

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



**Agenda of:** April 2, 2008  
**Item No.:** 4.c.  
**Staff:** Jonathan Fong

**PARCEL MAP**

**FILE NUMBER:** P90-0146 E

**APPLICANT:** Edward Mackay

**REQUEST:** Grant three one-year time extensions of an approved tentative parcel map. The parcel map would create four parcels with one design waiver request to allow the creation of parcels in excess of 2,640 feet beyond a dead-end road. (Exhibit D)

**LOCATION:** On the east side of Mineral Way, approximately one-half mile east of the intersection with Mineral Way and Cedar Ravine Road in the Pleasant Valley area, Supervisorial District II (Exhibit A)

**APN:** 099-020-02

**ACREAGE:** 40.4-acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit B)

**ZONING:** Estate Residential (RE-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Adopt Negative Declaration.

**SUMMARY RECOMMENDATION:** Grant three one-year time extensions with amended conditions.

**BACKGROUND:** This project was approved with 25 conditions by the Zoning Administrator on July 18, 1991, and was due to expire on January 18, 1994. However, Senate Bill 428 was enacted on September 13, 1993 (creating an automatic two-year time extension for approved parcel maps), extending the subject map until January 18, 1996. A second one-year time extension was approved on March 20, 1996, subject to 25 conditions, and extending the parcel map to January 18, 1997. AB 771 became effective May 14, 1996, and provided for an automatic 12-month extension to January

18, 1998. The applicant submitted a third time extension; however, due to the Writ the extension request could not be approved. The current time extension requests would allow the applicant to comply with the conditions of approval and final the parcel map.

This extension request has been submitted in conjunction with P90-147E; an approved tentative parcel map directly to the north. Both extension requests have been submitted by the same agent; however, there is no relationship between either applicant. The two projects would share a common access road.

**Vesting Maps:** Under Title 16, Article IV Section 16.68.090, vesting tentative maps expire 24 months after the date of the Board of Supervisors approval. In this case the tentative map was approved before the adoption of the vesting map ordinance, and therefore, was subject to the original 30-month expiration time period for parcel maps.

The applicant's recent application did not include the submittal elements that are required in Section 16.68.060 of the County Code for vesting maps. Due to the length of time between the original approval and the current time extension request, and the maps non-compliance with Chapter 16.68 of the County Code, the applicant has submitted a letter requesting removal of the vesting status.

**Staff Analysis:** Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit requests and issues for Zoning Administrator consideration are provided in the following sections.

**Site Description:** The project site is steep, densely covered with trees with four ephemeral channels and one intermittent stream that flow towards Cedar Ravine. Along the main access roads to this project site and the one immediately to the north, P90-0147-E is one of the identified intermittent streams on the Wetlands Map. The proposed access road and cul-de-sac on P90-0146E crosses this intermittent stream via a culvert and fill material. The intermittent stream also crosses Parcels 1, 2 and a fraction of parcel 3 along the northern portion of the proposed parcels. Vegetation onsite is characterized primarily by oak woodland habitat and Manzanita chaparral.

**Project Description:** The project would create four, ten-acre parcels. The access to the project site would be from an existing dirt road. The road was constructed as part of the original Parcel Map approval. Improvement Plans were approved by the Department of Transportation in June 1992. The parcels would range in size from 10.035 to 10.265 acres. The parcels would be served by individual wells and private septic systems.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	RR	Rural Residential, no structures
<b>North</b>	RE-10	RR	Rural Residential, no structures
<b>South</b>	RE-10	RR	Rural Residential, residential
<b>East</b>	RE-10	RR	Rural Residential, residential

West	RE-10	RR	Rural Residential, residential
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The main issues related to this tentative map time extension is the length of a dead end road that exceeds the Fire Safe Standards, access, slopes in excess of 30%, tree canopy coverage and grading. Since this tentative map was originally approved in 1991 under different General Plan Policies and extended twice with a third extension request placed on hold due to the WRIT, the current time extension is subject to the policies under the 2004 General Plan. Revised conditions of approvals reflect these new policies as well as additional conditions that address fire safety concerns for future residential dwelling units.

**General Plan:** The 2004 General plan land use map designates the project site as Rural Residential (RR) which establishes a density range of one dwelling unit per 10-160 acres. The project would create four, ten-acre parcels which would be consistent with the RR Land Use Designation.

**General Plan Policy 7.4.4.4** establishes retention and replacement provisions for oak canopy impacted as part of development. The arborist report prepared for the project identified potential disturbance areas for future residential development and for the required disposal areas for the septic systems. The Arborist Report prepared for the project determined that the site contains oak woodland habitat covering approximately 62 percent of the project site. As required by Policy 7.4.4.4, the project would be required to retain 70 percent of the canopy onsite.

The Arborist Report analyzed the potential oak woodland habitat impacts based on future development on the proposed parcels. These development areas correspond to the proposed septic system locations and potential buildable areas identified on the maps prepared by the applicant. The Report estimated that approximately 1.75 acres of oak woodland habitat would be affected which would result in retention of approximately 93 percent which would be consistent with Policy 7.4.4.4.

Consistent with Section 7E of the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A), the applicant has identified a Conservation Easement for the protection of oak woodland habitat in-lieu of replacement. Due to the dense vegetation onsite, the Arborist Report recommends that a conservation easement be utilized in-lieu of onsite replacement. The conservation easement consists of approximately 4.5 acres and is located to the north of the project site on APN 096-090-05. The conservation easement would be located within a remainder parcel as part of proposed Parcel Map P90-0147E. As proposed, the project would be consistent with the retention requirements established by General Plan Policy 7.4.4.4.

The slope map prepared for site determined that approximately 40 percent of the slopes onsite exceed 30 percent. **General Plan Policy 2.3.2.1** prohibits residential development on slopes exceeding 30 percent. The proposed parcels would be greater than 10 acres in size with adequate buildable areas on each parcel. Prior to issuance of building permits for each of the parcels, all future development would be required to demonstrate compliance with this policy.

The Biological Resources Evaluation prepared for the project identified four ephemeral streams and one intermittent drainage on the project site. **General Plan Policy 7.3.3.4** requires a 50 foot setback from all intermittent streams. As shown on the Parcel Map, the applicant has shown the required setback from the streams. The potential buildable areas would be located outside of the require setbacks. The project has been conditioned to include the required setbacks on the final parcel map.

Conclusion: Staff has determined that the tentative map is consistent with the applicable General Plan policies along with the aforementioned requirements for development as discussed.

Zoning: The subject site is zoned Estate Residential (RE-10) District. The following is an analysis of the Development Standards of the RE-10 Zone District as required by Section 17.10.110 of the Zoning Ordinance.

**A. Minimum lot area of ten acres;**

Discussion: The proposed parcels would range in size from 10.035 to 10.265 acres. The proposed parcels would be consistent within the RE-10 Zone District.

**B. No maximum building coverage;**

Discussion: No development would occur as part of the parcel map. The RE-10 Zone District does not establish a maximum building coverage. There project would be consistent with this requirement.

**C. Minimum lot width of one hundred fifty feet;**

Discussion: The proposed parcels are approximately ten acres. All parcels would be consistent with the minimum lot width requirement. The parcel with the smallest lot width would be Parcel 4 which is located at the terminus of the cul-de-sac road. The lot width of Parcel 4 measured at the 30 foot setback would be consistent with the lot width requirement.

**D. Minimum yard setbacks: front and rear, thirty feet (30'); sides, thirty feet (30'), except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'). (Ord. 4236, 1992).**

Discussion: No development would occur as part of the parcel map. The proposed parcels would provide adequate building areas to accommodate the required setbacks. Prior to issuance of any building permits on the proposed parcels, future development would be required to comply with the setbacks of the RE-10 Zone District.

**E. Minimum agriculture structural setbacks of fifty feet on all yards;**

Discussion: No development would occur as part of the parcel map. Any future agriculture development of the site would be required to maintain the required 50 foot setback of the RE-10 Zone District.

**F. Maximum building heights, forty- five feet (45') (Ord. 4236, 1992)**

Discussion: No development would occur as part of the parcel map. Prior to issuance of any building permits on the proposed parcels, future development would be required to demonstrate compliance with the height restriction of the RE-10 Zone District.

**G. Minimum dwelling unit area, six hundred square feet of living area is required.**

**Minimum dwelling unit area provisions are not applicable to additions to existing dwellings;**

Discussion: No development would occur as part of the parcel map. Prior to issuance of any building permits on the proposed parcels, future development would be required demonstrate compliance with the minimum dwelling size of the RE-10 Zone District.

**H. Location of the parcel in relation to surrounding land use, the success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential ten acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprise. Noncompatible uses are defined as, but not limited to:**

- 1. Residential structures,**
- 2. Nursing homes,**
- 3. Public and private schools,**
- 4. Playgrounds,**
- 5. Swimming pools,**
- 6. Fish ponds. (Ord. 3606 §67, 1986; Ord. 3366 §§58, 59, 1983; prior code §9720(e))**

Discussion: The project site does not abut agriculture-zoned lands. The project would not be required to maintain the 50-foot setback from the property boundaries.

Conclusion: Staff has determined that the project as proposed is consistent with the applicable Zoning Ordinance policies.

**Design Waiver(s) Discussion:** The applicant is requesting a design waiver to allow a cul-de-sac in excess of the maximum length permitted without an exception to Fire Safe Regulations.

The Department of Transportation (DOT) has reviewed the parcel map design waiver request and requires the onsite and offsite roads to be constructed to Standard Plan 101C.

Due to the length of the dead-end road and concerns over fire safety, the El Dorado County Fire Protection District has conditioned the parcel map with an approved Fire Safe Plan that includes not only fire hydrant(s) at the cul-de-sac, but that the applicant may enter into a deed restriction for a residential sprinkler system with 2,500 gallons of water storage for each parcel.

Based upon the number of conditions of approvals from the various departments and agencies, the implementation of the required conditions would reduce the identified impacts associated with the tentative parcel map.

**Agency and Department Comments:**

The second time extension was approved by the Zoning Administrator on July 15, 1998 subject to 23 conditions of approval. These conditions have been included in Attachment 1 of this staff report. Modifications and additions to the approved conditions have been included to be consistent with current County policies. Deleted conditions have been shown as ~~striketrough items~~. Additions have been shown as underlined items.

## ENVIRONMENTAL REVIEW

**NOTE:** This project is not 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 \$1,876.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus \$50.<sup>00</sup> processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

**RECOMMENDATION:** Planning Services staff recommends the Zoning Administrator take the following actions:

1. Approve all three remaining one-year time extension, as supported by the findings in Attachment 2, with the attached revised conditions 9 and 22 as itemized in Attachment 1.
2. Adopt the Negative Declaration based on the Initial Study prepared by staff and approve the revised parcel map as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modification of the project to include conditions itemized in Attachment 1.
3. Approve the design waiver to allow a cul-de-sac in excess of the maximum length permitted without an exception to Fire Safe Regulations since appropriate findings have been made as noted in Attachment 2:
  - a. Increase the length of a dead end road from 500-feet to feet pursuant to Fire Safe Standards allowing dead end roads not to exceed 2,640-feet in length.

## SUPPORT INFORMATION

### Attachments To Staff Report:

Attachment 1 .....	Conditions of Approval.
Attachment 2 .....	Findings.
Exhibit A .....	Vicinity Map.
Exhibit B .....	General Plan Land Use Map.
Exhibit C .....	Zoning Map.
Exhibit D .....	Tentative Parcel Map.
Exhibit E .....	Environmental Checklist and Negative Declaration.

## ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER P90-0146-E

### STANDARD CONDITIONS OF APPROVAL

#### Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated January 16, 2008, 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 a four-lot parcel map. The parcel sizes are as follows: Parcel 1- 10.050 acres, Parcel 2- 10.265 acres, Parcel 3- 10.035 acres, Parcel 4- 10.050. Each parcel would be served by an individual well and private septic wastewater system.

The parcels would be accessed via a gravel access road from Mineral Way. The road would be improved pursuant to Standard Plan 101C.

One Design Waiver would be approved to allow the following:

- a. To allow the creation of parcels beyond ½ mile down a dead-end 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.

2. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future

parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call 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 appropriate measures are taken or the site is determined not to be of significance.

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
- ~~10.~~ 4. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid to the County Surveyor's Office for the Mother Lode Recreation - District at the time of filing the parcel map.
- ~~11.~~ 5. The subdivider shall be subject to a \$150.00 appraisal fee payable to El Dorado County Planning Division for the determination of parkland dedication in-lieu fees.
6. The applicant shall retain and replace all impacted oak woodland habitat as identified in the *Tree Survey, Preservation, and Replacement Plan* prepared for the project dated July 2, 2007. The retention and replacement shall be consistent with General Plan Policy 7.4.4.4 and the Interim Interpretative Guidelines. Planning Services shall review and approve the replanting plan prior to filing of the parcel map. Or the applicant shall pay the mitigation fee established under General Plan Policy 7.4.4.4 Option B. The applicant shall pay the replacement fee established at the time of filing the parcel map.
7. A 50-foot setback from all intermittent streams and wetlands and a 100-foot setback from all perennial streams, lakes, and rivers shall be shown on the final parcel map.
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 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. All fees associated with the tentative subdivision map shall be paid prior to filing the final subdivision map.
10. Prior to issuance of a grading permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
11. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.

### **Department of Transportation**

- ~~1.~~ 12. Improvement plans for on-site and off-site road improvements shall be prepared by a registered civil engineer and shall be subject to County Department of Transportation approval.
- ~~2.~~ 13. A construction permit shall be obtained from the Department of Transportation prior to commencement of any road construction.
- ~~3.~~ 14. Any bonded improvements shall be completed within one year of filing the parcel map.
- ~~4.~~ 15. All grading and erosion control, including driveway construction, shall be in compliance with the requirements of Chapter 15.14 of the El Dorado County Code, Grading, Erosion and Sediment Control Ordinance. A letter of compliance from the local enforcement agency shall be submitted to Surveyor's Office at the time of filing the parcel map.
- ~~5.~~ 16. Prior to issuance of an grading permit, an erosion slope stabilization and revegetation plan shall be prepared for review and approval by the El Dorado County Resource Conservation District and the County Department of Transportation. Letters stating said approval by said agencies shall be submitted to the Surveyor's Office prior to filing the

parcel map.

- ~~6.~~ 17. A stop sign, per Standard Plan 105-A, shall be installed at the intersection of Mineral Way at Cedar Ravine.
- ~~8.~~ 18. An irrevocable offer of dedication of the 50-foot -wide road and public utility easement, including all slope easements, shall be shown on the parcel map.
- ~~15.~~ 19. Where the subdivider is required to make improvements *on* lands which neither the subdivider nor the County has sufficient title *or* interest to make such improvements, prior to filing of any final map *or* parcel map, the subdivider shall submit to the Department of Transportation Director for approval:
- a. A legal description prepared by a civil engineer *or* land surveyor of the land necessary to be acquired to complete the off-site improvements;
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements;
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.
- Prior to the filing of a final map *or* a parcel map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462. 5 to complete the required off-site improvements, including the full costs of acquiring any real property interests necessary to complete the required 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.~~ 20. The access road connection to Cedar Ravine Road shall have a Type D intersection as per El Dorado County Standard Plan 103 with a minimum sight distance of 450 feet from a point located 15 feet from the edge of pavement *on* the County road *or* as approved by the Department of Transportation. Encroachment Permit shall be obtained prior to performing any work within the County road right-of-way.
- ~~17.~~ 21. Subject to improving on-site road easements to Standard Plan 10 I-C. Said improvements shall be in the area described as: both roads shown *on* Tentative Parcel Map.
- ~~18.~~ 22. Subject to improving cul-de-sac turnaround at the comers of proposed lots 2, 3 and 4. Construct to Standard Plan 114, Type A.

- ~~19.~~23. Street sign as per Standard Plan 1 05-B( 1) to be located at the intersection of Cedar Ravine and Mineral Way, also at the intersection of Mineral Way with proposed road as yet unnamed, and the Tee intersection of the two unnamed on-site roads.
- ~~20.~~ 24. The off-site access road shall be improved to Standard Plan 101-C, to and including the intersection with Mineral Way ~~and the cost of the off-site improvements shall be limited to the cost of the on-site improvements.~~
- ~~21.~~ 25. Applicant shall make an offer to participate in the road maintenance district. Letter of compliance shall be forwarded to the County Surveyor's Office prior to recording of the parcel map.

### **El Dorado County Fire Protection District**

26. The applicant shall submit the fire review fee of \$120.00. The fee shall be paid to the Fire District prior to filing of the parcel map.
27. The fire flow for this project shall be 1,000 gpm @20 psi for two hours. The Fire District shall verify the fire flow prior to filing of the parcel map.
- ~~9.~~28. Fire hydrant(s) capable of supplying required fire flow shall be installed in compliance with the provisions of the U.F.C. Article 9, Section 903.2 in a location acceptable to the El Dorado Fire Protection District or an acceptable alternative. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's office at the time of filing the parcel map. The costs for said hydrant shall be negotiated with the applicants of P90-146. One additional hydrant shall be located at the cul-de-sac. The Fire District shall review and approve the hydrant prior to filing of the parcel map.
29. The applicant shall provide documentation from EID and the Fire District to show that the system will meet the required fire flow for the project. The Fire District shall review and documentation prior to filing of the parcel map.
30. In lieu of condition #3 the applicant may install residential fire sprinkler systems with 2,500 gallon storage for each parcel. The Fire District shall review and approve this alternative prior to filing the parcel map.
- ~~23.~~31. A fuel modification plan acceptable to the fire district and the California Department of Forestry, shall be implemented. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the final map.
- ~~25.~~32. A Fire Safe Plan shall be submitted to support proposed design waivers and Fire Safe Exceptions.

### **Environmental Management**

- 12.33. Show all drainage that may have an effect *on* the location of septic systems.
- 13.34. Subject to Environmental Health approval as required in the Minor Land Division Ordinance and water supply pursuant to Policies 5.2.3.4 of the General Plan.

### **Surveyors Office**

35. All survey monuments must be set prior to filing the Parcel Map.
7. 36. The access road serving this development shall be named by filing a completed Private Road Name Petition with the County Surveyor's Office prior to filing the final parcel map.
14. 37. The applicant shall provide proof of access to a State- *or* County-maintained road as defined by Section 16.44. 120(B)(2) with the legal right to improve that access as required by the County Design Manual. ~~A Guarantee of Record provided by a title company shall be presented to the County Surveyors office prior to filing the parcel map.~~
22. ~~The vesting rights, including development standards and regulations, pursuant to Section 16.68.100 of the County Code, shall be those in effect at the time of approval of the vesting tentative parcel map extension request.~~

## **ATTACHMENT 2 FINDINGS**

### **FILE NUMBER P90-146E**

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 during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG).

- 1.4 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.

## **2.0 General Plan Findings**

### **2.1 The proposed parcel map is consistent with applicable general and specific plans;**

The parcel General Plan Land Use Designation is Rural Residential (RR) which establishes a minimum parcel size of ten-acres. The project will create four (4), ten-acre parcels. The project meets the minimum parcel size within the RR district.

The project will not disturb any riparian areas or slopes exceeding 30%. The project will be consistent with the oak retention and replacement requirements of General Plan Policy 7.4.4.4.

## **3.0 Zoning Findings**

### **3.1 The proposed parcel map is consistent with the Zoning Ordinance;**

The project is zoned Estate Residential Ten-acre (RE-10) which establishes a minimum parcel size of ten-acres. The project will create four (4), ten-acre parcels which is consistent within the RE-10 Zone District. The project will be consistent with the development standards of the RE-10 Zone District.

## **4.0 Tentative Map Findings**

### **4.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;**

The Department of Transportation and the El Dorado County Fire Protection District has reviewed the existing road conditions and have determined that the proposed improvements will provide adequate access.

The proposed parcels provide adequate area to meet the development standards of the RE-10 Zone District.

### **4.2 The site is physically suitable for the proposed type and density of development;**

Adequate developable areas exist on the parcel that will allow for residential development consistent within the Rural Residential Land Use Designation and the Estate Residential Ten-acre (RE-10) Zoning District.

The project site is constrained by slopes exceeding 30%, riparian areas, and significant oak canopy. However, the applicant has demonstrated that future development will be consistent with applicable General Plan policies and Zoning Ordinance requirements. Development restrictions have been included on the parcel map to prohibit development on slopes exceeding 30%. Arborist reports have been submitted which analyze the potential oak impacts and have identified future replanting areas.

**4.3 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;**

The required road improvements will not result in significant environmental damage. No riparian features would be affected as a part of the project and no sensitive species would be impacted as concluded by the Negative Declaration prepared by staff.

**5.0 Design Waiver Findings**

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

The Parcel Map would result of four additional parcels. The implementation of a Fire Safe Plan, installation of fire hydrants and road improvements would provide adequate fire protection to the site.

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

The project will create four additional parcels. The parcel map would not exceed the maximum number of parcels allowed on a dead-end road. Adequate fire protection measures would be available to provide emergency access to the site.

**5.3 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 road improvements and required fire protection measures would provide adequate access and emergency protection to the site. The Design Waiver will not create negative impacts to the project area.

**5.4 This 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.**

The project will be required to perform road improvements and fire protection measures will be installed onsite. The project will comply with the Fire Safe Regulations and County Design standards.