, could be approved as the appropriate findings for the reduction in road width could be made.

ENVIRONMENTAL REVIEW

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to *Section 15270(b)* of the *CEQA Guidelines* allowing an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case the proposed parcel map cannot be approved due to inconsistency with *Policy 2.2.1.2*.

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 \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus 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 State's fish and wildlife resources

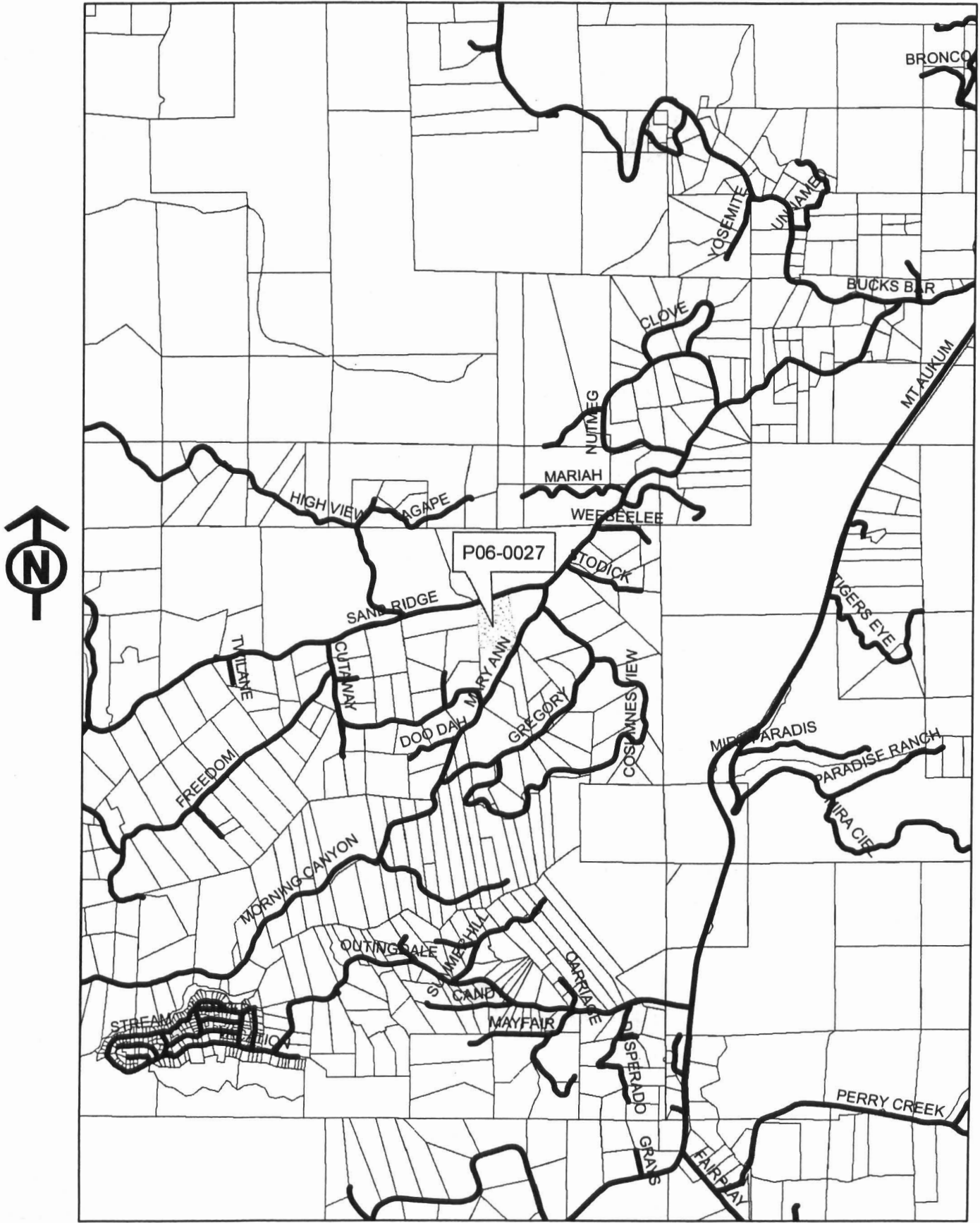
RECOMMENDATION: Denial

SUPPORT INFORMATION

Attachments to Staff Report:

- Exhibit A Vicinity Map
- Exhibit B General Plan Land Use Map
- Exhibit C Zoning Map
- Exhibit D Important Biological Corridor
- Exhibit E Tentative Parcel Map
- Exhibit F Assessor's Map

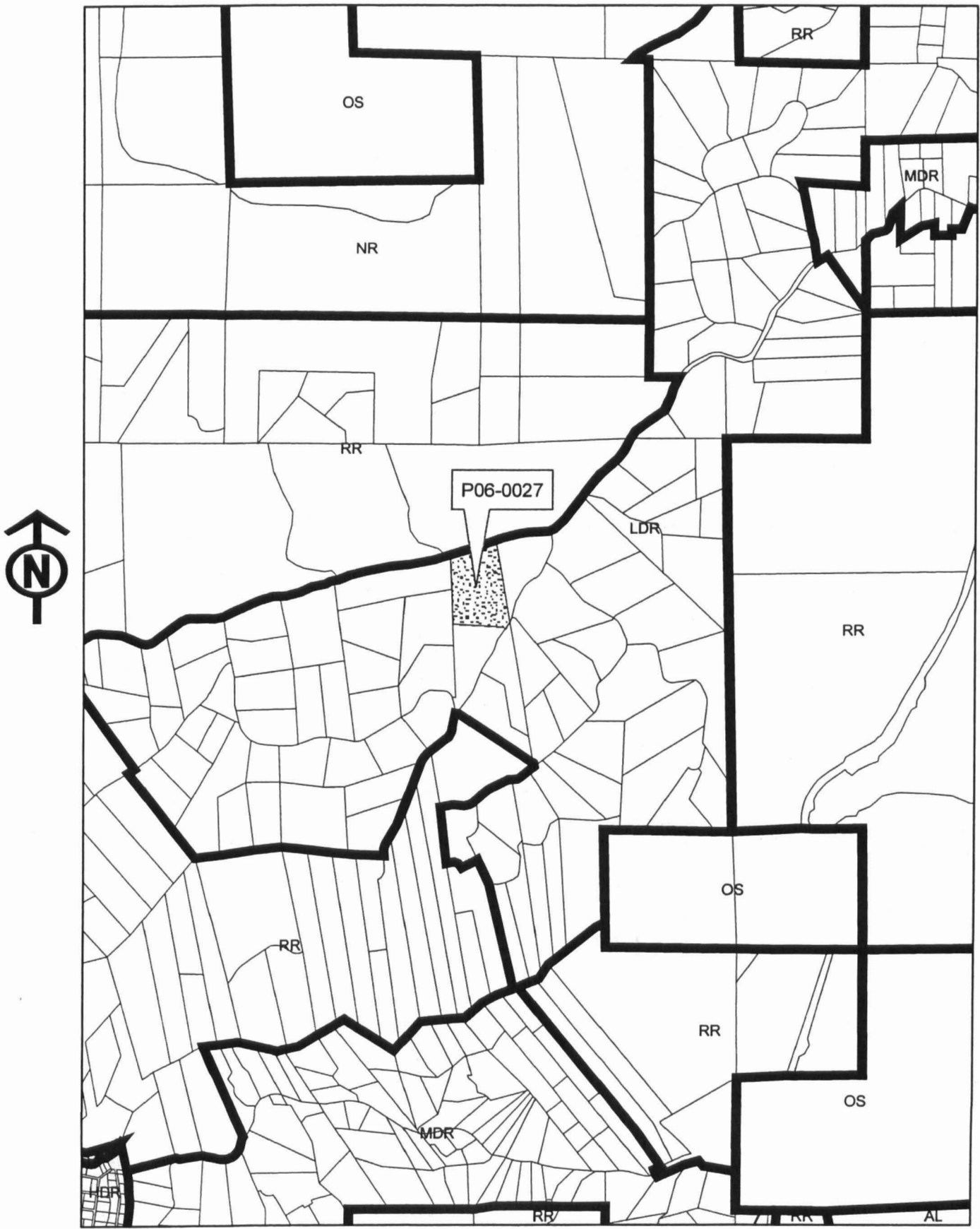
EXHIBIT A: VICINITY MAP



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

2,500 1,250 0 2,500 Feet

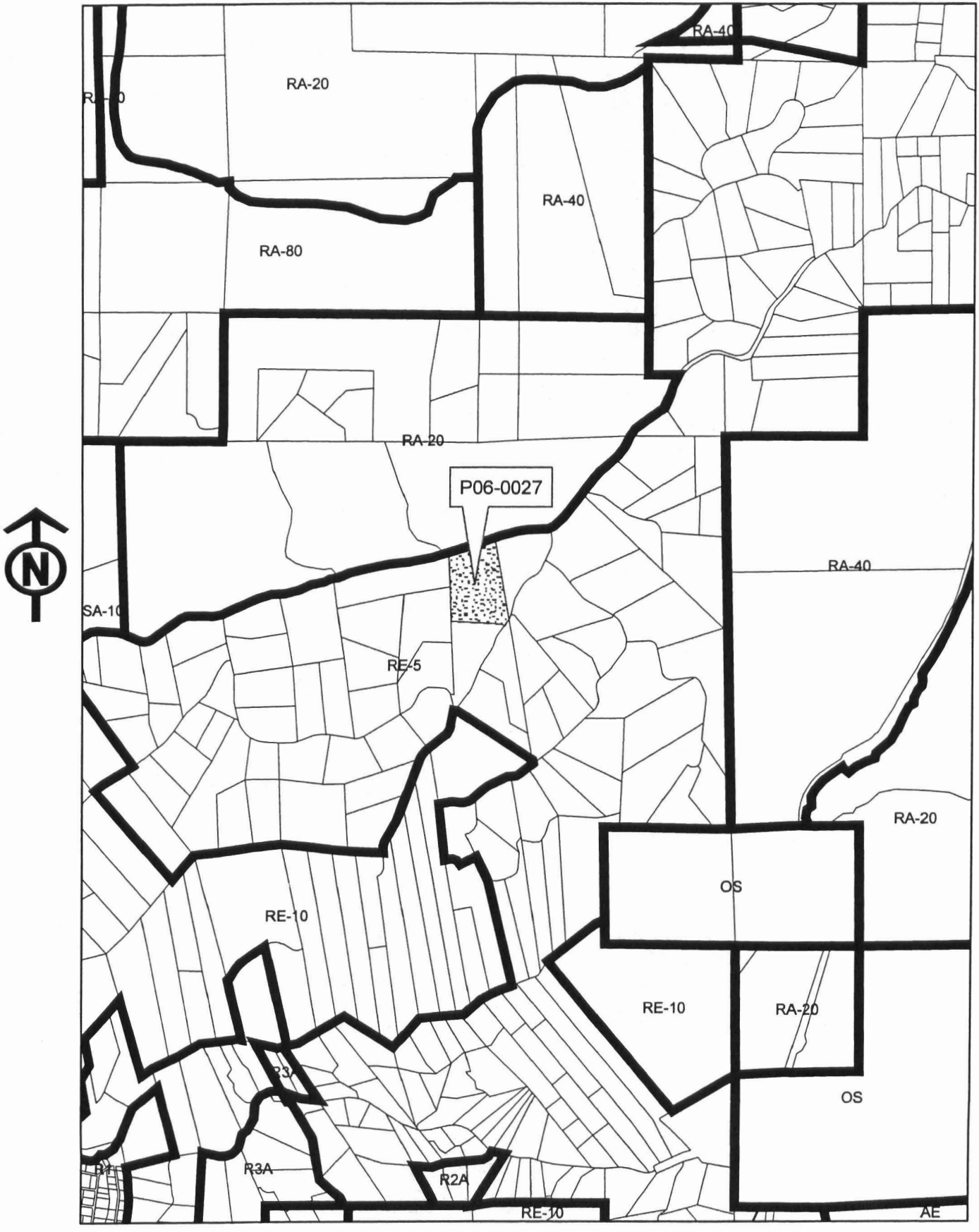
EXHIBIT B: GENERAL PLAN LAND USE MAP



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

1,500 750 0 1,500 Feet

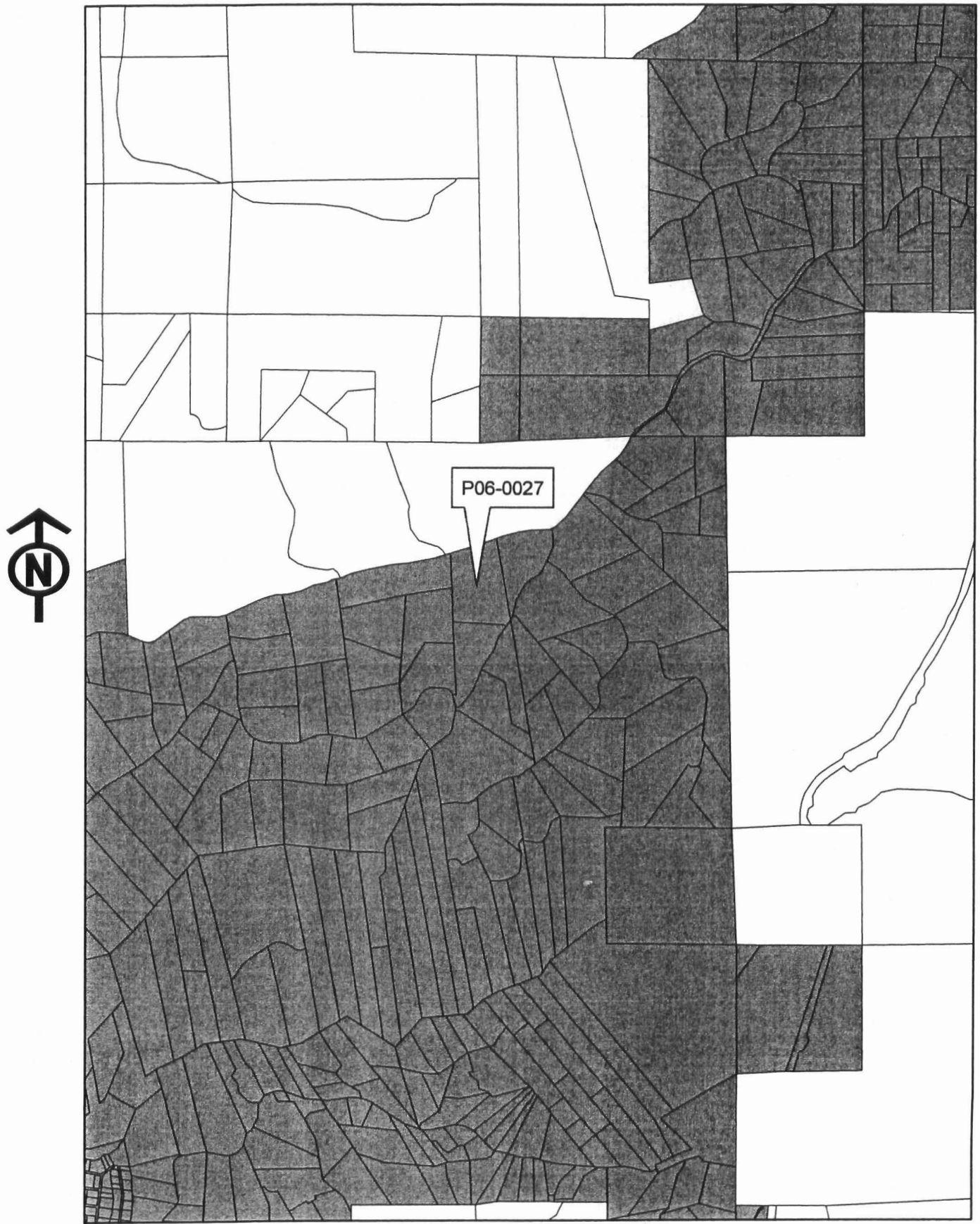
EXHIBIT C: ZONING MAP



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

1,500 750 0 1,500 Feet

EXHIBIT D: IMPORTANT BIOLOGICAL CORRIDOR-SOUTH



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

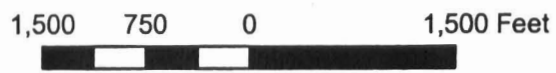
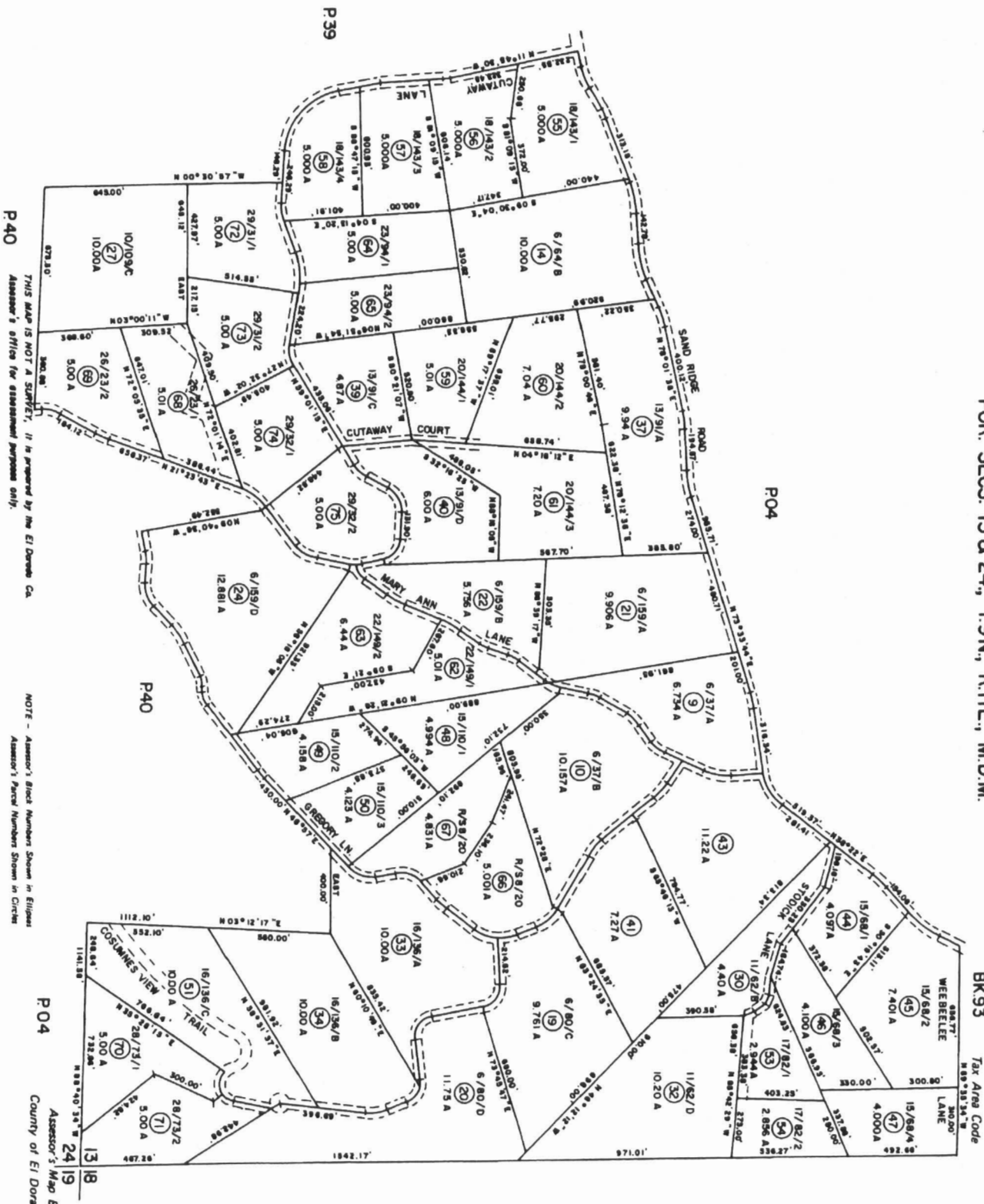


EXHIBIT F: ASSESSOR'S MAP

POR. SECS. 13 & 24, T9N., R11E., M.D.M.

BK 93 Tax Area Code

46:41



P39
P40
THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's Office for assessment purposes only.

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

P04
Assessor's Map Bk. 46 - Pg. 41
County of El Dorado, California