

**EL DORADO COUNTY PLANNING AND BUILDING
DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: April 18, 2018

Item No.: 4. a

Staff: Mark Millard

TENTATIVE PARCEL MAP

- FILE NUMBER:** P17-0005/Thompson Parcel Map
- APPLICANT:** Debbie Ozdinski.
- OWNER:** Deatra Marie Thompson
- REQUEST:** Tentative Parcel Map to create a subdivision of four single family residential lots measuring 7,400 to 7,500 square feet.
- LOCATION:** North side of Golden Bear Trail, approximately 0.4 mile west of the intersection with Pioneer Trail, in the South Lake Tahoe area, Supervisorial District 5 (Exhibit A).
- APN:** 080-162-17 (Exhibit B)
- ACREAGE:** 0.682 acres
- GENERAL PLAN:** Adopted Plan (AP- Lake Tahoe Regional Area Plan (Exhibit C), Plan Area Statement 115/Golden Bear Plan) (Exhibit D)
- ZONING:** Single Unit Residential-Tahoe Combining Zone (R1-T) (Exhibit E)
- ENVIRONMENTAL DOCUMENT:** Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions)
- RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:
1. Find Tentative Parcel Map P17-0005 to be exempt under CEQA Section 15315 (Minor Land Divisions); and
 2. Approve Tentative Parcel Map P17-0005, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Parcel Map would allow the re-subdivision of a 0.682-acre property into four parcels ranging in size from 7,400 to 7,500 square feet. The parcel is zoned Single Unit Residential, Tahoe Basin Combining Zone Overlay (R1-T) and has a General Plan designation of Adopted Plan (AP) for the Tahoe Area Regional Plan (TRPA). The proposed parcels are of sufficient size for the R1/R1-T zones. Staff has determined that the proposed project is consistent with the AP land use designation and R1/R1-T zones, as well as other applicable El Dorado County General Plan policies, Specific Plan requirements, and Zoning Ordinance requirements, as discussed in the Findings.

ANALYSIS:

Site Description: The project site consists of 0.682 acres (29,707 square feet). The site has been developed with a single family residence and an assortment of accessory residential structures and uses and is located at approximately 6,320 feet above mean sea level (Exhibit A). The site is level with the primary on-site biological communities comprised of pine trees, grasses and shrubs indigenous to the Tahoe basin. The site is surrounded by other residential parcels similar to the development on-site. The project is between improved roads, Lone Indian Road on the north (the County identified legal address) and Golden Bear Road on the south (the roadway from which the existing residence/garage is actually accessed) (Exhibit F).

Project Description: The Tentative Parcel Map would create four interior lot parcels from a 0.682 acre site. The lots would be approximately 7,425 square feet in size. The project site was originally Lots 322, 323, 362, 363, created in October of 1969 as part of the Montgomery Estates Unit No. 7 Subdivision (Exhibit I-1, I-2, E46, E46B). The existing project parcel is resultant from BLAs/Merges 95-0062 & 96-0006 (recorded July 22, 1996 & January 19, 1996, respectively). This proposed tentative parcel map would essentially return the project parcel back to the four lots of the same size and configurations of the original subdivision, specific acreages and dimensions to be determined from the calculations done as part of the recording of the Final Parcel Map by the Surveyor's Office. The applicant has provided a letter from TRPA documenting that TRPA recognizes the new (re-created) parcels (Exhibit G). The proposed undeveloped parcels would require connection to South Tahoe Public Utility District water and sewer facilities. The applicant has provided a letter from the STPUD stating the availability of this services pending submittal of appropriate construction permits (Exhibit H). The southern parcels would be accessed off of Golden Bear, the northern parcels from Lone Indian.

On the parcel to be created out of the northeastern quarter, North 2 (N2-Exhibit F), currently has two accessory sheds. These sheds are accessory to the single family residence on parcel as it legally exists today. Upon re-subdivision, the storage sheds are no longer allowable as a primary use (first use on the R1-T zoned parcel) and have been conditioned to be removed prior to the finaling of P17-0005.

On the parcel to be created out of the southeastern quarter, South 2 (S2-Exhibit F), accessory recreational uses have been developed. Upon re-subdivision, these recreational uses are no longer allowable as a primary use (first use on the R1-T zoned parcel). These uses are also conditioned to be removed prior to the finaling of P17-0005 (See Condition of Approval No. 1).

Consistency: As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Adopted Plan (AP-TRPA) land use designation, the provisions and development standards of the Single Unit Residential-Tahoe Combining Zone (R1-T), and other applicable policies in the El Dorado County Zoning Ordinance.

ENVIRONMENTAL REVIEW:

The Thompson Tentative Parcel Map has been found to be Categorically Exempt from the requirements of CEQA pursuant to Sections 15315 (Minor Land Divisions) of the CEQA Guidelines which *consists of the division of property in urbanized areas zoned for residential, ...use into four or fewer parcels when the division is conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcel to local standards are available, the parcel was not involved in the division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20-percent.* The Thompson Parcel Map is consistent with these requirements and is hereby exempt in accordance with CEQA Guideline Section 15315. Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County’s decision that the project is exempt from CEQA. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Findings
Conditions of Approval

Exhibit A.....	Vicinity Map
Exhibit B.....	Assessor’s Parcel Page
Exhibit C.....	General Plan Designations
Exhibit D.....	Tahoe Regional Planning Agency Statement 115, Golden Bear Plan Area
Exhibit E.....	Zoning Designations
Exhibit F.....	Tentative Parcel Map
Exhibit G.....	Tahoe Regional Planning Agency Acknowledgement Letter
Exhibit H.....	South Tahoe Public Utility District Acknowledgement Letter
Exhibit’s I-1, I-2.....	Montgomery Estates Unit No. 7 Subdivision Map, Pages E-46, E46-B

FINDINGS

Tentative Parcel Map P17-0005/Thompson Zoning Administrator/April 18, 2018

1.0 CEQA FINDINGS

- 1.1 The Thompson tentative parcel map has been found to be Categorically Exempt from the requirements of CEQA pursuant to Sections 15315 of the CEQA Guidelines which states that minor land divisions in urbanized areas zoned for residential use into four or fewer parcels, consistent with the identified standards of the cited section are exempt.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division, Community Development Agency, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

Policy 2.2.1.2 identifies that the Adopted Plan (AP) land use designation establishes areas for which specific land use plans have been prepared and adopted. These plans (e.g., specific plan or community plan) are accepted and incorporated by this reference, and the respective land use map associated with each such plan is hereby adopted as the General Plan map for each such area.

Rationale: The Tentative Parcel Map would create four parcels from a 0.682 acre site. The new lots would essentially return the project parcel back to four lots of the same size and configurations of the original subdivision. Specific acreages and dimensions shall be determined from the calculations done as part of the recording of the Final Parcel Map by the Surveyor's Office. The applicant has provided a letter from TRPA documenting that TRPA recognizes new (re-created) parcels (Exhibit H). Accordingly, the project is consistent with the Adopted Plan (AP) land use designation as defined by the Tahoe Regional Planning Agency's (TRPAs) Regional Plan, Plan Area Statement 115, and Code of Ordinances.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is surrounded by urban residential development. The proposed parcel sizes are similar to those surrounding the site, and use is consistent and compatible with the development pattern in the immediate surroundings.

2.3 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: Each proposed lot is to be served by existing water and sewer capacity for residential use through the South Lake Tahoe Public Utility District.

2.4 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1, Fire Protection in Community Regions, requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Lake Valley Fire Department (LVFD) would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. Fire hydrants (two) currently exists approximately 102-feet to the northeast and 26-feet to the southeast. The project is in compliance with these General Plan policies related to fire protection.

2.5 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant 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.

Rationale: The two new northern parcels shall be served from Lone Indian Road, an existing developed and maintained road, the two new southern parcels would be served from Golden Bear Road, also an existing developed and maintain road.

2.6 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The project parcel and the parcels resultant from this tentative parcel map are zoned Single Unit Residential-Tahoe Combining Zone (R1-T). The project has been analyzed in accordance to the standards for this zone district with regard to minimum lot size, widths and building setbacks.

Rationale: The proposed lots have been conditioned to meet the minimum lot size and width standards. Accordingly, the project is consistent with Single Unit Residential-Tahoe Combining Zone (R1-T), because the parcels have been designed to comply with the required development standards of its zone district.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create four interior lot parcels from a 0.682 acre site. The lots would be approximately 7,425 square feet in size. The project would essentially return the current parcel back to the four lots of the same size and configurations as that of the original subdivision, specific acreages and dimensions have been conditioned to meet the development standards of the base zoning. The site is in an urban region in the Tahoe Area Regional Plan, and land use at the site is residential. The proposed Parcel Map is consistent with the General Plan as set forth in Finding 2.1.

4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the Single Unit Residential-Tahoe Combining Zone (R1-T), been deemed legal lots consistent with the Tahoe Area Regional Plan and shall comply with the required minimum lot area and minimum lot width requirements. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The proposed development meets the density requirements of the Single Unit Residential-Tahoe Combining Zone (R1-T), and the Tahoe Area Regional Plan, and shall conform to the minimum parcel size and development standards of the R1-T zone district.

4.4 **The proposed subdivision is not likely to cause substantial environmental damage.**

Rationale: The project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Sections 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed tentative parcel map will not likely result in substantial environmental damage and is consistent with the existing and anticipated development in the Tahoe Area Regional Plan.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P17-0005/Thompson
Zoning Administrator/April 18, 2018**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit F.....Tentative Parcel Map

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 would constitute a violation of permit approval.

The project description is as follows:

The project allows for the creation of four interior lot parcels. The lots would be approximately 7,425 square feet in size. The project site is currently identified by Assessor’s Parcel Number 080-162-17. All parcels shall be served by individual water meters and sewer systems. The approval includes the following:

Lot Number	Gross Area	Improvements
North 1	≈7,425 s. f./0.17 Acres	None
North 2	≈7,425 s. f./0.17 Acres	Minor Accessory Structures to South 1 (To be removed prior to finaling of Tentative Parcel Map)
South 1	≈7,425 s. f./0.17 Acres	Developed Single Family Residence
South 2	≈7,425 s. f./0.17 Acres	Minor Accessory Structures to South 1 (To be removed prior to finaling of Tentative Parcel Map)

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Department

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.

3. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

6. **Removal of Accessory Structures/Uses from Parcels North 2 & South 2:** The applicant shall demonstrate to the satisfaction of the Planning Department, that the accessory structures/uses currently existing on the proposed parcels identified as North 2 and South 2 have been removed, and the land returned to its natural state prior to the finaling and recording of the tentative parcel map authorized by this application.
7. **Easements Consistent with the Montgomery Estates Unit No. 7 Subdivision Map:** The applicant shall submit a final map to the County Surveyor that shows easements on the newly created parcels consistent with the easements created and recorded by the Montgomery Estates Unit No. 7 Subdivision Map (E46A, & E46B). Said easements shall be shown on the map recorded resultant from these authorizations.

Office of County Surveyor

8. All survey monuments shall be set prior to filing the Parcel Map.
9. Situs addressing for the project shall be coordinated by the County Surveyors Office prior to the filing the Final Map.
10. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P05-0005 by (that agency) have been satisfied.” The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

South Tahoe Public Utility District

11. Sewer and Water connections shall be implemented consistent with the permit requirements and fees of the South Tahoe Utility District.