

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: July 13, 2006

Item No.: 11.a.

Staff: Jason R. Hade

SUBDIVISION MAP

FILE NUMBER: TM05-1398/Thousand Oaks, Unit 3

APPLICANT: Helen L. Thomas

ENGINEER: Gene E. Thorne & Associates, Inc.

REQUEST: A tentative subdivision map creating three lots, ranging in size from 1.83 to 3.35 acres, on a 8.4-acre site (Exhibit E).

Design waivers have been requested for the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist.

LOCATION: On the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the Shingle Springs area. (Exhibit A)

APN: 070-300-15 (Exhibit B)

ACREAGE: 8.4 acres

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

ZONING: One-acre Residential (R1A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: This project represents Unit 3 of the Thousand Oaks subdivision. Thousand Oak Estates was originally approved on October 22, 1985, and included 13 lots on 33.7 acres.

TM05-1398 was submitted on October 27, 2005, and deemed complete for processing on November 21, 2005. A Technical Advisory Committee (TAC) meeting was held on January 23, 2006, at which time the applicant submitted project revisions. 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 February 10, 2006. Further map revisions were submitted to Planning Services on April 19, 2006.

STAFF ANALYSIS

Project Description: Tentative subdivision map application to create three lots ranging in size from 1.83 acres to 3.34 acres. A design waiver request has been submitted to allow the following: (1) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and (2) Permit the existing roads to remain as they currently exist.

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 with trees, shrubs, and patches of nonnative grassland. Two manmade ponds are located within the project study area. Residential development borders the subject site on all sides except the southern segment of the western boundary. A 3,976 square foot residence is located on the proposed Lot 2. Access to Lot 1 is to be provided by a driveway from St. Ives Court while Lots 2 and 3 are to be served by an improved existing driveway connecting to Mineshaft Lane.

Adjacent Land Uses:

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

General Plan: The General Plan designates the subject site as Medium-Density Residential (MDR), which permits a minimum parcel size of one acre. The proposed 1.83 to 3.35-acre lots therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

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 and undeveloped land to the west. The proposed subdivision will fit within the context of the existing Thousand Oaks Estates subdivision.

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: Although a six-inch EID water line exists in St. Ives Court, the current system cannot deliver the required fire flow without the construction of a 10-inch water line connecting the existing 6-inch water line in Meder Road to the existing 10-inch water line in Ponderosa Road and extend new facilities of adequate size to the project location. However, the El Dorado County Fire District and applicant have agreed to have a notice of restriction recorded prior to final map approval requiring the installation of a sprinkler system for fire suppression in all homes to be constructed on the three lots, as stated in Mitigation Measure No. 4. Thus, the water line improvements discussed within the EID facility improvement letter (FIL) are not necessary for fire flow purposes.

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 minimum 10-foot wide driveway to each lot will satisfy state fire safe regulations.

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 100-foot setback is required from the two man-made ponds on the site, and a 50-foot setback is required from the 1.783 acres of wetlands located at the site. These water features at the subject site are mapped on Exhibit F. After applying the 100-foot pond setback, 50-foot wetland setback, 30-foot building setback, septic area and related setbacks, tree canopy retention standards, as well as driveway installation area, the proposed Lot 1 shown on Exhibit E is rendered unbuildable. Staff has advised the applicant of these issues and the prohibition on creating unbuildable, sub-standard lots as part of a new tentative subdivision map submittal. At this time, staff's solution to this issue is to recommend conditional approval of the map with Condition 23 requiring that proposed Lots 1 and 2 be merged. Thus, the total number of lots in Thousand Oaks Estate, Unit 3, would be two. Merging proposed Lots 1 and 2 would resolve this General Plan policy inconsistency and create a buildable lot. However, when advised of this solution, the applicant stated that it was "unacceptable" and refused to revise the submitted map accordingly. The applicant has submitted a letter from Sycamore Environmental Consultants dated December 21, 2005, requesting a 25-foot setback be applied to the ponds and wetlands as they believe "a building setback of 25 feet for the construction of a home on the northern end of the parcel is sufficient to protect the water quality and habitat value of the man-made ponds and wetlands in this ephemeral drainage." A copy of the letter is attached as Exhibit I.

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 46 percent. The analysis states that the applicant has indicated that no trees will be removed due to the project and concludes, “the project complies with the County canopy retention standard.” Building envelopes included on the submitted tentative map confirm that the project is consistent with General Plan tree canopy retention policies.

Conclusion: Staff finds after review of the above policies that the project, as conditioned to require the merging of proposed Lots 1 and 2, conforms to the General Plan. Without the merging of proposed Lots 1 and 2 the submitted tentative map is inconsistent with General Plan Policy 7.3.3.4, as outlined above.

Zoning: The subject site is zoned One-acre Residential (R1A) which permits a minimum parcel size of one acre. Therefore, the proposed 1.83 to 3.35 acre parcels conform to existing zoning.

Design Waivers Discussion: As proposed, the Thousand Oaks Estates, Unit 3, subdivision map requires the following design waivers:

- a. Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and
- b. Permit the existing roads to remain as they currently exist.

The proposed design waivers have 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 that a 10-foot wide driveway is adequate to serve the proposed lots. However, the required driveway connections and on-site access shall be constructed consistent with conditions of approval five and six, as outlined in Attachment 1.

Other Issues:

Access/Circulation: The Department of Transportation reviewed the proposed subdivision map and determined that the applicant shall improve the driveway connections and on-site access consistent with conditions of approval five and six.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and determined that the project would have an insignificant impact on the air quality with the implementation of Avoidance Measures 1 through 4.

Cultural Resources: The applicant submitted a “Cultural Resources Study of Thousand Oaks, Unit 3, APN 070:300:15 Shingle Springs, El Dorado County, California” prepared by Historic Resource Associates in February 2006. According to the study, “Following a field investigation of the project area, no significant prehistoric or historic archaeological sites, features, or artifacts were found, nor were any significant historic buildings, structures, or objects discovered.” (*Cultural Resources Study of Thousand Oak Unit No. 3 APN 070:300:15 Shingle Springs, El Dorado County, California, Historic Resource Associates, February 2006*)

Drainage and Grading: No grading or change of on-site drainage is proposed. The El Dorado County Resource Conservation District reviewed the project and had no concerns.

Fire: The El Dorado County Fire Protection District reviewed the proposed tentative map and will not require a new fire hydrant for the site provided that a notice of restriction is recorded for each lot prior to final map approval as discussed under General Plan Policy 5.2.1.2 above. No other fire concerns were raised.

Wastewater: As proposed, the Environmental Management Department – Environmental Health Division, commented that “the proposed septic area easement for parcel 2 is unacceptable.” El Dorado County Ordinance 15.32.010(g) states that “no private sewage disposal system or part thereof, shall be located on any lot other than the lot which is the site of the building or structure served by private sewage disposal system.” In order to review this project, the Environmental Health Division requested that the existing on-site sewage disposal system and repair area be identified on the map for the proposed Lot 2. Merging proposed Lots 1 and 2 would also resolve these wastewater issues as well as the pond and wetland setback issue discussed above. At the time of staff report preparation, the applicant had not revised the tentative map to sufficiently address the wastewater issues identified by the Environmental Management Department. At the Technical Advisory Committee meeting held on January 23, 2006, the applicant requested that “the existing septic area, shown as ‘the septic area easement for Lot 2’ be allowed to continue as a functioning system with a Notice of Restriction being placed upon Lots 1, 2, and 3. That notice would require the existing system currently being used by Lot 2 be abandoned and a new system be installed on Lot 2 prior to the issuance of a building permit for either Lots 1 or 3.” This request was reviewed by Environmental Management Department staff and deemed unacceptable.

Wetlands: The U.S. Army Corps of Engineers submitted a letter dated February 23, 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 J) 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, cultural resources, and hazards and hazardous materials. 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

Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval in Attachment 1;
3. Approve TM05-1398 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the modification of the project to include the conditions itemized in Attachment 1; and
4. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a. Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on the tentative map; and
 - b. Permit the existing roads to remain as they currently exist.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BAssessor's Parcel Map
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit ETentative Subdivision Map
Exhibit FBiological Resources and Preliminary Jurisdictional
Delineation Map
Exhibit GLand Capability Report
Exhibit HSoils Map
Exhibit ISycamore Environmental Consultants Letter
December 21, 2005
Exhibit JEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER TM05-1398

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

1. Avoidance Measures 1 through 4 as outlined in the attached Air Quality Analysis for Proposed Residential Subdivision of Assessor's Parcel Number 070-300-15, El Dorado County, CA, Sycamore Environmental Consultants, September 8, 2005.
2. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
4. A Notice of Restriction shall be recorded concurrently with the filing of the final map for each lot requiring the installation of sprinklers for fire suppression in all homes constructed at the subject sites to the satisfaction of El Dorado County Fire Protection District.

CONDITIONS OF APPROVAL

Department of Transportation

5. The applicant shall obtain an encroachment permit for and construct a Standard Plan 103C driveway connection onto the cul-de-sac of Mineshaft Lane and Standard Plan 103B-1 driveway connection onto the cul-de-sac of St. Ives Court.
6. The applicant shall improve the on-site access, from Mineshaft Lane to the proposed driveway to for lot three, to the standard of a 24 wide roadway per Standard Plan 101B (including signage as necessary – stop signs, street name signs, “not a county maintained road,” etc.) prior to filing the final map.

7. The applicant shall irrevocably offer to dedicate a sufficient road and public utilities easement for the on-site access road for lot two and three. Sufficient easement width is defined as the width needed to accommodate all existing and required roadway, drainage and utility improvements.
8. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
9. If burning activities are to occur during the construction of the project improvements, the applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
10. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District.
11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director
12. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
13. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
14. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
15. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage and geotechnical reports in PDF format and the record drawings in TIF format.

Surveyor's Office

16. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.

El Dorado County Fire Protection District

17. Driveways serving each home are to be 10-feet wide, have a 13-foot six-inch vertical clearance, and be capable of supporting a 40,000 pound load. If a driveway becomes longer than 300 feet in length, a fire safe turnaround will be required subject to fire district review and approval.
18. Any future proposed project gates are subject to fire district approval.

Environmental Management Department

19. Adequate on-site sewage disposal system and repair area shall be identified on the revised tentative subdivision map subject to Environmental Management Department review and approval prior to final map approval.

Planning Services

20. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
21. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
22. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
23. At time of improvement plan and final map submittal, the applicant shall submit a final map reflecting the merging of Lots 1 and 2. The final map shall include a 100-foot setback from all ponds and a 50-foot setback from all wetlands at the subject site as delineated on Exhibit F.
24. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lots.

ATTACHMENT 2 FINDINGS

FILE NUMBER TM05-1398

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 APPROVAL

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 Tentative subdivision map TM05-1398 consist of an application to create three lots ranging in size from 1.83 acres to 3.34 acres. A design waiver request was submitted to allow the following: (1) Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on the tentative map; and (2) Permit the existing roads to remain as they currently exist.

The tentative subdivision map shall only be approved or conditionally approved if all of the following findings are made:

2.1.1 The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.

As proposed, the tentative map conforms to the Medium-Density Residential General Plan land use designation. With the merging of Lots 1 and 2 as detailed above, the tentative map is consistent with the General Plan policies.

2.2.2 The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed and with the approval of the requested design waivers, the tentative map conforms with the development standards within the One-acre Residential (R1A) Zone District and the Major Land Division Ordinance.

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

As originally proposed, the site is not physically suited for the proposed three lots because of the lack of a sufficient buildable area on Lot 1 when pond and wetland setbacks, building setbacks, tree canopy retention standards, and septic area repair and replacement area requirements are applied to the site. For this reason, merging proposed Lots 1 and 2 will address these constraints. As a result of this action, the site is physically suitable for the proposed type and density of development.

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

The proposed subdivision is not likely to cause substantial environmental damage with the application of pond and wetland setbacks consistent with General Plan Policy 7.3.3.4. No project grading is proposed.

3.0 DESIGN WAIVERS

Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and permit the existing roads to remain as they currently exist.

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

The irregular shape of the proposed lots does not permit the frontage of each lot to be 100 feet. Access to the proposed lots will be provided by driveway connections and driveways linked to St. Ives Court and Mineshaft Lane which are existing County maintained roads.

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

Strict application of the design and improvement requirements would require a wider driveway resulting in an increased amount of project grading and potential tree removal. The Department of Transportation and El Dorado County Fire Protection District have reviewed the design waiver request and support a driveway width of 10 feet.

3.3 The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The waivers will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the design waivers will allow the subdivision to better fit within the context of the surrounding residential uses.

3.4 The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.