

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



Agenda of: November 21, 2007
Item No.: 5.e.
Staff: Tom Dougherty

PARCEL MAP

FILE NUMBER: P99-0005

APPLICANT: Danny and Deanna Lulla, Bill Rathburn

REQUEST: A tentative parcel map creating two 10.1-acre parcels on a 20.2-acre site. Design waivers have been requested for the following:

- A. Allow more than 24 lots on a dead-end road exceeding 500 feet in length.
- B. Allow an offsite 18-foot wide road access.

LOCATION: On the southwest side of Bassi Road, approximately 1.2 acres from the intersection with Lotus Road in the Lotus area, Supervisorial District IV. (Exhibit A)

APN: 105-080-42

ACREAGE: 20.2 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC) (Exhibit C)

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION:

1. Adopt the Negative Declaration.
2. Approve the Tentative Parcel Map P99-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.
3. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a. Allow more than 24 lots on a dead-end road exceeding 500 feet in length.
 - b. Allow an offsite 18-foot wide road access.

BACKGROUND: The parcel contains a historic residence and barn which have been remodeled and altered since they were constructed in the early 1900s. The parcel was created in its current trapezoidal shape by grant deed, O.R. 1079-082 recorded September 23, 1971. The subject application was originally submitted on April 14, 1999 but the Writ of Mandate issued against adoption of the General Plan put it on hold until it was reactivated with a letter from one of the applicants dated October 30, 2005. The applicant was deemed complete enough to send out for agency review on July 17, 2007.

STAFF ANALYSIS

Project Description: The applicant requests approval of a tentative parcel map creating two parcels ranging in size from 10 to 10.2 acres on a 20.2-acre site. Design waivers are requested to allow a reduction in the access road width from 24 feet to 18 feet with shoulders and to allow more than 24 lots on a dead-end road within a length of 6500 feet, exceeding the maximum of 500 feet in length allowed.

Site Description: The project site is served by the terminus of Bassi Road. The property slopes gently downward from the southwest to northeast at 0 – 10 percent slopes. The eastern portion of the parcel is developed with one primary and one secondary single-family residences and associated landscaping, accessory buildings and supporting utility and access infrastructure. The 20.2-acre site is located at the 800 foot elevation above sea level. There is a seasonal drainage and ponding area within the center of the parcel. The entire parcel has been historically used for grazing and is devoid of trees and shrubs except for around the dwellings and drainage swale draining into the pond. Proposed Parcel 1 contains the existing primary single-family dwelling and Parcel 2 has a mobile home currently a permanent second residential unit. Both have supporting accessory structures and all driveways and encroachments exist.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR - IBC	Primary single-family dwelling/second residential unit.
North	RE-10	RR - IBC	Single-family dwellings, (two 9 to 12 acre parcels)
South	RE-10	LDR - IBC	Single-family dwellings, (two 5-acre parcels)
East	RE-5	LDR - IBC	Single-family dwelling. (two 5 to 6-acre parcels)
West	RE-5	RR - IBC	Single-family dwelling, (two 10 to 15-acre parcels)

General Plan: The General Plan designates the subject site as Rural Residential - Important Biological Corridor (RR - IBC). Rural Residential permits a minimum parcel size of ten acres. The proposed ten-acre parcels therefore conform to the General Plan land use designation of RR. The full discussion of the impacts of this project proposal related to the IBC Overlay designation is discussed below in relation to Policy 7.4.2.9 and further in section IV in the Initial Study/Environmental Checklist. The following General Plan policies apply to this project:

Policy 2.1.1.7 directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan. The applicant’s proposed “Wildfire Fire Safe Plan” that was approved by both El Dorado County Fire Protection District and California Department of Forestry on February 1, 2007. The access encroachments exist for both parcels. Power and phone are onsite and in use. The site has existing approved septic systems and wells for both proposed parcels and serving the existing single-family dwellings.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The two new ten-acre parcel creations would be in keeping with the General Plan intended development pattern expected in lands designated as Rural Residential and would be consistent with the dominant pattern of parcel development for the area.

Policy 5.7.1.1 directs that applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. The project will be required to meet the required minimum fire flow requirements of the El Dorado County Fire Protection District which will be reviewed and approved by them pursuant to the approved Fire Safe plan.

Policy 6.2.3.2 directs that the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. The project will be conditioned to require Bassi Road to be improved to an 18-foot width with spot improvements but with allowances for working around existing structures and trees. El Dorado County Fire Protection District requires implementation of the Fire Safe Plan prior to final map approval. Upon fulfillment of the approved Fire Safe Plan, and a notice of restriction recorded assuring its implementation in the future, as well as the El Dorado County

Department of Transportation requirements, the proposed parcels will have adequate access and emergency evacuation capabilities. Allowances will be made for the fact the impacts of these two residences have existed as they are with two families for many years and the proposal is just to split the two into their separate parcels.

Policy 7.4.2.9 directs that the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. There are neither trees nor shrubs proposed to be removed in the process of this parcel map. The dwelling, septic systems and driveways are existing. No new introduction of fences is proposed. The existing seasonal pond is approximately 380 feet to the southwest of the nearest building and will not be impacted. The newly created parcels could, in the future both have second dwelling units which would increase the impact to the corridor and that would have to be reviewed at that time. However, for the sake of this current application the creation of two approximately ten-acre parcels will not impede the intent of this policy any more than the situation that exists today. The parcel creation would not adversely affect wildlife habitat.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. No trees are proposed to be removed as part of this project proposal. All buildings and infrastructure for both are established. Spot improvements to Bassi Road will allow for the avoidance of mature oak trees.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is consistent with all applicable policies of the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is zoned Estate Residential Ten-acre (RE-10) which permits a minimum parcel size of ten acres. The proposed ten-acre parcels conform to existing zoning and the development standards in section 17.70.110 for minimum lot width of 150 feet and minimum parcel size of ten acres.

Other Issues:

Water and Sewer: There are existing approved and functioning wells and septic systems existing for both proposed parcels.

Access: The parcel is located at the terminus of Bassi Road, a County-maintained road, which dead ends at 6,500 feet from the intersection with Lotus Road, more than the 0.5 mile requirement of the Design and Improvement Standards Manual and serves more than 125 lots, (Volume II, Sections 3C, numbers 9 and 12). Further, 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 requires the following: (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.

The direct encroachment from the parcel to Bassi Road is on a portion that is not County maintained. This parcel is approximately 1.2 miles from Lotus Road which is a two-access County road. The parcel is 1,300 feet from Petersen Road, not County maintained, which is considered a route to an access/exit private road route by way of Clark Mountain Road to Marbro Road which does not meet the minimum Fire Safe Standards for road surfacing and width where it exits out into Arrowbee Estates. The Petersen Road to Clark Mountain Road to Marbro Road to Trails End Drive into Arrowbee Estates could potentially be used for emergency situations, although two-way traffic would be hampered by the 12 to 14-foot width and after a heavy rain the mud created because it does not have all-weather surfacing could make it impassable. That route does have the potential to be improved as a secondary exit meeting Fire Safe standards, but for a two-parcel map, already containing established residences, this is not economically feasible and the applicants have no established rights to make those improvements.

There are more than 24 parcels that use Bassi Road as the primary feeder road but have existed for many years. Bassi Road has a 50-foot wide road and public utility easement and is paved with varying widths. El Dorado County Fire Protection District and California Department of Forestry have approved a Fire Safe plan that will be required to be implemented prior to finaling the map. That plan concentrates on improving fire safety conditions for the current, existing structures. The recommended Department of Transportation conditions noted in their email dated May 1, 2007, which led to the August 27, 2007 letter to Planning staff, will concentrate on minor spot improvements to Bassi Road to improve emergency access from Lotus Road. Given the number of parcels served and the distance to a secondary access road, this project requires design waivers, as discussed below.

Road Improvements/Request for Design Waivers:

Currently approximately 125 parcels are served on whole Bassi Road based dead-end road system since the Marbro Road exit technically does not meet Fire Safe standards. The portion that dead ends directly into the subject parcel at 6,500 feet from Lotus Road currently serves approximately 30 parcels. Specific findings in support of the design waiver to allow more than 24 lots on a dead-end road exceeding 500 feet in length, but not more than 2,640 feet, are included in Attachment 2. The "Wildfire Fire Safe Plan," dated January 2007 and approved by California Department of Forestry and Fire Protection and El Dorado County Fire Protection District is attached as Exhibit J and allows for water storage and sprinklers in lieu of a secondary access and the distance on a dead-end road serving more than 24 parcels. Further, the two residences and current occupants have shared the parcel for many years and splitting the parcel will not significantly change the current existing impacts. However, each parcel could construct a second residential unit in the future.

The dominant pattern of parcel development for the area has been established and these two ten-acre parcels are consistent with the dominant lot pattern. Because of all of the above situations, it can be found that the creation of these two parcels will not conflict with the intent numbers 9 and 12 of El Dorado County Design Improvement Standards Manual as mentioned above.

Specific findings in support of the design waiver to reduce the required road improvement from 24 feet to 18 feet with shoulders to Standard Plan 101C standards are included in Attachment 2. On- and off-site constraints and existing conditions make improving the Bassi Road to Lotus Road constrictive. The combined effect of existing terrain, fences, large trees create a special circumstance that needs to be considered with the request for the design waiver. The key point in this particular situation is that two families, (residences), have existed and impacted the road system for many years prior to the subject application. It will be recommended by the Department of Transportation that the on-site portion of Bassi Road be improved to Standard Plan 101C as well as off-site spot improvements to 101C standards as well. Staff agrees with the applicant that these special circumstances create a hardship in processing this project.

Conclusion: As discussed above, staff finds that the project can be found to conform with the intent of the El Dorado County Design Improvement Standards Manual and SRA Fire Safe Regulations.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of impacts to fire safety. Staff has determined that significant effects of the project on the environment have been mitigated therefore, a Negative Declaration has been prepared.

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 \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Compass Map of roads
Exhibit C	Road distance map
Exhibit D	General Plan Land Use Map with Important Biological Corridor Overlay
Exhibit E	Zoning Map
Exhibit F	Parcelization Map, (Assessor's Map)
Exhibit G	Tentative Parcel Map, dated June, 2007
Exhibit H	Soils Map
Exhibit I	Coloma U.S.G.S. Quadrangle
Exhibit J	"Wildfire Fire Safe Plan," William Draper, dated January 2007, 13 pages
Exhibits K1, K2, K3, K4	Site Visit Photos from August 22, 2007
Exhibits L1 and L2	Aerial Photos
Exhibit M	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P99-0005
November 21, 2007

CONDITIONS OF APPROVAL

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit G (tentative parcel map) dated November 21, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow the creation of two parcels ranging in size from 10.00 to 10.2 acres on a 20.2-acre site. Both parcels are served by private wells and onsite septic wastewater systems. Both parcels take access onto Bassi Road.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Site Specific and Standard Conditions

2. 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.

3. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to recordation of the final parcel map.
4. All Planning Services fees shall be paid prior to recordation of the final parcel map.
5. 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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

El Dorado County Fire Protection District

6. The existing homes on both parcels are required to have the equivalent of a 3000 gallon storage tank each that is Fire District approved and within 150 feet of the homes.
7. Fire flow for this project is 1000 gpm @ 20 psi for two hours with a hydrant. In place of requirements for hydrants and fire flow the applicant may enter into a deed restriction for parcels 1 and 2 for a "Fire District approved NFPA 13D Fire Sprinkler System with 3,000 gallons of water storage per parcel for all new structures." The applicant shall record a Notice of Restriction (NOR) that states that any future structure built on the subject parcel shall require an El Dorado County Fire Protection District approved NFPA 13D residential sprinkler system with 3,000 gallons of water storage.
8. A deed restriction for an El Dorado County Fire District and CDF approved Fire Safe Plan and its implementation shall be required for both parcels. Said Notice of Restriction shall be reviewed and approved by the El Dorado County Fire Protection District prior to recordation. The approved NOR shall then be recorded and a copy of the recorded document shall be received by Planning Services and the El Dorado County Fire Protection District prior to recordation of the final map.

El Dorado County Department of Transportation

9. The applicant shall widen the on-site portion of Bassi Road to the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C, in effect at the time improvement plans are submitted for review and approval. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
10. The applicant shall construct and /or verify that the off-site portion of Bassi Road, from the project boundary to Lotus Road, meets the requirements of El Dorado County Standard Plan 101C, an 18-foot roadway width with shoulders on each side of the roadway, as required in Section 3 A) 2) c) ii, of the DISM, and Fire Safe Regulations. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
11. The applicant shall designate a 25 foot wide exclusive road and public utility easements (R & PUE) for the on-site access roadway, prior to the recordation of the parcel map.
12. The applicant shall irrevocably offer to dedicate, in fee, the 25 foot wide on-site road and public utility easement for the on-site portion of Bassi Road, prior to the recordation of the parcel map. This offer will be accepted by the County.
13. The applicant shall form and/or verify the existence of an entity, to the satisfactory of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to the Bassi Road, prior to the recordation of the parcel map.
14. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
15. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate

possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

16. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to the recordation of the Parcel Map.
17. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.
18. 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.
19. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
20. 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.

21. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
22. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Office of the County Surveyor

23. All survey monuments must be set prior to filing the Parcel Map.
24. The applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State- or County-maintained road as defined by Section 16.44.120 (B) (2) prior to filing the final map.
25. 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 P99-0005 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

FILE NUMBER P99-0005
November 21, 2007

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 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Zoning Administrator finds that through feasible conditions 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The proposed tentative map, as conditioned, is consistent with the Rural Residential General Plan land use designation and Important Biological Corridor (IBC) Overlay.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2 and 7.4.2.9 and 7.4.4.4 because there are adequate roadways, utilities, and other public service infrastructure available, or will be provided, the project is consistent with the dominant lot pattern of development in the direct project vicinity, wildfire hazards are addressed, both parcels have existing dwellings, driveways and roads, and no El Dorado County native oak trees are proposed to be removed.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential 10-acre (RE-10) which establishes a minimum parcel size of 10 acres. The project would create two parcels 10.0007 acres in size which is consistent within the RE-10 zone district. The proposed ten-acre parcels conform to existing zoning and the development standards in section 17.70.110 for minimum lot width of 150 feet and minimum parcel size of ten acres.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential 10-Acre (RE-10) zone district and there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses needed by the parcels.
- 4.2 **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.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access driveways and encroachments to both parcels exist, and the impacts from all other required off site spot road improvements will be minimal and have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

5.0 Design Waiver Findings

- 5.1.0 **Allow the further subdivision of a lot served by a dead-end road exceeding 2,640 feet that currently serves more than twenty-four (24) parcels not meeting the requirements of the Design and Improvements Standards Manual Volume II, Section 3 (C) numbers 9 and 12.** The support for the design waiver is based on the following findings:
- 5.1.1 **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 parent parcel has been used by two families for many years and has full infrastructure to support two single-family dwellings. The creation of two separate parcels will not change a use that currently exists. The created parcels match the dominant lot pattern of existing parcels.
- 5.1.2 **It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because the parcels using Bassi Road as their main feeder road 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, adding one more parcel will not change an existing situation currently shared by the surrounding parcels. In order to do a circulating road that meets Fire Safe standards, improvements would need to improve the entire exit route of Petersen Road to Clarks Mountain Road to Marbro Road which turns into Trails End Drive to the west. Trails End Drive travels through the gated community of Arrowbee Estates. The applicant has no easements or construction rights for those roads. For a two-parcel map, this is not feasible. In addition El Dorado County Department of Transportation have included conditions noted in their email dated May 1, 2007, which led to the August 27, 2007 letter to Planning staff focusing on spot improvements to the access road, with a Fire District approved Fire /Safe Plan.

- 5.1.3 **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** because El Dorado County Fire District has reviewed the parcel split request and has recommended approval of the layout and design of the proposed parcels and emergency access of the proposed parcels with implementation of the submitted, approved “Wildfire Fire Safe Plan,” and their recommended conditions of approval.
- 5.1.4 **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 the addition of one more lot is considered negligible.
- 6.2.0 **The applicant requests a design waiver to reduce off-site and a portion of on-site road widths from 24 feet to 18 feet with shoulders to Standard Plan 101C standards.** The support for the design waiver is based on the following findings:
- 6.2.1 **There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver** because full road improvements would potentially cause unnecessary disturbance to existing fences, landscaped areas and natural resources. Improvements required to make full improvements would create an excessive need to grade and install retaining walls where natural features currently exist and potentially have to improve an existing bridge. Based on these constraints, the design waiver to reduce road improvements for off-site and a portion of on-site can be justified for this project.
- 6.2.2 **Strict application of the design or improvement requirement of this chapter would cause extraordinary and unnecessary hardship in developing the property.** There will be an extraordinary or unnecessary hardship in requiring full road improvements placed on the property owner because of the nearby riparian areas, the retaining walls that would be necessary to hold back the cut slopes, tree removal, and utility pole re-locating necessary for such improvements.
- 6.2.3 **The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.** The required spot improvements to the discretion of El Dorado County Department of Transportation to widen Bassi to the current Standard Plan 101C, as noted in their email dated May 1, 2007, which led to the August 27, 2007 letter to Planning staff, will occur within the road easement and would provide road improvements that are superior to what exists today. The improvements with the approval of the design waiver will benefit public safety, and would not be injurious to adjacent properties and will not be detrimental to the health, safety, convenience, and welfare of the public.
- 6.2.4 **The waiver(s) 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.** Justification for the design waiver can be made and this decision 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.