

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: November 9, 2006

Item No.: Item 10.a.

Staff: John Heiser

REZONE/PARCEL MAP

FILE NUMBER: Z05-0010/P05-0015

APPLICANT: Gale Rossi

REQUEST:

1. Zone change from Residential Two-acre (R2A) to Residential One-Acre (R1A).
2. Tentative Parcel Map creating four one-acre parcels (Exhibit D).

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

- a. Allow adjustment to the 3:1 lot ratio standard.
- b. Reduce Standard Plan 101-B road width from 28-feet wide to 24-feet wide with a minimum of two foot wide shoulders with no curb, gutter, and sidewalk.

LOCATION: On the east side of Running Deer Road/Dunnings Road, approximately 1,000 feet south of the intersection with Green Valley Road, in the Shingle Springs area. (Exhibit A)

APN: 069-200-37

ACREAGE: 4.02-acres

GENERAL PLAN: Medium Density Residential (Exhibit B)

ZONING: Single-Family Two-acre Residential (R2A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND: The project site was created in April 24, 1987, as parcel 1 of PM37-28 (Tentative Parcel Map P86-92). A vehicular access restriction along North Shingle Road was imposed on the map, except for a 50-foot wide access and gate on parcel 1.

Staff Analysis

Site and Project Description: The applicant is requesting to rezone the property from Single-family Two-acre Residential (R2) to One-acre Residential (R1A) and divide a 4.02-acre parcel into four one-acre parcels. Design waivers have been requested for lot ratio and off site road improvements.

The site is located in the western slope of the central Sierra Nevada at an elevation approximately 1,150 feet average mean sea level and within the Rescue Rural Center boundary area. Access to the project site and to the proposed parcels will be provided by Dunnings Road, which turns into Running Deer Road at the project site. The site consists of California annual grassland, a mixture of native and introduced grass, and forb species such as wild oats, bromes, medusa grass, yellow star thistle, mullein, and klamathweed. Scattered trees include blue oak, interior live oak, Valley oak, black oak, and black walnut. Five elderberry shrubs are also present on the property as well as a row of pines located along the south and east boundaries.

Improvements on the parcel include a single-family remodeled farm house built in the early 1900s, cross fencing, a garage, corrals, water, and power. A Cultural Resources study indicated no significant prehistoric or historic archaeological sites, features, or artifacts exist, nor any historic buildings, structures, or objects.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	MDR	Single Family Residential and accessory uses.
North	R20K/R2A	MDR	Single Family Residential and accessory uses.
South	RE-5	LDR	Single Family Residential and accessory uses.
East	R2A	LDR/MDR	Single Family Residential and accessory uses.
West	R20K/RE-5	LDR	Single Family Residential and accessory uses.

Discussion: The proposed project site is adjacent to the Cavalry Meadows Subdivision which is zoned R20,000 (1/2 acre parcel size) and surrounded by single family residential units located on parcels greater than 0.5 acre up to 10-acres in size.

The main issue related to the parcel map is the rezone, design waivers, and the public water service improvements. The conditions of approval address public water service. The discussions and findings in the staff report address the traffic and residential density issues and have concluded that the requests are consistent with the 2004 General Plan Policies.

General Plan: The 2004 General Plan land use map designates the project site as Medium Density Residential. This designation is applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density is one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres. Except as provided in Policy 2.2.2.3 (Platted lands), this designation is considered appropriate only within Community Regions and Rural Centers.

Rural Center boundaries establish areas of higher intensity development based on the availability of infrastructure, public services, existing uses, parcelization, and impact on natural resources. The project site will be serviced by El Dorado Irrigation water for each parcel and will rely on individual septic systems. Fire hydrants exist along Running Deer Road and Dunnings Road and a new fire hydrant will be required as a condition of the parcel map.

The proposed project request has been evaluated against the criteria associated with a zone change such as land use, infrastructure, circulation, slopes, rare plants, and tree canopy policies pursuant to General Plan Policies 2.1.2.3; 2.2.5.3; TC-Xc; 5.2.1.2; 5.3.1.2; 5.7.2.1; 5.8.2.2; 6.3.2.5; 7.1.2.1; 7.4.1.6; 7.4.4.4 and 7.5.1.3.

Policy 2.2.5.3: The County shall evaluate future rezoning as to minimum parcel size or allowable maximum density and whether changes in conditions would support a higher density or intensity zoning district.

Discussion: General Plan Policy 2.2.5.3 addresses 19 criteria to consider when evaluating rezones. The proposed rezone and parcel map has been evaluated against the criteria as applicable to the proposed project. The rezone request of One-acre Residential (R1A) is consistent with the minimum parcel size allowed under medium density residential land use designation for areas within rural center boundaries. The required conditions of approval for road improvements, water service, and fire safe regulations would accommodate the slightly higher residential density proposed pursuant to Policy 2.2.5.3 and therefore the proposed zoning is found to be consistent with this policy. With the exception of the half-acre lots to the north, this is a higher density than any of the other surrounding parcels and could be considered an intrusion of increased density into this area. However, based on the land use assessment of the criteria set forth in this policy, the site is capable of supporting the density. Moreover, the intent of the Rural Center is to provide nodes of higher density along with commercial support services.

Policy TC-Xc: “Traffic from residential development projects shall not result in, or worsen, level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak hour periods on any highway, road interchange or intersection in the unincorporated area of the county.”

Discussion: A concern from the residences in the vicinity of the project site is that the project will add additional traffic impacts along Running Deer Road. The conclusion of the traffic analysis indicated that an additional 30 average daily trips (ADT's) could be generated from the

future residential development (10 vehicle trips per day per dwelling unit.) This is below the threshold established by the County for the requirement of a traffic study.

The Department of Transportation has concluded that the proposed project will not increase traffic in excess of the standards set forth in Policy TC-Xe. Note that Running Deer Road is not a County maintained road and not subject to Policy TC-Xe. Based on an additional 30 average daily trips generated by the future residential development, the proposed project is consistent with General Plan Policy TC-Xc if Running Deer Road was County maintained.

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.” *Policy 5.3.1.2* also requires public water service for development of this nature.

Discussion: The parcel map proposes public water service. A six-inch line exists in Running Deer Road, and a 10-inch water line runs along the north property line of the project site. The applicant is proposing septic systems for each lot. EID will require two additional equivalent dwelling units of water supply for the proposed project and will require hydraulic water pressure improvements to maintain minimum fire flows of 2,000 gallons per minute for a 2-hour duration.

The proposed project will require an additional fire hydrant to be consistent with General Plan Policy 5.2.1.2 and as recommended by the Rescue Fire Protection District pursuant to Policy 5.7.2.1. Pursuant to Policy 5.2.1.9, prior to the recording of the parcel map, the applicant must provide a meter award letter or a comparable supply guarantee to provide adequate water supply to meet the projected demand of the project.

With the conditions of approval for public water service improvements, the proposed project will be consistent with General Plan Policy 5.2.1.2.

Policy 6.3.2.5: “Applications for development of habitable structures shall be reviewed for potential hazards associated with steep or unstable slopes, areas susceptible to high erosion, and avalanche risk.”

Discussion: The project site is approximately 350 feet from the East Bear Mountain Fault zone. According to the 2004 General Plan draft EIR, “No active faults have been identified in El Dorado County.” “One fault, part of the Rescue Lineament-Bear Mountains fault zone, is classified as a well located late Quaternary fault (DOC 2000); therefore, it represents the only potentially active fault in the County.” The project site is not located within the area of this well located fault nor located in an Alquist-Priolo Earthquake Fault Zoning Act (formerly Special Studies Zone Act) in El Dorado County.

Future residential development will be required to comply with UBC codes regarding seismic loading. The parcel map as conditioned will be consistent with this policy.

Policy 6.5.1.8: New development of noise sensitive land uses will not be permitted in areas exposed to existing or projected level of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels specified in Table 6-1.

Discussion: The project site is bounded by North Shingle Road and Running Deer Road. According to the 2004 General Plan draft EIR for North Shingle Road, the distance from centerline of the near travel lane to $L_{dn}/CNEL$ contour for 65 dBA is 82.2 feet and at 60 dBA is 176.8 feet onto the property. Table 6-1 in the general plan requires in Rural Regions, the outdoor activity area to be 60-65 dB $L_{dn}/CNEL$ depending on the location of the front yard or location of the outdoor activity area at the property line and the interior space shall be 45 dB $L_{dn}/CNEL$.

The proposed location of the future residential dwelling units will be placed closer to Running Deer Road to offset the road noise generated from North Shingle Road. The future residential dwelling locations would be placed approximately 230 feet from North Shingle Road which is greater than the 176.8 foot contour line for 60 dBA. Future residential development will be required to comply with UBC codes regarding interior noise levels of not exceeding 45 dB $L_{dn}/CNEL$. The parcel map as conditioned will be consistent with this policy.

Policy 7.1.2.1: Erosion and Sedimentation. Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access or when reasonable use of the property would otherwise be denied.

Discussion: Access corridors on slopes 30 percent and greater are allowed. Approximately 5 percent or 0.19-acres of the 4.02-acre parcel have slopes greater than 30 percent. The frontage along parcel 2 has slopes in excess of 30 percent. Driveway access from Running Deer Road is proposed for all four parcels. The proposed access is allowed under this policy. Furthermore, the slope map has indicated suitable areas for residential development including septic system locations. The proposed parcel map is consistent with this policy.

Policy 7.4.1.6: “All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP)”

Discussion: The project site is located within the Rare Plant Mitigation 2 Area. The Biological Resources Assessment Report identified habitat for the Valley Elderberry Longhorn Beetle – *Desmocerus californicus dimorphus*, a federally-listed threatened insect on site. Measures for the protection of the Valley Elderberry Longhorn Beetle identified in the biological report referred to the United States Fish and Wildlife Service Conservation Guidelines. The Guidelines recommend avoidance whenever possible with a 100-foot non-building set back buffer around the host plants to protect the species. The parcel map is conditioned to place a 100-foot non-building setback around the host plants for the beetle and require participating in the Rare Plant mitigation fee program at the time of building permits in order for the proposed project to be consistent with General Plan Policy 7.4.1.6.

Policy 7.4.4.4: Oak Woodland canopy retention.

Discussion: Based upon the submitted tree preservation plan and current aerial photographs of the site, the project has a total tree canopy of 31 percent, of which 15 percent are oak trees. Under Policy 7.4.4.4, 90 percent of the oak tree canopy must be retained. Each of the proposed parcels have sufficient area without tree canopy coverage to develop single family homes and appurtenant uses and structures. The plan shows five trees that must be removed, none of which are oak trees. Future development of the parcels can comply with this policy

Policy 7.5.1.3: Cultural resource studies shall be conducted prior to approval of discretionary projects.

Discussion: A cultural resources study was conducted for the property. The report indicated a single-family remodeled farmhouse that appears to have been constructed in the early 1900s. The report also indicated that the farmhouse has been extensively remodeled, that it no longer resembles its former historic character. The conclusion of the report found no significant prehistoric or historic archaeological sites, features, or artifacts were discovered. Based on the findings within the report, the proposed project is consistent with General Plan policy 7.5.1.3.

Conclusion: Staff finds that the proposed project conforms to the General Plan in that the parcel is located within the Rescue Rural Center boundary area, the proposed uses are consistent with the land use designations, and the natural resources on site will be protected. Infrastructure improvements for Running Deer Road and adequate public water supply to service the site will be required to be completed prior to final map recordation.

Zoning: The project is creating lot configurations that are consistent with the One-acre Residential (R1A) zoning development standards.

The main issues related to the zone change request are compatibility of the zoning with adjacent parcels and adequate infrastructure to support additional residential development.

Zone Change Discussion:

The requested zone change will create a parcel that is zoned One-acre Residential (R1A) surrounded by One-half Acre Residential (R20,000), Single-family Two-acre Residential (R2A), and Estate Residential Five-acre (RE-5) zoned properties. Staff considered if this request would create a site incompatible with the surrounding zoning or land use designations. The requested zone change would be a transition between R20,000 and R2A zoning designations and considered an infill project within the rural center boundary. The proposed project is consistent with the General Plan policies for Rural Centers.

Infrastructure Discussion:

Staff analyzed the 4.02-acre parcel to determine if the parcel can support residential development on four one-acre parcels. A determining factor for one-acre parcels versus two-acre parcel sizes is the site constraints for development. Site constraints include but not limited to; tree canopy coverage, water, sewage disposal, slopes in excess of 30 percent, riparian or drainage corridors, habitat protection, and access to the individual lots.

Staff addressed these constraints pursuant to the General Plan and zoning policies and provisions and concluded that the four one-acre parcels provide suitable areas for single-family residential units including areas for septic systems. Without the required water improvements, however, development on the 4.02-acre parcel may be limited to an additional residential dwelling unit based on the current water capacity to the site.

Conclusion: Staff has determined that the zone change and parcel map as proposed is consistent with the applicable Zoning Ordinance standards as conditioned.

Parcel Map Design Issues:

The main issues associated with this project are access and water service requirements, impacts associated with endangered species and other biological issues, and noise from North Shingle Road. Water service improvements, noise, and biological resources have been discussed above under the General Plan discussion; road improvements are discussed below in the design waiver discussion.

Design Waiver(s) Discussion: The applicant is requesting design waivers to allow modifications to the required design standards of a 3:1 lot depth to width ratio and reduction in road width (Running Deer Road) of 28 feet to 24 feet with no curb and gutter.

In order to grant a design waiver, the approving authority must find that each of following conditions exists, required by Section 16.40.010 of the County Code:

- a. There are special conditions or circumstances peculiar to the property to be divided which would justify the adjustment or waiver,
- b. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property,
- c. The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- d. The adjustment or waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the division.

Design Waiver 1 - Lot Ratio: Request to exceed lot depth to width ratio by an average of 30-feet.

Discussion: The Design and Improvement Standards Manual (DISM), Volume II, Section 2(A)(2) – Deep Lot: is a lot whose depth is excessive in relation to its frontage. Lots are not to exceed a 3-to-1 ratio unless a design waiver is granted. The minimum parcel width under One-acre Residential (R1A) development standards is 100-feet.

The 4.02-acre parcel is trapezoidal in shape, double frontage, making four parcels of equal length and width difficult to accomplish. Parcel numbers 3 and 4 exceed the required length by 30 feet on average. The alternative would require a reduction in the number of parcels. The elderberry shrub which is the host plant for the valley elderberry beetle, and which requires a special setback to avoid disturbing the special status species, is located at the easterly end of Parcel 4 and affects the area of development on both lots. Any other design could potentially place future residential units within the 60 dBA noise contour area along North Shingle Road or require location of septic systems on slopes reaching up to 30 percent.

Design Waiver 2 - Road Width: Road width reduction for Running Deer Road from Standard Plan 101B of 28 feet to 24 feet with 2 foot shoulders with no curb and gutter.

Discussion: Running Deer Road does not meet the minimum fire safe regulations of 18 feet in width. The Design and Improvement Standards Manual requires a road serving a parcel map creating lots of less than two acres to comply with Standard Plan 101B, with a width of 28 feet, based on the ADT of the road. Dunnings Road serves Cavalry Meadows subdivision to the north of the project site, turning into Running Deer Road at the north end of this project site. The requested waiver to 24 feet wide is to maintain continuity of Dunnings Road improvements and width to that portion of Running Deer Road along the project site frontage. Cavalry Meadows subdivision has a recorded 50-foot wide right-of-way for Dunnings Road which is paved to a width of 24 feet, with Type “A” A.C. dike curbs and no sidewalks. While all of the lots also front North Shingle Road, a non-vehicular access easement, restricting encroachments onto this major County road was imposed as a requirement of the parcel map that created this four-acre parcel.

Widening Running Deer Road to 28 feet with shoulders would increase the oak tree removal and jeopardize the canopy retention requirements. The Department of Transportation has recommended that the applicant widen the road to 24 feet, with Type 1 rolled curb and gutter per Standard Plan 101B prior to filing the map. Since the lots are greater than 10,000 square feet, no sidewalks are required. The Department of Transportation recommends that concrete curb and gutter is necessary to maintain the integrity of the road and to handle run-off. A.C. dikes tend to deteriorate over time.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study,

staff finds that the project could not have a significant effect on the environment, and 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.....General Plan Land Use Map
- Exhibit C.....Zoning Map
- Exhibit D.....Tentative Parcel Map
- Exhibit E.....Parcel Map 37/28/1-4
- Exhibit F.....Environmental Checklist and Negative Declaration