

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** September 6, 2006

**Item No.:** 5.a.

**Staff:** Tom Dougherty

**PARCEL MAP**

**FILE NUMBER:** P 05-0021

**APPLICANT:** American Quest Development III, LLC/Deborah Prisk

**REQUEST:** A tentative parcel map creating three (3) parcels ranging in size from 5.00 to 6.08 acres on a 16.138-acre site. (Exhibit B)

- a. Design waiver request to allow less than a 24-foot wide road access pursuant to the requirements of the Design and Improvements Standards Manual Standard Plan 101-C.
- b. Design waiver request to allow a dead-end road to exceed 500 feet and to serve more than twenty-four parcels pursuant to the requirements of the Design and Improvements Standards Manual Volume II, Section 3 (C) numbers 9 and 12.

**LOCATION:** Southeast side of North Circle Drive approximately 0.4 mile south of the intersection with Canyon Valley Road in the Diamond Springs area. (Exhibit A)

**APN:** 097-180-16

**ACREAGE:** 16.138 acres

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

**ZONING:** Single-family Two-acre Residential (R2A) and Estate Residential Ten-acre (RE-10) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The parcel is part of the “unofficial” Unit 3 of Diamond Springs Estates subdivision. This Unit was originally a left over portion of Diamond Spring Estates Units 1 and 2 but was not designated as an official “remainder” parcel pursuant to the California Subdivision Map Act at the time of the final maps of Units 1 and 2. The various areas in this remainder area had full and partial mineral patents and were assigned ten different Assessor’s Parcel Numbers. All of those were given Certificates Of Compliance, which were then followed by a Boundary Line Adjustment that created seven parcels out of the ten with different APN numbers. Those seven parcels were then recorded by Parcel Map 48-46 in December of 2002. Because the parcels were not created by a subdivision map, they were not officially designated Unit 3 however, they are unofficially called Unit 3, are all included in the CC&Rs and share road access with Diamond Springs Estates Units 1 and 2. The parcel boundary of the subject parcel was changed by BLA 05-0063 which was finalized on September 29, 2005. That Boundary Line Adjustment reduced the subject parcel size from 37.6 acres to 16.138 acres.

**STAFF ANALYSIS**

**Project Description:** A tentative parcel map creating three (3) parcels ranging in size from 5.00 to 6.08 acres on a 16.138 acre site.

**Site Description:** The 16.138 acre site is located on the southeast side of North Circle Drive and slopes downward in a predominately northwest to southeast direction. The most level portions of all three (3) proposed parcels are the existing pad and driveway areas that were previously graded approximately three years prior to the applicant acquiring the property. Vegetation on the site consists predominantly of even-aged multi-trunked interior live oaks (*Quercus wislizenii*) and scattered blue oaks (*Quercus douglasii*), along with white-leaf manzanita (*Arctostaphylos viscida*) and buckbrush (*Ceanothus cuneatus*), white-leaf manzanita (*Arctostaphylos viscida*), coffeeberry (*Rhamnus californica*), toyon (*Heteromeles arbutifolia*), yerba santa (*Eriodictyon californicum*) shrubs. The even-aged interior live oaks and the abundance of even-aged manzanitas suggest a prior massive fire within the project vicinity.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R2A/RE-10	MDR	Single-family dwelling
<b>North</b>	R2A	MDR	Single-family dwelling
<b>South</b>	R2A/RE-10	MDR	Single-family dwelling/undeveloped
<b>East</b>	R2A/RE-10	MDR	Undeveloped
<b>West</b>	RE-5	MDR	Single-family dwelling

**General Plan:** The General Plan designates the subject site as Medium-Density Residential (MDR), which permits parcel sizes ranging in size from one to five acres and establishes areas for single-family residences in a rural environment. This designation generally applies to areas

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 shall be one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres. The two proposed 5.00 acre and parcels therefore conform to the General Plan land use designation and the six acre parcel is one acre over the recommended size. The following General Plan policies apply to this project:

*Policy 2.1.1.7: Development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.*

*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.*

*Policy 6.2.3.2: As a requirement of new development, 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.*

Discussion: Adequate roadways, utilities, and other public service infrastructures are available at the parcel boundary and wildfire hazards will be mitigated as required by a Fire Safe Plan approved by the El Dorado County Fire Protection District. The El Dorado County Fire Protection District has not expressed any concerns with the existing access to the three proposed parcels and there are fire hydrants existing on the opposite side of the road from proposed Parcels 1 and 3 as well.

*Policy 7.1.2.1: Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under 30 percent.*

Discussion: The driveways and building areas have been previously graded. Those areas, as well as the proposed building envelopes, are not within the areas of the parcels that are noted on the submitted slope map as having a slope greater than 30 percent.

*Policy 7.4.4.4: The project applicant shall adhere to the tree canopy retention and replacement standards described below:*

<b>Percent Existing Canopy Cover</b>	<b>Canopy Cover to be Retained</b>
80–100	60 Percent of existing canopy
60–79	70 Percent of existing canopy

40-59	80 Percent of existing canopy
20-39	85 Percent of existing canopy
10-19	90 Percent of existing canopy
1-9 for parcels > 1 acre	90 Percent of existing canopy

Discussion: Any introduction of development into a natural habitat will have negative impacts on the existing systems in progress. The objective of the General Plan Forest and Oak Woodland policies is to attempt to “protect and conserve forest and woodland resources,” and to reduce those impacts to an insignificant level. The subject parcel is located in the Blue Oak Woodland habitat type which is typical of areas mostly found below 3000 feet elevation and is characterized by shallow, rocky, unfertile soils. (El Dorado County General Plan EIR, 5.12-7, May 2003). The interior live oaks dominate the site. The creation of the three (3) parcels will impact the woodland in an insignificant level, using CEQA criteria for the definition of insignificant, since the driveways and potential building pads exist and building envelopes will be required to be recorded on the final map. The majority of the proposed building envelopes and preliminary septic locations are within areas that have been previously graded and those areas are currently devoid of trees. No trees will be removed as a direct result of proposed creation of the three (3) parcels except those that may be required to be removed as part of a fire safe plan. Future development permits will be looked at for the impacts to existing tree canopy when they are submitted.

The applicant has submitted a tree preservation plan that notes tree canopy coverage of approximately 85 percent on Parcel 1, 88 percent on Parcel 2 and 88 percent on Parcel 3. *General Plan Policy 7.4.4.4* requires that 60 percent of that existing canopy be retained. At this current time, the creation of two approximately five-acre parcels and one six-acre parcel will not directly impede the currently inferred intent of this policy any more than is allowed under *Policy 7.4.4.4*. because the building envelopes would not, by themselves, directly allow the removal of more than 60 percent of the tree canopy and the trees that may be lost from the implementation of the fire safe plan are exempt from this policy.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: The majority subject site is zoned Single-family Two-acre Residential (R2A) and a small portion of proposed Parcel 3 is zoned Estate Residential Ten-acre (RE-10).

Discussion: The three (3) proposed parcels conform to existing zoning in that they exceed the minimum two-acre size minimum. The portion of Estate Residential Ten acre (RE-10) that juts into Parcel 3 does allow the same uses as R2A with the same front and rear setbacks. The side setbacks for R2A are 20 feet, with approval from the local fire district because they are larger than one acre, versus a 30-foot side yard setback for RE-10, however, there are two drainage easements traversing on both sides of the proposed building envelope that would limit the side yard setbacks anyway for Parcel 3. The steep topography would severely limit the ability of these three (3) parcels to become much smaller than the proposed sizes.

**Other Issues:**

**Water and Sewer:** Water service is currently available to be provided by El Dorado Irrigation District (EID) for all three parcels, (El Dorado irrigation District Facility Improvement Letter, FIL1205-216, dated December 14, 2005). All three (3) parcels have shown proposed septic areas on the submitted tentative parcel map and have supplied percolation tests for those areas. This has been reviewed by El Dorado County Environmental Management, Environmental Health Division and they did not respond to the request for project review with concerns. These proposed septic areas are not required to be recorded on the final parcel map. Any future development application process will include new review and potentially require new percolation tests from the newly proposed areas at that time.

**Access:** Access to the subject parcel is from North Circle Drive. North Circle Drive is not a County maintained road but is maintained by the Diamond Springs Homeowners Association. North Circle Drive does not have a set road and public utility easement width but is custom marked at varying widths of approximately 50-60 feet. The blacktopped portions of the road average approximately 20-foot wide. Access to the proposed parcels is from three existing direct encroachments onto North Circle Drive. Each of the said parcels has existing driveways entering them to their respective existing building pads.

**El Dorado County Design Improvement Standards Manual, Volume II, Section 3, Streets,#9 and #12:**

9. “At least two connections with an existing, improved public street or with a future street expansion...”
12. “A dead-end street connecting to a County or State maintained street may exceed 500 feet in length, but not more than 2,640 feet, and only when geographic features restrict a street expansion and the street will not serve more than twenty-four (24) existing or potential parcels.”

**Discussion:** There are more than twenty-four (24) existing lots that adjoin and have access to North Circle Drive which, in tandem with Canyon Valley Road, forms a circle with one way out which makes it a dead-end road. El Dorado County Fire Protection District has no objections to the access and there are two exits, one out Canyon Valley Road to Pleasant Valley Road and one on North Circle Drive to Fowler Road. Because the project parcel also shares part of the Diamond Springs-El Dorado Fire District boundary, staff asked for and received comments from them since that would be the probable first-responders in an emergency because they are closer. They also had no concerns about the access situation. Both requested a Fire Safe Plan be completed and approved. North Circle Drive is a 20-foot wide road and public utility easement in front of the proposed parcels and is currently paved to a width of 24 feet with existing shoulders. The dominant pattern of parcel development for the area has been established and these three (3) parcels fit into the dominant pattern. Because of all of the above situations, it can be found that the creation of these three (3) parcels will not conflict with the intent numbers 9 and 12 of El Dorado County Design Improvement Standards Manual as mentioned above.

Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations: 1273.01. Road Width, 1273.02, Roadway Surface, and

1273.09. Dead-End Roads: (a) The maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

Parcels zoned for 5 acres to 19.99 acres -----2640 feet

Discussion: The southwestern most parcel at North Canyon Road intersects with North Circle Drive approximately 2,500 feet north of the subject parcel and travels out the two exits to Pleasant Valley Road and Fowler Road respectively.

**Design Waiver Requests:** The applicant has requested design waivers to the requirements contained in the *County of El Dorado Design and Improvement Standards. Section 16.40.010 of County Code* establishes that “the approving authority may grant a waiver or conditional waiver of any of the design or improvement requirements of this article with respect to a particular division at the time it approves the tentative map of the division.”

A design waiver may only be approved if specific findings may be made supporting the waiver. The applicant requested the following design waivers:

**Design Waiver Request:**

a. Allow less than a twenty-four foot wide road:

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

Discussion: The existing roadway is chip-sealed with some areas being asphalted, has existing shoulders, drainage ditches, road signs, fire hydrants and easement rights for utilities, and it is maintained through the dues paid to the Diamond Springs Estates Association. The El Dorado County Fire Protection District has no concerns with the existing road surface and access to the proposed parcels.

2. *Strict application of County design and improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Discussion: This is an existing roadway that is maintained through CC&R implemented by the Diamond Springs Homeowners Association. Due to the topography of the terrain, it is not feasible to widen the road beyond the existing 20-foot width with a 2ft shoulder in most of the existing terrain and utilities. All infrastructures serving the existing subdivision are in place.

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

Discussion: The existing roadway circulates directly in front of each of the three proposed parcels and does not affect adjacent properties because those parcels have been using that road since 1978 which was when the Diamond Springs Estates subdivision was created.

4. *The adjustment or waiver would not have the effect of nullifying the objectives of this article, (Article II of Chapter 16 of the County Code), or any other law or ordinance applicable to the division.*

Discussion: The approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code because it only about allowing an existing twenty-foot wide road surface to remain.

b. Allow more than 24 lots on a dead-end road that exceeds 500 feet in length:

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

Discussion: The creation of three separate parcels will not change a use that currently exists within the existing subdivision. The created parcels match the dominant pattern of existing parcels.

2. *Strict application of County design and improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Discussion: Diamond Springs Estates Homeowner's Association maintains the roads in the vicinity of the subject parcel and the lots surrounding North Circle and Canyon Valley Roads have existed for many years in their current configuration. The created parcels could add second dwelling units in the future and increase impacts, but as currently proposed with the existing uses and size, just adding three more parcels will not currently change an existing situation currently shared by the surrounding parcels. In order to do a circulating road, you would need to circulate to the west over Great View Drive and connect to South Point Road. For a three-parcel map, this is not feasible.

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

Discussion: El Dorado County Fire Protection District has reviewed the parcel split request and has not stated major concerns about the layout and design of the proposed parcels and emergency access of the proposed parcels and the length of the access road length of 2,500 feet complies with the intent of *SRA Fire Safe Regulations, Section 1273.09.*

4. *The adjustment or waiver would not have the effect of nullifying the objectives of this article, (Article II of Chapter 16 of the County Code, and), or any other law or ordinance applicable to the division.*

Discussion: The approval of this design waiver will not nullify the additional requirements contained in the *Chapter 16 of County Code* because it is only about allowing more than 24 lots on a dead end road. The approval of this design waiver will not nullify the additional requirements contained in the *SRA Fire Safe Regulations, Section 1273.09* because the southwestern most parcel at North Canyon Road intersects with North Circle Drive approximately 2,500 feet north of the subject parcel and travels out the two exits to Pleasant Valley Road and Fowler Road respectively.

Conclusion: As discussed above, staff finds that the Design Waiver Findings can be made.

**Agency and Public Comments:**

Agency and Public Comments: The following agencies and public organization provided comments on this application. Copies of their written comments are available at Planning Services office. From these comments, the following issues were raised:

El Dorado County Fire Protection District: The Fire District has reviewed the project and has recommendations to be incorporated into this project in order for the project to comply with their requirements.

El Dorado County Department of Transportation: The Department responded with requirements for dedication in fee for North Circle Drive road easement.

El Dorado County Environmental Management Department-Environmental Health Division: The Division requested that an adequate area for sewage disposal shall be identified for the parcels and the applicant submitted preliminary areas on a map that included percolation tests.

El Dorado County Office of the County Surveyor: The Surveyor's Office requested requirements for monument placement and to receive letters from all departments requesting conditions be satisfied confirming compliance with those conditions.

El Dorado County Air Quality Management District: The District responded with conditions that will be implemented at the time of any future development permits.

The following agencies and public organizations were solicited for comments and either did not respond with concerns that were applicable, or responded they had no recommended conditions of approval:

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El Dorado County Environmental Management Department-Solid Waste/Hazardous Materials  
El Dorado County Pioneer Cemeteries  
El Dorado County Resource Conservation District  
Gold Oak School District  
El Dorado County Parks and Grounds  
El Dorado County Department of Transportation District, Special Districts Unit  
LAFCO  
Pacific Gas and Electric Company  
SBC Communications  
Diamond Springs Estates Homeowners Association  
El Dorado Irrigation District  
El Dorado County Assessor's Office

At the time of the preparation of this report, staff had not received any other comments from the public.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion, Exhibit F) 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 biological and cultural resources. Therefore, a negative declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to *Resolution No. 240-93*, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (*California Fish and Game Code Section 711.4*).

## **RECOMMENDATION**

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff.
2. Approve Design Waiver A allowing less than a 24-foot wide road access, and Design Waiver B allowing a dead-end road to exceed 500 feet and to serve more than twenty-four parcel, based on the findings in Attachment 2.
3. Approve the Tentative Parcel Map (P 05-0021) as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and subject to the conditions specified in Attachment 1.

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**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2.....Findings

Exhibit A.....Vicinity Map  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D.....Parcelization Map, (Assessor’s Map)  
Exhibit E .....Record of Survey dated November 2, 2005  
Exhibit F.....Tentative Parcel Map  
Exhibit G.....Soils Map  
Exhibit H.....Environmental Checklist and Discussion of Impacts  
Exhibits I1, I2, I3 .....Site Visit Photos from June 21, 2006  
Exhibit J .....Aerial Photo

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**September 6, 2006 Zoning Administrator Hearing**  
**American Quest Development III**  
**File Number P 05-0021**

**CONDITIONS OF APPROVAL**

**Department of Transportation (DOT)**

1. The applicant shall irrevocably offer to dedicate a 25-foot wide road and public utilities easement for the on-site portion of North Circle Drive along the entire property frontage. This offer will be rejected by the County. A letter of compliance with this condition shall be submitted by DOT to the Surveyor's Office at the time of filing the parcel map.

**El Dorado County Fire Protection District (EDCFPD)**

2. Fire Safe plan required and shall be reviewed and approved by EDCFPD prior to final approval of the parcel map. A letter of compliance with this condition shall be submitted by EDCFPD to the Surveyor's Office at the time of filing the parcel map.
3. Any gates that are not shown will require EDCFPD approval. A letter of compliance with this condition shall be submitted by EDCFPD to the Surveyor's Office at the time of filing the parcel map.

**Planning Services**

4. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
5. Building envelopes shall be recorded on the final map for each of the three parcels created by this tentative parcel map. Said envelopes shall be reviewed and approved by the Development Services Director or designee prior to the finaling of the final map. Building envelopes shall be the same as those marked "Proposed Building Site" on the "Tentative Parcel Map," revised June 29, 2006 and attached as Exhibit F.
6. 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.

## **El Dorado County Parks and Grounds**

7. The Applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to the County Recreation Department, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Surveyor's Office at the time of filing the parcel map.

## **County Surveyor**

8. All survey monuments must be set prior to filing the Parcel Map.
9. Prior to filing the Parcel Map by the applicant, a letter to the County Surveyor shall be received 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.
10. Prior to the filing of a parcel map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of *Government Code Section 66493*, the owner or subdivider shall do one of the following: (a) Pay the assessment or bond in full; (b) File security with the Clerk of the Board of Supervisors; or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility, pursuant to *Government Code Section 66493(d)*.
11. The applicant shall provide proof of access to a State- or County-maintained road as defined by *Section 16.44.120(B)(2)* with the legal right to improve that access as required by the *County Design Manual*. A Guarantee of Record provided by a title company shall be presented to the County Surveyor's Office prior to filing the final or parcel map.

## **ATTACHMENT 2**

### **FINDINGS**

#### **FILE NUMBER P 05-0020**

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 Findings**

- 1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a mitigated negative declaration has been filed. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (*DFG 753.5-5/91*) is applicable.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

##### **2.0 Tentative Map Findings**

- 2.1 It can be found the proposal is consistent with the zoning designation of Estate Residential Five-Acre (RE-5) which permits a minimum parcel size of five acres because the proposed parcel sizes are 5.05-acre for Parcel 1 and 5.11-acres for Parcel 2 and the Minor Land Division Ordinance because there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses needed by the parcels.
- 2.2. The site is physically suitable for the proposed type and density of development because the parcels have existing facilities and utilities to support the residential uses that will ensue on the parcels.
- 2.3. The proposed tentative map is not likely to cause substantial environmental damage because the access roads, driveways, and cleared building envelope areas exist for all three parcels and all utilities are available at the parcel boundary.

##### **3.0 General Plan Consistency Findings**

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

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- 3.2 It can be found the proposal is consistent with the intent of Policies 2.1.1.7, 5.7.1.1 and 6.2.3.2 because there are adequate roadways, utilities, and other public service infrastructure available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.
- 3.3 It can be found the proposal is consistent with the intent of *Policy 7.1.2.1* because the driveways and building areas have been graded and exist. Those areas, as well as the proposed building envelopes, are not within the areas of the parcels that are noted on the submitted slope map as having a slope greater than 30 percent
- 3.4 It can be found the proposal is consistent with the intent of *Policy 7.4.4.4*. because the majority of the proposed building envelopes and preliminary septic locations are within areas that have been previously graded are currently devoid of trees. No trees will be removed as a direct result of proposed creation of the three parcels except those that may be required to be removed as part of a fire safe plan which are exempt from this Policy. Future development permits will be looked at for the impacts to existing tree canopy when they are submitted.
- 3.5 The proposed tentative map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

#### **4.0 Design Waiver Findings**

- 4.1 Allow less than a 24-foot wide road access pursuant to the requirements of the Design and Improvements *Standards Manual Standard Plan 101-C*.
- 4.1.1 It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because the existing roadway is chip-sealed with some areas being asphalted, has existing shoulders, drainage ditches, road signs, fire hydrants and easement rights for utilities, and it is maintained through the dues paid to the Diamond Springs Estates Association. The El Dorado County Fire Protection District has no concerns with the existing road surface and access to the proposed parcels
- 4.1.2 It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because this is an existing roadway that is maintained through CC&Rs implemented by the Diamond Springs Homeowners Association. Due to the topography of the terrain, it is not feasible to widen the road beyond the existing 20-foot width with a 2ft shoulder in most of the existing terrain and utilities. All infrastructures serving the existing subdivision are in place.
- 4.1.3 It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public

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because the proposal did not receive any concern from any agency contacted that the creation of the three parcels would change or increase any of the above mentioned issues.

- 4.1.4 It can be found that this waiver 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 because it is only about allowing an existing twenty-foot wide road surface to remain.
- 4.2 Allow a dead-end road to exceed 500-feet and to serve more than twenty-four (24) parcels pursuant to the requirements of the *Design and Improvements Standards Manual Volume II, Section 3 (C) numbers 9 and 12*.
- 4.2.1 It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because the creation of three separate parcels will not change a use that currently exists within the existing subdivision. The created parcels match the dominant pattern of existing parcels.
- 4.2.2 It can be found that strict application of County Design And Improvement requirements would cause extraordinary and unnecessary hardship in developing the property because Diamond Springs Estates Homeowner's Association maintains the roads in the vicinity of the subject parcel and the lots surrounding North Circle and Canyon Valley Roads have existed for many years in their current configuration. The created parcels could add second dwelling units in the future and increase impacts, but as currently proposed with the existing uses and size, just adding three more parcels will not currently change an existing situation currently shared by the surrounding parcels. In order to do a circulating road, you would need to circulate to the west over Great View Drive and connect to South Point Road. For a three parcel map, this is not feasible.
- 4.2.3 It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because El Dorado County Fire Protection District has reviewed the parcel split request and has not stated major concerns about the layout and design of the proposed parcels and emergency access of the proposed parcels and the length of the access road length of 2,500 feet complies with the intent of *SRA Fire Safe Regulations, Section 1273.09*.
- 4.2.4 It can be found that this waiver 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 because it is only about allowing more than 24 lots on a dead end road. Further, the approval of this design waiver will not nullify the additional requirements contained in the *SRA Fire Safe Regulations, Section 1273.09* because the road to the southwestern most parcel at North Canyon Road intersects with North Circle Drive approximately 2,500 feet north of the subject parcel and travels out the two exits to Pleasant Valley Road and Fowler Road respectively.