

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

Agenda of:	December 19, 2007
Item No.:	4.c.
Staff:	Roman Anissi

TENTATIVE PARCEL MAP

FILE NUMBER: P06-0038

OWNER: Augusto Bianchi

AGENT/ENGINEER: Carlton Engineering

REQUEST: Tentative parcel map creating four (4) lots ranging in size from 10.0 acres to 11.18 acres. (Exhibit A)

Design waiver has been requested for the following:

- a. Reduce the on-site road and public utility easement from 60 feet to 50 feet.

LOCATION: West side of Deer Valley Road 0.8 miles north of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Exhibit B)

APN(s): 102-200-01

ACREAGE: 41.81 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit D)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The applicant submitted a General Plan amendment, rezone, tentative map, and a parcel map application on September 7, 2006. During staff's review, it was determined that either a tentative map or a tentative parcel map could be submitted for the project, not both. The applicant temporarily withdrew the parcel map application for four lots and decided to proceed with an eight lot tentative map application. Concurrent with the General Plan amendment and the rezone, the applicant submitted the necessary information required for tentative map processing. The Technical Advisory Committee (TAC) meeting was held on May 7, 2007, at which time it was disclosed to the applicant that major road dedications and improvements would be necessary on Deer Valley Road stretching from this property south about $\frac{3}{4}$ of a mile to connect to Green Valley Road. Instead of proceeding forward with Conceptual Review to request information about the feasibility of an eight lot subdivision as part of the tentative map application, the applicant decided to withdrawal the General Plan amendment, rezone and tentative map request for the eight-lot subdivision. The applicant has decided to proceed with the current tentative parcel map application to divide the site into four parcels. This application was deemed complete for processing on July 31, 2007.

STAFF ANALYSIS

Project Description: The request is to process a tentative parcel map creating four lots ranging in size from 10.0 acres to 11.8 acres and to improve a road easement connecting each of the four new lots to Deer Valley Road. The new lots would remain vacant for future residential development.

Site Description: The project site is located adjacent to but outside of the southeast boundary of the Martel Creek Unit of the Pine Hill Preserve. Several knolls exist on the property, the highest of which is located midway along the western property line and peaks at an elevation of 1,190 feet. The property ranges between the 1,040 and 1,190 foot elevation, with the highest points near the Martel Creek Unit, which transitions to lower elevations along the south property line and east toward Deer Valley Road. Chamise vegetation communities and rare plant habitat are found along the northwest portion of the site, with the central and southern portions of the property mostly covered with oak woodland grasslands. The entire property is located within Rare Plant Mitigation Area 1 and is entirely comprised of gabbro soils. Oak woodland tree canopy covers about 14.5-acres of the property and there are isolated occurrence of slopes 30 percent and steeper on site. Several wetlands exist on the property. The range of classifications of wetlands include jurisdictional, swale, intermittent, and ephemeral. Most of the wetlands flow from off-site sources along the northern boundary onto this property and drain into Sweetwater Creek, which is located south and off-site.

Adjacent Land Uses: The property is in the Rural Region area north of Green Valley Road in Rescue periphery where the predominant development pattern has been single-family structures on larger lots. Most of the adjacent properties have been developed with single-family homes and only a few remain vacant. The immediate area north and east of this site is designated for estate residential with lots ranging in size between 5 and 10 acres. The area to the south and west are a few larger lots that are 40 or more acres in size. Access to this and surrounding properties is obtained from Deer Valley Road, which connects to Green Valley Road at two points. There is a connection

that occurs about ¾-mile south of this site. Another connection is made by Deer Valley looping about five miles to the north and to the east to connect to Green Valley Road in the Rescue Rural Center. The following table identifies current zoning, land use designations, and uses of the adjacent parcels:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Vacant
North	RE-5	LDR	Single-Family Residences
South	RE-10	RR	Single-Family Residence
East	RE-5	LDR	Single-Family Residences
West	RE-10	RR	Single-Family Residence

Project Issues: Discussion items for this project include sensitive site resources, protected slopes, soils, and septic capability, road improvements with request for design waiver, well water and fire safety, future grading and improvements, and available public services.

Sensitive Site Resources

The exhibits, including the tentative parcel map, illustrate potential areas for the on-site road easement, residential pad development, and private driveways. As such, adequate information has been provided to show that there would be enough land area on each of the four new lots to allow for proper development of the property while minimizing, to the greatest extent practical, impacts to sensitive site resources.

The property abuts the southeast corner of the Martel Creek Unit of the Pine Hill Preserve, a portion of which is located on the adjacent parcel northwest of the project site. The site is not located within the preserve. However, it is located within Rare Plant Mitigation Area 1 and is entirely comprised of gabbro soils. Paying the appropriate in-lieu fee for impacts associated to residential development would offset impacts based on adopted County policies.

A comprehensive biological evaluation for special-status plant and animal species, including a wetland delineation study, was provided for review. That study identified only the El Dorado mule ears existed in isolated incidents covering about 2.0 acres along the northwest boundary. As part of this project, the applicant would establish a 20-foot non-building buffer from El Dorado mule ears on the final map, as well as on all construction plans to ensure that this species would not be impacted.

The biologist’s assessment also discovered that 1.09 acres of the property as being wetlands, of which 0.92 acres were identified as more ecologically critical habitat that included portions being classified as jurisdictional. Because road and access improvements would affect no more than .05 acres of jurisdictional wetlands, project-specific mitigation has been placed in the permit that would

require the applicant to obtain a Streambed Alteration Agreement permit from the CDF&G for impacts to such wetlands and prior to issuance of County grading permits. A mitigation measure would also require design related input from a qualified biologist into the grading and improvement plans for such impacts, including those necessary improvements such as culverts, box culverts, and for pre-and post-construction Best Management Practices (BMPs) related to improvements for the road easement.

Oak woodlands cover 35 percent, or 14.5 acres of the site. Based on this, 85 percent or 12.33-acre of the canopy must be retained for this project, as required by the General Plan *Policy 7.4.4.4*. Mitigation has been developed that would require cumulative net effect to oak canopy to be considered during all grading, improvement, and building plan review activities, including those necessary for the road as well as custom lot-by-lot residential development. These measures would require that a qualified professional prepare oak impact, replacement, care and monitoring reports to Planning Services staff before issuance of related permits. CC&Rs would also be created for the project to, in part, oversee the replanting and care for replaced oaks. Oaks that do not survive the monitoring permits would be required to be replaced. CC&Rs are discussed later in this report.

Protected Slopes/Soils and Septic Capability

A total of 2.57 acres, or 6.1 percent, of the 41.81-acre site is classified as protected slopes 30 percent and steeper. These slopes occur in different areas of the property with most located adjacent the knolls that are scattered throughout the site. Based on General Plan *Policy 7.1.2.1* and Interim Interpretive Guidelines adopted June 22, 2006 and modified August 10, 2006 addressing slope preservation, this project is consistent with the policy because the creation of each new parcel provides enough areas on each new parcel where residential structural improvements could occur without impacting such slopes. The main road easement connecting the four properties to Deer Valley Road would not impact such slopes. Driveways could be designed to avoid impacts to such slopes during future improvement and building plan reviews. However, the policy does allow road and driveway improvements on such slopes in order to access the home site if all of the County design standards for grading and improvements are observed.

Building envelopes have been illustrated on each of the four new lots and have been designed to avoid impacts to 30 percent slopes and steeper. Further reviews for slopes and development would be reviewed during grading, improvement, and/or building plan reviews to ensure consistency with this project, as well as established policies. In part, future plan reviews would be conducted to ensure that classified steep slopes are protected and not developed upon, as appropriate. Septic areas would also not be allowed to be installed on slopes 30 percent and steeper, or within wetlands or wetland buffers.

The soil classifications on the property include the Rescue very stony sandy loam, 3 to 15 percent (RfC) in the southeast proportion of the property, with Rescue extremely stony sandy loam, 3 to 15 percent (RgE2) existing in the northwestern portion of the property. The County's Environmental Health Department considered the project information provided for septic capability. The information was accepted because the soils and the site would be able to provide proper areas for filtration of wastewater. Future plans would be required to implement County grading, drainage,

erosion, and siltation standards in the design of grading and improvement plants, along with *Uniform Building Code (UBC)* construction standards for building structural improvements. As a result, the soils on this property are not expansive or in a hazard area based on the County soil inventory and are adequate to allow the future development of single-family residential and accessory structures on Lots 1 thru 4.

Road Improvements/Request for Design Waiver

The project would be required to make on-site road improvements to *Design and Improvements Standards Manual (DISM) Standard Plan 101C*. The improvement would be 18 feet of compact gravel road surface with 1 feet of shoulder on each side of the road to provide primary vehicular access for the four lots. Each of the four lots would be required to connect to this road with an encroachment designed to *Standard Plan 103A-1*. The encroachment connecting the on-site road to Deer Valley Road would be improved to *Standard Plan 103C*. A cul-de-sac with a 70-foot easement radius and 50-foot radius for improvements would be designed to meet DISM Standard Plan 114, as illustrated on the tentative parcel map and the preliminary grading and drainage plan. All future private driveways shall be designed to meet Fire Safe Standards, must connect to the on-site road easement, establish a non-vehicular access easement, and cannot connect directly to Deer Valley Road.

Although a 30-foot wide road dedication must also be made along the entire Deer Valley Road frontage, no improvements to Deer Valley Road would be required with this project. The applicant has requested a design waiver to reduce the on-site road and public utility easement from 60 feet to 50 feet. Department of Transportation (DOT) staff considered the request and believes that the justifications provided for the request could be supported in order to allow for the reduced easement width. The justifications are based on site sensitivities and that the road would only be used by these four lots with no future plans to expand or connect this road for through road circulation in the area.

Well Water and Fire Safety

A water capability report in the form of a 24-hour well draw down was completed for this project. The production test results identified that the water capabilities on-site produced a minimum of 27 gallons per minute (gpm) during that period, which is more than the 5-gpm required by the current interim guidelines for water production during tentative parcel map processing. Prior to the recording of the final parcel map, a new well must be installed for each new parcel that would need to meet the County's Environmental Health requirements. A condition has been included in the project permit addressing this issue.

In addition to well installation, the Rescue Fire Protection District would require all future residences to install a fire sprinkler system with a 3,000-gallon water storage tank. Permit conditions have been added that would require installation of this system to be reviewed and improved at the building permit stage.

Future Grading and Improvements

Grading for the on-site road would require 2,350 cubic yards of cut to be excavated and redistributed entirely on the property. Individual lot grading is not yet known and as grading, improvement, and building permits are requested for each new lot, the plans associated to the permits would need to demonstrate consistency with the policies of the General Plan, Zoning Ordinance, and subdivision regulations. Although a preliminary driveway and building envelop for each new parcel is identified on the project exhibits, future reviews shall be made for Lots 1 thru 4 during grading, improvement, or building plan reviews to ensure consistency with this project, as well as the policies of the General Plan should, for any reason, the driveway and building envelops be modified.

Permit conditions have also been added that would require sensitive landform grading to be implemented into the final grading design for the driveways, roads, and building pad areas. A separate condition would require that the retaining walls necessary to hold cutbacks not exceed 10 feet in total height and to be located outside of building setback areas in order to promote and preserve an aesthetic balance between graded and natural slope features of the property. The drainage plans designed for any future development must be done to County standards to include pre- and post-construction Best Management Practices (BMPs) to limit and/or divert surface run-off and to reduce the potential for siltation downstream of this property.

Public Services

The Rescue Fire Protection District provides fire safety services to this area of the County. The road system in the area is adequate to allow emergency response circulation with the through road network that exists on Deer Valley Road. The closest Rescue fire station is about 5 miles on Deer Valley Road in the Rescue Rural Center. Added to this, by implementing the fire safe measures outlined in the project permit, there would be adequate fire safety services available for this project.

There are a number of public amenities in the form of public parks and recreational opportunities near this property, including access to Folsom Lake from Salmon Falls Road located about five miles away by surface streets from this property. In addition, the project would be required to pay park in-lieu fees and Quimby fees for the acquisition of parklands for four new lots.

For school services, the Rescue Union School District provides K-12th grades for area students and Ponderosa High is available for high school services. School impact fees shall be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

General Plan: This project is consistent with the policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The Rural Residential (RR) General Plan land use designation allows for one dwelling unit on properties ranging in size between 10 and 160 acres. The creation of four new lots ranging in size between 10.0 and 11.8 acres from a 41.81-acre site meets the density and parcel size requirements of the General Plan.

A slope analysis provided for the project identified that nearly 2.57 acres, or 6.1 percent, of the entire property is comprised of slopes 30 percent and steeper. Based on the Interim Interpretive Guidelines established for the preservation of qualifying slopes and *Policy 7.1.2.1*, the creation of four new lots would require that adequate site area be available for development without impacting the protected slopes. This project is consistent with the slope preservation policy because there is adequate site area to accomplish the goal of the policy and potential pad and driveways have been illustrated on the plans. Future grading and building activities associated to residential improvements would be required to meet the policies for slope preservation and County design standards. The new on-site road easement would not impact protected slopes and based on the dedications and improvements. The roads and the improvements necessary for this project also illustrated consistency with *Policy TC-1b* for necessary road improvements. As designed and with the approval of the design waiver for this project, road impacts would be minimized, as identified by *Policy TC-1w*.

Based on the wetland and biological assessments provided for this project, General Plan consistency with *Policies 7.3.3.4* for wetland protection and *7.4.1.1* for rare plant preservation can be made with this project. Rare Plant Mitigation Area 1 in-lieu fees shall be assessed during the building permit review phase based on adopted County policies. Specific mitigation has also been developed to address protection of sensitive site resources during development activities. With the process of project permits for grading, improvements, and building, specific considerations to design of such improvements would be made by a biologist recommending design solutions to either avoid or minimize impacts. Impacts to jurisdictional wetlands necessitate a mitigation measure for this project to obtain a Streambed Alteration Agreement permit from the California Department of Fish and Game (CDF&G). As designed, the project illustrating building envelopes on each of the new parcels would preserve and protect, to the greatest degree practical, sensitive site resources in conformance with the policies of the General Plan.

Oak woodland tree canopy covers about 35 percent of the site, or 14.5 acres. Because of the large areas of land that are available for improvements for road and individual custom lot development, the project would be able to retain the required oak canopy of 85 percent, or 12.33 acres. Mitigation measures have been included in the permit to address cumulative oak canopy preservation, removal, replacement, and monitoring for the road, as well as during the review for individual lot development. The project is consistent with *Policy 7.4.4.4* for oak woodland preservation.

A Cultural Resources Study was prepared in June 2006 for this project in order to address *Policy 7.5.1.3*. The study identified that the potential to discover any historic, archaeological, or paleontologist is very unlikely on the entire property. Standard permit conditions have been added to the permit in order to address accidental subsurface discovery.

Zoning: As designed, this project meets the regulations established by the Zoning Ordinance and requests no deviations from the development standards established for the Estate Residential Ten-acre (RE-10) Zone District. Each new parcel provides adequate site area for future development. The standard for the required minimum 150-foot lot width and appropriate road frontage along the cul-de-sac at the setback line would be met for each lot with the proposed tentative parcel map. Any future development on private lots would be required to meet the development standards for the

zone. This includes, but is not limited to, 30-foot front, side and rear yard setbacks, minimum agricultural structural setbacks of 50 feet on all yards, maximum 45 foot building height, and the minimum 600 square feet of living areas required for dwelling units.

As information, there is a time limit of three years from the date of tentative parcel map approval to record a final map; otherwise the tentative map would expire. In addition to the three years, there are currently five one-year time extensions available to record the final map. Time extensions for the final map processing of a tentative parcel map would require that a timely filing be made a minimum of 60 days before the tentative parcel map expires.

Agency and Public Comments: Comments from each agency listed below were considered and appropriate mitigation and conditions have been developed to address the issues raised by each agency. The following agencies provided a comment and/or conditions for this project:

El Dorado County Department of Transportation
El Dorado County Environmental Management
El Dorado County Air Quality Management District
Office of the County Surveyor
Rescue Fire Protection District
US Fish and Wildlife Services
Bureau of Land Management, Pine Hill Preserve Manager
California Department of Fish and Game
El Dorado County Resource Conservation District

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study (Exhibit L) to determine any project-related impacts on the environment. Based on the Initial Study, staff determined that by implementing specific mitigation measures that this project would have a less than significant impact on the environment. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

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 forwarded to the California Department of Fish and Game (CDF&G) for review and comments. In accordance with State Legislation (*California Department of Fish and Game Code Section 711.4 and Senate Bill 1535*), the project is subject to a fee of \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is used to help defray the cost of managing and protecting the State's fish and wildlife resources and will be forwarded to the California Department of Fish and Game (CDF&G) via the County Recorder's Office.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt the findings, including CEQA (Attachment 2);
2. Adopt the Mitigated Negative Declaration and mitigation monitoring program based on the Initial Study (Exhibit L) prepared by staff;
3. Approve P06-0038 subject to the Conditions in Attachment 1; and
4. Approve the design waiver request thereby reducing the on-site road and public utility easement from 60 feet to 50 feet.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Aerial Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zone Map
Exhibit E	Martel Unit/Pine Hill Preserve Map
Exhibit F	1994 USFWS National Wetlands Inventory Map
Exhibit G	Fault Line and Fault Buffer Map
Exhibit H	Soils Map
Exhibit I	Request for Design Waiver
Exhibit J	Plan Set
Exhibit K	Assessor's Map
Exhibit L	Initial Study (CEQA)

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P06-0038 – Saenz-Bianchi
Zoning Administrator, December 19, 2007

CONDITIONS OF APPROVAL

Project Description

1. This tentative parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-L dated December 19, 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 substantial 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:

Approval of this project allows only the following: A tentative parcel map for a 41.81-acre lot referenced as Assessor's Parcel Number (APN) 102-200-01 to subdivide the property into a 10.0-acre Lot 1, an 11.8-acre Lot 2, a 10.0-acre Lot 3, and a 10.0-acre Lot 4.

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 must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION

2. **MM Bio-1:** The applicant shall pay the Rare Plant Mitigation Area 1 in-lieu fee for Lots 1 thru 4. The in-lieu fee shall be based on the fee that is in place at the time of building permit issuance and shall be made to offset impacts within these mitigation areas based on adopted County policies.

Timing/Implementation: Prior to issuance of building permits

Enforcement/Monitoring: El Dorado County Planning

3. **MM Bio-2:** The applicant shall identify a 20 foot 'non-building' conservation easement be established for the areas around where El Dorado mule ears are present, as

identified on the Biological Study prepared for the project. Impacts to El Dorado mule ears shall not be allowed for this project.

Timing/Implementation: Prior to approval of final map, grading, and building permits

Enforcement/Monitoring: El Dorado County Planning

4. MM Bio-3: The applicant shall identify a 50 foot buffer around all wetlands as illustrated on the tentative parcel map and exhibits. All of the on-site wetlands have been classified as ephemeral and/or intermittent, including the following:

- a. No development activity shall be allowed within the 50 foot buffers, unless the applicant submits a letter prepared by a qualified biologist that states no impacts would occur to riparian habitat and/or wetlands based on the specified encroachment.
- b. There would be a maximum .05 acres of impact to intermittent stream that are classified as jurisdictional wetlands. All grading activities affecting such areas shall be prepared in consultation with a qualified biologist. The biologist shall provide specific recommendations about the improvements and grading design affecting the wetlands, including those necessary for pre- and post-construction Best Management Practices (BMPs). Refer to MM Bio-4 for related mitigation.
- b. On Lot 1, an access road exists and any new driveway shall be improved over and across the existing access road.

Timing/Implementation: Prior to issuance of final map, grading, improvement, and/or building plans

Enforcement/Monitoring: El Dorado County Planning

5. MM Bio-4: The applicant shall consult with and obtain approval of a Streambed Alteration Agreement from the California Department of Fish and Game (CDF&G) pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. A copy of the CDF&G agreement to correspond to the proposed improvements shall be provided to the County and included in the project file for reference.

Timing/Implementation: Prior to approval of grading permits

Enforcement/Monitoring: El Dorado County Planning

6. MM Bio-5:

The applicant shall retain the services of a qualified professional that shall prepare a 'Master Oak Woodland Preservation Plan' for this project. The plan shall: 1) identifies the 14.5 acres of oak woodland canopy in plan view illustrating development envelop, 2) calculates the amount of canopy to be impacted, in plan view, that limits the total removal of the canopy to no less than 12.33 acres of cumulative impacts, 3) assess such impacts in a cumulative manner during permit processing for grading, as well as for lot-by-lot development, 4) identify the exact location of replanting within suitable areas based on each permit processed, and 5) provide information about the exact types of oaks to be replanted for saplings and/or acorns required for the replanting.

The tree replacement plan showing the replacement of trees shall conform to the El Dorado County Policy 7.4.4.4, Option A, and the Interim Guidelines. In the event that Policy 7.4.4.4 Option B is available, the replacement plan shall be prepared in accordance with Option B and/or the Interim Guidelines available for that option.

Timing/Implementation: Prior to approvals of grading, improvement, and building permits

Monitoring/Enforcement: El Dorado County Planning

7. MM Bio-6:

Covenants, Conditions, and Restrictions (CC&Rs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CC&Rs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey report to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. The survey report shall be submitted to Planning Services to be placed in the project file. In the event that the re-planted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.

Timing/Implementation: Prior to issuance of building permits, occupancy permits, and on-going

Monitoring/Enforcement: El Dorado County Planning

Planning

8. 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 subdivider 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 subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

9. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to the County Recorder processing the final map.
10. Prior to the sale of any individual lots to a new owner, the applicant shall provide a copy of this permit and project exhibits to prospective and new property owners. All project related conditions of approval shall apply to the current and subsequent owners of each individual lot.
11. Prior to the issuance of building permits, the applicant shall make a payment from Quimby in-lieu fees pursuant to Subdivision Ordinance Section 16.12.090. The applicant shall be subject to a \$150.⁰⁰ appraisal fee made payable to the 'El Dorado County Assessor' to Planning Services. Planning Services will prepare an in-lieu fee request letter and will submit the letter with the fee to the Assessor's office for the determination of parkland dedication in-lieu fees. The determined fee shall be paid by the applicant to the El Dorado County Parks and Recreation Department.
12. Grading and structural improvements necessary (excepting road and driveways) for residential and accessory buildings shall not occur on slopes 30 percent and steeper on Lots 1, 2, 3, and 4, at any time.
13. Prior to the approval of grading and/or building permits, the applicant shall design and locate all septic system and septic disposal areas outside of any areas comprising 30 percent slopes and steeper.
14. Improvements for roads and driveways can occur on slopes 30 percent and steeper if all other standards of the General Plan, Zoning Ordinance, and/or subdivisions policies are met.

15. All future development must observe the required development standards of the Estate Residential Ten-Acre (RE-10) zone, including but not limited to the required 30 foot front, side and rear yard setbacks.
16. At the discretion of the Deputy Director of Planning Services, the applicant can request specific encroachments into wetland buffers with a report prepared by a qualified biologist identifying and associating 'no impacts' to riparian habitat, wetlands, or wetland values based on a specific residential structure encroachment requested. Should the report identify impacts, then no such encroachments could occur and a decision for related impacts must be made by the Planning Commission at a noticed public hearing with proper CEQA assessments. Fees associated to the processing of a Planning Commission request for such encroachments shall be paid by the applicant.
17. Septic areas cannot occur on slopes 30 percent and steeper or within wetlands or wetland buffers.
18. Prior to the issuance of grading permits, the applicant shall implement sensitive and landform grading concepts into the final grading design for roads, driveways, and building pads. Grading quantities and cuts required for roads and driveways shall be minimized to the greatest extent feasible.
19. Retaining walls shall be minimized and shall be designed to fit with the contours of graded areas and cutbacks. Retaining walls necessary to hold cut slopes shall be designed to integrate with both the natural contours of the adjacent hillside where such cutbacks are made and the rounded edges of each cutback. At no time shall retaining walls exceed a combined total height of ten feet, as measured from grade and/or plum line on Lots 1 thru 4. Retaining walls shall be built outside of setbacks.
20. Gates shall not be installed on the on-site road easement, at any time, without approval of a special use permit.
21. All necessary outdoor lighting shall be designed to meet the County's Lighting Ordinance Section 17.14.170.
22. Concurrent with the final map recording and prior to the County issuing building permits on any parcel, Covenants, Conditions, and Restrictions (CC&R's) must be developed for the four parcels to be recorded against each property's deed. As part of this requirement, CC&R's shall be developed to address, at a minimum, monitoring and maintenance of oak impacts and replacement, and maintenance of the on-site road easement. The El Dorado Planning Services and County Counsel shall review the supplemental to the Covenants, Conditions, and Restrictions (CC&R's) to ensure consistency with project mitigation, permit conditions, and county standards.

23. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.
24. 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.

Department of Transportation

25. The applicant shall construct all roads in conformance with the *Design and Improvements Standard Manual* and the following table. 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 final map:

ROAD NAME		ROAD WIDTH
On -site road	StdPlan101C	18 ft (50ft R/W)

26. The applicant shall construct a cul-de-sac with a radius of 50-feet (based on the design waiver request) at the end of the on-site roadway, as specified in *Standard Plan 114*. 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 final map.
27. The applicant shall construct the residence driveway encroachments that will access the on-site roadway to the provisions of County *Standard Plan 103A-1*. 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 final map.
28. The applicant shall construct the proposed roadway encroachment onto Deer Valley Road to the provisions of county *Standard Plan 103C* and shall be paved per recommendations of geotechnical engineer. 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 recordation of the final map.

29. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site road and public utility easement along the eastern boundary of this project.
30. Prior to recordation of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County and State maintained roads.
31. Prior to recordation of the final map, the applicant shall form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
32. The applicant shall designate a road and public utility easements (R & PUE), to total 30 feet in width from the centerline of Deer Valley Road, prior to the recordation of the parcel map.
33. The applicant shall irrevocably offer to dedicate a total of 30 feet of right-of-way, along Deer Valley Road, as required by the General Plan. Only the portion of the right of way that is on-site needs to be dedicated. The offer shall be accepted by the County.
34. The applicant shall provide a 50-foot road and public utility easements (R&PUE) along the proposed road, with the recordation of the parcel map.
35. The applicant shall irrevocably offer to dedicate a 50-foot right of way, along the proposed road with the recordation of the parcel map. The offer shall be rejected by the County.
36. Per Section 3(B)(4) of the *County of El Dorado Design Standards*, all streets and intersections shall have a minimum sight distance based on the design speeds. There is no posted speed limit for Deer Valley Road. Engineer/Applicant must verify sufficient sight distance at the intersection of Deer Valley Road and access prior to filing the final parcel map.
37. The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” road signs as required by the Department of Transportation prior to filing the final parcel map.
38. A non-vehicular access easement shall extend along project frontage from proposed roadway encroachment to southerly property line.
39. Drainage easements shall be provided at the southern part of the lot 2 and eastern part of lot 3 along the non-building setback line prior to the recordation of the final map. The drainage easement should meet the 100 year event flow line or the easement mentioned in the drainage manual section 1.8.2 whichever is greater in amount. The flow from lot 2 and 3 should ultimately discharge to the inlet/V-ditch located at the cul-de-sac.

40. A drainage easement shall be provided along the main creek/drainage swale consistent to the 100 year event flow line or the easement mentioned in the drainage manual section 1.8.2 whichever is greater in amount prior to the recordation of the final map.
41. 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.
42. 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 twenty-percent (20%) contingency:
 - 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.

43. The developer shall obtain approval of project improvement plans and cost estimates consistent with the *Subdivision Design and Improvement Standards Manual* from the County Department of Transportation, and pay all applicable fees prior to filing of the final parcel map.
44. 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 Major Land Division Ordinance*, prior to filing the final map.

45. The construction of all required improvements shall be completed prior to submittal of the final map to the Planning Director. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
46. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
47. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
48. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
49. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County *Standard Drawing 11-10*. All stamps shall be approved by the El Dorado County inspector prior to being used.
50. Grading plans shall incorporate appropriate erosion control measures as provided in the *El Dorado County Grading Ordinance* and *El Dorado County Storm Water Management Plan*. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
51. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the *El Dorado County Grading Ordinance*) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
52. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by

the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.

53. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September 1, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
54. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the *Design and Improvements Standards Manual* and the *Encroachment Ordinance*. As an alternative, a *Notice of Restriction* shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
55. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
56. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
57. 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 drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
58. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
59. This project disturbs more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California.

A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Rescue Fire Protection District

60. Prior to the issuance of any new building permits issued for Lots 1 thru 4, the applicant must submit a \$120 fire plan review fee to the Rescue Fire Protection District. Along with the fee, the applicant must submit a Fire Safe Plan, prepared by a registered professional, to be reviewed and approved by the Rescue Fire Protection District and/or the California Department of Forestry and Fire Protection (CDF).
61. Prior to the issuance of building permits, any new residential building permit on Lots 1, 2, 3, and 4 shall include and require the installation of a NFPA 13D residential sprinkler system with a 3,000-gallon water storage tank, and to the satisfaction of the Rescue Fire Protection District.
62. All existing and/or new access roads and driveways serving Lots 1, 2, 3, and 4 shall be designed and/or improved to meet the minimum Fire Safe Standards for widths, surface, grades, radius, turnarounds, turnouts, one-way and dead-end roads, as required by the Rescue Fire Protection District.
63. All gates on and/or off the property must obtain approval of the Rescue Fire Protection District prior to installation. Any gating of the on-site road easement shall require a special use permit.
64. Disposal, including chipping, burying, burning, or removal to a landfill site approved by the local jurisdiction, or flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

Environmental Management

65. Prior to the recording of the final parcel map, the applicant shall construct a well to the satisfaction of Environmental Management on Lots 1, 2, 3, and 4.
66. Prior to the issuance of any grading or building permits for new residential construction on Lots 1, 2, 3, and 4, the applicant shall consult with the Environmental Health to ensure that the septic system is designed to County Standards. Septic systems and disposal areas shall not be allowed on slopes 30 percent and steeper or within a 50-foot buffer from intermittent streams and wetlands and a 100-foot buffer from perennial streams, rivers, or lakes. Final design for the septic system shall be reviewed by Environmental Health and Planning Services to ensure proper design and the location of the septic facilities occur based on

current County standards and General Plan policies, to include the primary and 100 percent replacement areas.

67. Prior to approval of grading and/or improvement plans, the applicant shall provide an Asbestos Dust Mitigation Plan (ADMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD).
68. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Asphalt Paving Materials.
69. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
70. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacturer's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan according to AQMD standards.

County Surveyor

71. All survey monuments must be set prior to filing the parcel map.
72. The applicant shall provide a parcel map guarantee, issued by a title company, showing proof of access to State and County Maintained Roads, as defined in Subdivision Ordinance Section 16.44.120(B)2, with legal right to improve the access as required by the *El Dorado County Design and Improvements Standards Manual (DISM)*.
73. The roads serving the development shall be named by filing a completed *Road Name Petition* with the County Surveyors Office prior to filing the parcel map.
74. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map. The letter will state, "all conditions placed on P06-0038 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 P06-0038 – Saenz-Bianchi
Zoning Administrator, December 19, 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:

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA, and is adequate for this project.

1.2 The Initial Study identifies that with the implementation of project-specific mitigation, that this project proposes a less than significant level of impact on the environment.

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 TENTATIVE PARCEL MAP FINDINGS

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

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative parcel map is consistent with the policies of the General Plan. The General Plan Rural Residential (RR) land use designation allows a maximum density of one dwelling unit on parcels ranging in size between 10 and 160 acres in size. This tentative parcel map provides a new 10.0-acre Lot 1, 11.8-acre Lot 2, 10.0-acre Lot 3, and 10.0-acre Lot 4. All newly created lots account for the allowed density and parcel size for projects located within the RR designation. The project was considered by all agencies in order to determine, with added project conditions, the necessary level of improvements that will be required to process the final parcel map and to develop new residences on the new parcels. The property current has no single-family residential units constructed on-site. Most improvements would be required prior to and during the process of the final map as it relates to anticipated development of four single-family residences and the road

access for this subdivision.

The tentative parcel map references the improvements that have been considered and the conditions included in the permit for on-site road improvements, residential pad areas, driveway improvements, well installation based on existing well production capability (27 gallons per minute on a 24 hour draw), and adequacy and areas available for septic disposal improvements. The project proposes sensitivity in landform grading in order to promote the natural qualities of the area. Necessary fire safety improvements have also been considered and future design of structures, roads, and driveways must be made to Fire Safe Standards. The Fire District will require the installation of fire sprinkler systems with a 3,000-gallon water storage tanks for new residential development on any of the newly created lots to address fire safety for proposed new residential structures.

By implementing specific mitigation for consideration of El Dorado mule ears, wetland (jurisdictional or other) impacts, oak woodland impacts, and payment of County adopted in-lieu fees for projects located within Rare Plant Mitigation Area 1, sensitive site resources would be protected to the greatest extent practical. Mitigation and related impacts were considered and are consistent with the adopted policies of the General Plan because the impacts would be least necessary in order to develop the four new lots. There is adequate site area on each of the four new lots to allow for residential and accessory development.

The improvements necessary for the on-site road and on-site driveways can impact slopes 30 percent and steeper based on this project meeting the standards outlined by the General Plan, Zoning Ordinance and subdivision policies. It is not expected that the road easement would impact such slopes. There will be no impacts to slopes 30 percent and steeper when grading the pad areas for the residential home sites and no such impacts for septic disposal areas, which shall be designed during the final grading and/or building permit applications to avoid such impacts. With the implementation of design specifics, including those required to meet the standards of the County grading and drainage requirements, and including those necessary to ensure that pre- and post-construction implement Best Management Practices (BMPs) for any future development on the property, this project is consistent with the policies of the General Plan.

2.2 The proposed tentative parcel map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.

The tentative parcel map provides enough land area to accommodate the placement of a new residence and accessory structures on each of the four new lots, as shown based on the development footprints illustrated on the exhibits. Specifically, there is enough land area on each parcel for such improvements to allow development to conform to the requirements of the zoning and minor land division ordinance. The map provides the minimum 150-foot lot width and appropriate road frontage necessary within the Estate Residential Ten-Acre (RE-10) zone District and for those fronting a cul-de-sac when measured to the building setback line. Any future residential development must also observe the required RE-10 Zone District standards, which includes, but is not limited to, meeting the required 30-foot front, side, and rear yard setbacks, as well as the 50-foot setbacks required for agricultural structures. There is enough area on the property to account for development to meet all of the RE-10 Zone District standards.

In addition, the project meets the minor land division ordinance requirements for a four-lot tentative parcel map, including those that are necessary for on-site road improvements as identified in the permit and outlined in the request for design waiver. Improvements necessary for driveways and access on all four lots can be made. Based on the well production data that was provided for this project, Environmental Health determined that there is an adequate, safe and reliable water source for these properties and to ensure such availability, wells must be installed on each property to meet the department's standards prior to the recordation of the final parcel map. The soils and wastewater disposal information provided for the project suggested that adequate soil types and septic disposal areas are available outside of wetland buffer areas and 30 percent slopes in order to accommodate new single-family residences on each of the four new lots.

The Rescue Fire Protection District will require certain improvements be made in order for the project to meet Fire Safe Standards, including those necessary in the design of roads and driveways, turnarounds, turnouts, and similar. Future residential development on any of the four new lots shall install a fire sprinkler system with a 3,000-gallon water storage tank to address fire safety for new residential structures.

Grading and improvements to be designed for the project must be designed to meet County grading and drainage standards, including those that are necessary for the design of roads, driveways, building pad areas, and other development activities. This also includes implementation of pre-and post-construction Best Management Practices (BMPs) in the final design for such improvements, and for this project, a biologist must provide recommendations in the design of such improvements because of impacts to wetlands and within wetland buffers. By making all necessary improvements based on the conditions of approval and to County standards, this project will meet the objectives and policies of the County's minor land division ordinance.

2.3 *The site is physically suitable for the proposed type and densities of development.*

The project fits within the larger neighborhood and the neighboring area because other properties in the area have been allowed to develop on similarly sized properties as that requested by this project. The property is located and takes primary access from Deer Valley Road and is about ¾-mile north of where Deer Valley meets Green Valley Road. Both Deer Valley and Green Valley roads are County maintained roads and provide the required primary and secondary access and circulation for the area.

The project site is comprised of areas of slopes 30 percent and steeper, most of which is located near the knolls that exist throughout the project site. There is adequate site area to construct a new residence on this parcel without the need to impact protected slopes. Road and driveway improvements are allowed on such slopes should all other standards for improvements be observed, including those that would require septic disposal areas to be located outside of slopes 30 percent and steeper. All County grading and drainage design standards will be met during the review for grading and building permits. The project meets the oak woodland preservation policies because oak woodland tree canopy covers about 35 percent, or 14.5 acres of the site and development can be made in order for the project to retain the required 85 percent, or 12.33-acres of canopy. Any

amount exceeding the retention standards will not be allowed to be removed for this project. Cumulative oak impacts, replacement, care and maintenance programs shall be required and mitigation measures have been implemented into the project permit to ensure that impacted oak trees are replaced and maintained to maturity for the roads and individual lot development.

A qualified biologist assessed the project in order to determine sensitive site resources. Although sensitive site resources do exist on the property, mitigation developed for the project would minimize impacts to such resources to the greatest degree practical. A biologist shall provide follow-up determinations during improvement activities to avoid impacts, and where impacts will be necessary, to provide sensitive design solutions for project related improvements. El Dorado mule ears will be protected and Rare Plant Mitigation Area 1 in-lieu fees shall also offset impacts for residential development within the area.

The project can provide the necessary and adequate infrastructure in order to allow four new lots where one large lot currently exists. As a result, the site is physically suitable for a four-lot subdivision of land with allowed densities base on the RR General Plan land use designation, the RE-10 zone, and based on local subdivision policies.

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

As designed, the four-lot tentative parcel map will not have a significant impact on the environment. Any future development on the property will be directed to the least sensitive portions of the property. Although there would be minimal impacts to biological and/or wetland resources, such impacts are the minimum necessary to allow the proposed project to be divided into four lots, which is allowed by the General Plan land use designation and site zoning. Mitigation has been developed for the project that would minimize project related impacts. Oak trees and oak woodland tree canopy shall not be reduced below the 12.33-acre retention standard, at any time. Affected oak canopy shall be replaced and the replacement shall be monitored to ensure survival. All of the new homeowners shall be responsible for their individual lot oak impacts, replacement, and monitoring and shall share equally the responsibility for the survival of the replaced oak woodland tree canopy for the road easement.

Since the project is located within Rare Plant Mitigation Area 1, an in-lieu fee will be assessed during the building permit review phase, which is suitable for impacts within this area. In addition, this project will not impact any protected slopes 30 percent and steeper with improper improvements. Roads and driveways can occur on such slopes. The chances to discover cultural resources on this site are very unlikely based on the evaluation made by the qualified historian. Although there may be impacts to wetland and drainages either on- or off-site, a qualified biologist must provide recommendations during the grading, improvement, and/or building plan review phase to ensure that impacts are the least necessary. The biologist shall also provide design recommendations that must be incorporated into the design of such plans, to include pre-and post-construction Best Management Practices (BMPs) during the design of final grading and drainage plans that would limit or eliminate run-off into wetland or drainages to meet and/or exceed County standards.

3.0 DESIGN WAIVER FINDINGS

The applicant requests a design waiver to reduce the on-site road and public utility easement from 60 feet to 50 feet. The support for the design waiver is based on the following findings:

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

The road easement was found to be minor in nature and would not provide for future through road connections for the area and the four new lots would only be required to use this easement. In addition, there are environmentally sensitive site resources such as wetlands, oak trees, and protected slopes that would be further protected should only the 50 versus the 60-foot public road and utility easement be required for related improvements.

3.2 *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 wetlands and sensitive site resources and because the Department of Transportation does not anticipate road connections through this area in the future. The road easement would only serve the four lots identified on the tentative parcel map.

3.3 *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 improvements to widen the road to *Standard Plan 101C* will occur within the 50-foot wide road easement would provide road access for vehicular and fire safety, which is superior to what exists today. Such improvements would provide adequate access for each of the four new lots. The improvements will be designed to meet County road as well as Fire Safe Standards. All of the necessary road access and improvements required on the new 50-foot wide easement would 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.

3.4 *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.