

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



**Agenda of:** August 6, 2008  
**Item No.:** 5.a.  
**Staff:** Jonathan Fong

**PARCEL MAP/ SPECIAL USE PERMIT**

**FILE NUMBER:** P07-0026 S07-0030 Hershey Parcel Map

**APPLICANT:** Robert Hershey

**AGENT:** Lebeck Young Engineering/ Nicole Young

**REQUEST:** A Tentative Parcel Map creating two (2), five-acre parcels on a 10-acre site. A Special Use Permit would allow the existing gate to remain across a road and public utilities easement.

Two design waivers have been requested for the following:

- a. Reduction of the on-site access easement from 60 feet to 30 feet.
- b. Creation of a Lot exceeding the 3:1 lot width ratio.

**LOCATION:** The project is located on the west side of Salmon Falls Road, 400 feet north of the intersection with Dorado Ridge Trail in the El Dorado Hills Area. Supervisorial District IV (Exhibit A).

**APN:** 104-240-38

**ACREAGE:** 10.0-acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit B)

**ZONING:** Estate Residential Five-acre Zone District (RE-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**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.

**Project Description:** The applicant is requesting a Tentative Parcel Map and a Special Use Permit.

**Tentative Parcel Map:** Tentative Parcel Map would create two (2) parcels both five acres in size. Parcel 1 would encompass the existing residence and accessory buildings. Parcel 2 would be undeveloped. As discussed in the Design Waiver section, Parcel 2 would be an “L” shape design. The proposed lot configuration would allow for each parcel to meet the minimum lot size of the RE-5 Zone District and to allow the existing structures on-site to meet the Development Standards of the RE-5 Zone District.

**Special Use Permit:** The Special Use Permit would allow an existing gate to remain across a road and public utilities easement. The existing gate crosses the existing 18 foot wide driveway. The gate is constructed of metal and is remotely operated.

**Road Improvements/ Utilities:** The project would be served by EID public water and on-site septic wastewater systems. No road improvements would be required as part of this application. The existing driveway currently meets the 20 foot minimum road width required by the County Design Manual and the Fire Safe Regulations.

**Site Description:** The project site is located in the northwest portion of El Dorado County, south of the American River. The site has been previously disturbed with single family development and graded trails throughout the site. Vegetation on-site is comprised of oak woodland habitat and native grasslands. One elderberry shrub was located during a Focused Plant Survey. The elderberry bush is suitable habitat for the Valley Elderberry Long-horn Beetle which is a protected animal species. The bush is located in the northwest corner of the project site. No development would be proposed or likely near the plant; however, mitigation measures have been included to protect the bushes from any future development on the site. The Biological Resources study identified suitable habitat for animal species protected by state and federal agencies. Mitigation Measures have been included requiring surveys prior to construction on the project site.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR	Improved Residential
<b>North</b>	RE-5/ RF	LDR/ OS	Improved Residential/ Folsom SRA Land
<b>South</b>	RE-5	LDR	Improved Residential
<b>East</b>	RE-5	LDR	Improved Residential
<b>West</b>	RE-5	LDR	Improved Residential

The parcel map would create one (1) additional residential parcel. The parcel map would allow for additional residential development which would be consistent with the development in the area. The proposed parcel would not create conflicts with the State Park lands to the north. The project would not create conflicts with the existing land use pattern in the project vicinity.

**General Plan:** The General Plan designates the parcel as Low Density Residential (LDR) which establishes a minimum parcel size of five acres. The project would create two, five acre parcels which would be consistent with the LDR land use designation.

General Plan Policy 6.2.3.2 requires that new development shall demonstrate that adequate access would be provided. The project would create two parcels accessed through a gate road. The El Dorado Hills Fire Department and the Department of Transportation have reviewed the project and determined that the existing gate would not reduce emergency access and that the driveway would comply with the 20 foot minimum for roadways. The existing gate would not impede emergency access to the site and findings of approval have been included in Attachment 2 of the staff report.

General Plan Policy 7.1.2.1 prohibits development on slopes exceeding 30%. The Slope Map prepared for the site identified 45% of the on-site slopes exceed 30%. The project has been conditioned to identify the areas on the project site which exceed 30% as non-buildable areas.

General Plan Policy 7.3.3.4 requires development setbacks from intermittent streams, ponds and other riverine habitat. A pond is located on proposed Parcel 1. The applicant would be require to identify the required 100 foot setback from the pond. The setback would be shown on the Parcel Map. All future development would be located outside the required setback.

General Plan Policy 7.4.4.4 establishes retention and replacement provisions for oak canopy impacted as part of development. No road improvements or other development would occur as part of the project. 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. Future development would be consistent with Policy 7.4.4.4. A table has been provided below that includes the oak canopy coverage for the project site and for each of the proposed parcels. As shown in the table, the majority of the on-site oak canopy is located on Parcel 1 which has already been developed. Potential buildable areas have been shown on Parcel 2 which would not require removal of additional oak canopy.

	Area (s.f)	Existing Canopy (s.f)	Canopy Coverage (%)	Required Retention (%)	Proposed Removal	Proposed Retention
Project Site	435,802	97,239	22%	-	-	-
Lot 1	217,922	83,752	38%	85%	0%	100%
Lot2	217,280	13,487	6%	90%	0%	100%

Staff finds the project is consistent with the General Plan.

**Zoning:** The project parcel is located within the Estate Residential Five-acre Zone (RE-5) District which establishes a minimum parcel size of five acres. The Parcel Map would create two (2), five acre parcels. The project conforms to the minimum parcel size requirement of the RE-5 Zone District. Section 17.28.210 establishes Development Standards for the RE-5 Zone District. Included below is an analysis of those standards:

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

The proposed lots would each be five acres in size.

**B. No maximum building coverage;**

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

Parcel 1 would result in a minimum lot width of over 300 feet. Parcel 2 would be a 'L' shape configuration. Each of the narrow portions of the parcel would meet with minimum lot width requirements.

**D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet 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)**

The Tentative Parcel Map includes the required 30-foot setback for both parcels. The existing structures on Parcel 1 would meet the required setback. All future development on either parcel would be reviewed to determine consistency with the setback requirements of the RE-5 Zone District.

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

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

**G. Minimum dwelling unit area, six hundred square feet of living area and two rooms;**

**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 five 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 enterprises. 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 §15, 1986; Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))**

No development would occur as part of the project. All future development would be reviewed to ensure compliance with Development Standards D through H. The project site is not located adjacent to Planned Agricultural Zone Lands and would not be required to maintain the 50 foot buffer as required in Section 17.28.210(H) of the Zoning Ordinance.

Special Use Permit Request:

The existing gate is located across the proposed access road serving the project site. The RE-5 Zone District allows by Special Use Permit “other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16, and 17.18.” Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a special use permit from the Zoning Administrator must be obtained.

The Fire Department and DOT have reviewed the project and determined the gate would be acceptable. Special Use Permit findings of approval have been included in Attachment 2 of the staff report.

Planning Services staff finds the project is consistent with the Zoning Ordinance.

**Design Waiver:** Two (2) design waivers have been requested as follows:

1. Reduction of the on-site access easement width from 60 feet to 30 feet.
2. Waiver of the secondary access requirement.

Design Waiver 1: Access easement width from 60 feet to 30 feet.

The access to the proposed parcels would be via through the existing driveway that would be widened to 20 foot consistent with the Fire Safe Regulation minimum standards. The 60 foot wide access easement width would no be required. No additional development along the access road would be likely that would require an additional easement. The Department of Transportation has reviewed the Design Waiver request and has recommended approval.

Design Waiver 2: Creation of a Lot exceeding the 3:1 lot width ratio.

Parcel 2 would be an L shaped lot in order to avoid the existing residence and accessory structures. The proposed lot would exceed the 3:1 lot width ratio required by the Design and Improvement Standards Manual. The applicant has demonstrated that the proposed lot could comply with the required 30 foot setback requirements and provide for adequate buildable areas on the site. The proposed lot would meet all the Development Standards requirements of the RE-5 Zone District. Planning Services has reviewed the Design Waiver request and has recommended approval.

The proposed Design Waivers would not result in any inconsistencies with applicable County policies and appropriate agencies have reviewed recommended approval. Findings of approval have been included in Attachment 2 of the staff report.

## **ENVIRONMENTAL REVIEW**

Staff has reviewed a Mitigated Negative Declaration (Exhibit F) prepared by Planning Services staff. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

Mitigation Measures: Based on the Biological Resources Study performed on the project site, Mitigation Measures have been included to prevent impacts to biological resources on-site. The Biological Resources Study and Site Assessment performed by Foothill Associates dated May 2007 identified potential nesting habitat for birds protected by state and federal regulations. Mitigation Measures would be included requiring a pre-construction survey prior to any construction activities on the project site.

An Elderberry bush was located on-site which is suitable habitat for protected insect species. Mitigation Measures have been included which require protective measures to be implemented to protect the plant during project construction.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

## **RECOMMENDATION**

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in
3. Approve P07-0026/ S07-0030 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the conditions itemized in Attachment 1; and
4. Approval the requested Design Waivers as the required findings can be made as noted in Attachment 2.

### **SUPPORT INFORMATION**

#### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings of Approval
Exhibit A .....	Vicinity Map/ APN Page
Exhibit B .....	APN Page
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E.....	Tentative Parcel Map
Exhibit F .....	Environmental Checklist/ Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**File Number P07-0026/ S07-0030  
Zoning Administrator  
Hearing Date: August 6, 2008**

### **PROJECT DESCRIPTION:**

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit E (tentative parcel map) dated July 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 Parcel Map will allow the creation of two (2), five-acre lots. Both parcels will be served by private well and on-site septic wastewater systems.

The Special Use Permit will allow the existing gate to remain across the proposed access road.

The project would be served by EID public water and on-site septic systems.

Two design waivers will be allowed for the following:

- a. Reduction in the on-site access easement width from 60 feet to 30 feet.
- b. Allow the creation of a lot exceeding the 3:1 lot width ratio.

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.

### **II. CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:**

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



2. Prior to the issuance of any permit, the following Mitigation Measures shall be implemented to protect elderberry bushes on-site:
  - a. Fence and flag all areas to be avoided. Provide a minimum setback of twenty (20) feet from the drip line of each elderberry plant, surrounded by a 100-foot buffer.
  - b. The contractors for the project shall be advised by the applicant on the need to avoid damaging the elderberry plants and the penalties for not complying with these regulations.
  - c. The applicant shall require the contractors to put up signs every fifty (50) feet along the edge of the avoidance areas with the following information: "This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species and must not be disturbed. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly visible from a distance of twenty (20) feet during duration of construction.
  - d. Applicant is to instruct construction crews about the status of the Beetle and the need to protect its elderberry host plant.
  - e. Transplant elderberry plants that cannot be avoided. Planning Services shall inspect the project site for the location of elderberry plants which shall be impacted due to construction.
  - f. Plant additional elderberry plant seedlings or cuttings, adjacent to the native species; outside the proposed development areas.

**MONITORING:** Planning Services shall review the required protection measures including replanting and transplantation on all construction/grading/improvement plans and verify implementation of the measures on-site prior to issuance of any permit (MM BIO-1).

3. Prior to any construction activities during the nesting season of any birds protected by State and Federal agencies (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within five-hundred (500) feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit.

**MONITORING:** The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure (MM BIO-2).

## CONDITIONS OF APPROVAL

### Planning Services:

4. 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 fifty (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.
5. 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.
6. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
7. 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 at the time of filing the parcel map.
8. The applicant shall provide a meter award letter from the El Dorado Irrigation District to Planning Services prior to filing of the parcel map.
9. A 100 foot non-building setback shall be required around the pond on Parcel 1. The setback shall be shown on the parcel map.
10. All on-site slopes exceeding 30 percent shall be designated as non-buildable areas and shall be filed with the map on an informational sheet, as approved by staff prior to filing.
11. All Planning Services fees shall be paid prior to filing of the parcel map.
12. The parcel map shall expire within three years unless a time extension is submitted prior to the expiration.
13. The applicant shall pay the required Fish and Game filing fee and recording fee. No permits shall be issued until proof of payment is submitted to Planning Services.

14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

## **Department of Transportation**

### ***Project Specific Conditions***

15. The applicant shall grant a 60-foot road and public utility easement (R & PUE) where Salmon Falls Road is located within the property boundaries prior to the recordation of the parcel map. This offer will be accepted by the County.
16. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Salmon Falls Road, prior to the filing the parcel map.
17. Because the on-site access is serving 2 lots, it shall be considered a roadway. The roadway shall be constructed per El Dorado County Design and Improvements Manual (DISM) 101C with 20 foot roadway and 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 filing the parcel map.
18. A turnaround per DISM 114 or approved equivalent to the satisfaction of DOT and the fire department shall be provided at the end of the roadway prior to the filing the parcel map.
19. The applicant shall obtain an encroachment permit for the roadway serving lots 1 and 2 and shall construct said encroachment per DISM Standard Plan 103C prior to the filing the parcel map.
20. The applicant shall provide a 30-foot roadway and public utilities easement along the roadway serving lots 1 and 2, prior to the filing the parcel map.
21. 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.

22. 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 off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the off-site 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.

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.

### ***Standard Conditions of Approval***

23. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to the recordation of the Parcel Map.
24. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.
25. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing

- and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
26. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
  27. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
  28. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
  29. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
  30. 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.
  31. 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.
  32. 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.
  33. 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.
  34. 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.

35. 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, 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.
36. 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.
37. 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 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
38. Projects that disturb 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

#### **El Dorado Hills Fire Department**

39. All future residential development shall install fire sprinklers pursuant to NFPA 13D, 2007 edition standards. The Department shall review and approve the system prior to issuance of a building permit.
40. The minimum road width for the access road shall be 20 feet. The Department shall review and approve the road width prior to issuance of a grading permit.
41. The applicant shall prepare and implement a Wild Land Fire Safety Plan. The Department shall review and approve the plan prior to filing the parcel map.

#### **Air Quality Management District**

42. The applicant shall submit and pay appropriate fees for an Asbestos Dust Mitigation Plan (ADMP). The District shall review and approve the ADMP prior to issuance of a grading permit.
43. The applicant shall adhere to all District rules during project construction.

**County Surveyor**

44. All survey monuments must be set prior to the filing of the parcel map.
45. 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.
46. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions place on the map. The letter will state that “all conditions placed on P07-0026” by that agency have been met. The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

## ATTACHMENT 2

### FINDINGS

**File Number P07-0026/ S07-0030**

**Zoning Administrator**

**Hearing Date: August 6, 2008**

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 pursuant to *Section 66472.1 of the California Government Code*:

#### **FINDINGS FOR APPROVAL**

##### **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 this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources category. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 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 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 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 Low Density Residential (MDR) which establishes a minimum parcel size of five-acres. The project will create two (2), five-acre parcels. The project meets the minimum parcel size within the LDR 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. Implementation of the mitigation measures would reduce potential impacts to biological resources as established by the General Plan.

### **3.0 Zoning Findings**

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

The project is zoned Estate Residential Five-acre (RE-5) which establishes a minimum parcel size of five-acres. The project will create two (2), five-acre parcels which is consistent within the RE-5 Zone District. The project will be consistent with the development standards of the RE-5 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 Hills Fire Department 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-5 Zone District.

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

As determined through a Cultural Resource Study and staff analysis, the project site does not contain any natural resources that will be significantly impacted through the proposed residential development of the project.

Adequate developable areas exist on the parcel that will allow for residential development consistent within the Low Density Residential Land Use Designation and the Estate Residential Five-acre (RE-5) Zoning District.

The project site contains slopes exceeding 30%, riparian areas, and 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. Mitigation Measures have been included which will require pre-construction surveys and protective measures to minimize the impacts to biological resources on the site.

**4.3 The design of the division or the proposed improvements are not 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 Mitigated Negative Declaration prepared by staff. Implementation of the Mitigation Measures will require pre-construction surveys to avoid impacts to sensitive species and protective measures to avoid short term and long term impacts to sensitive plant species.

**5.0 Special Use Permit Findings**

**5.1 The issuance of the permit is consistent with the general plan;**

The Special Use Permit to allow the existing gate to remain will not impair emergency access to the project site. The El Dorado Hills Fire Department and the Department of Transportation have determined that the existing gate will be consistent with the Fire Safe Regulations and the County Design Manual.

**5.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and**

Approval of the Special Use Permit will not result in any hazards to public health, safety and welfare. Adequate emergency access will be provided for the project.

**5.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

Section 17.28.200 of the Zoning Ordinance requires that roads and public easements be unobstructed. The proposed Special Use Permit will allow an existing gate to remain. As reviewed by the Department of Transportation and the El Dorado Hills Fire Department, the gate will not obstruct emergency access or pose a hazard to the general public.

**6.0 Design Waiver Findings**

- a. Reduction in the on-site access easement width from 60 feet to 30 feet.
- b. Allow the creation of a lot exceeding the 3:1 lot width ratio.

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

- 6.1a** The required 20 foot wide road can be accommodated within the reduced road easement. No future development will occur along the access road.
- 6.1b** The proposed lot configuration will allow for future development of parcel 2 consistent with applicable Zoning Ordinance requirements and General Plan policies.
- 6.2** **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**
- 6.2a** The additional road easement will not be necessary and will impair future development of the site.
- 6.2b** The Design Waiver will allow the existing residential structures to remain. Adherence to the Design Manual requirements will require the demolition of the structures.
- 6.3** **The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**
- 6.3a** The on-site access road will meet Fire Safe Regulations and the Department of Transportation. The reduced road easement will not create hazards to health, safety and welfare of the public.
- 6.3b** The lot width ratio Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public.
- 6.4** **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.**
- 6.4a** The reduced right of way width will not create inconsistencies with the Fire Safe Regulations or the County Design Manual. The reduced right of way width will accommodate a 20 foot wide road as required by the Fire Safe Regulations and the Design Manual.
- 6.4b** The 3:1 lot width ratio will create parcels that will be consistent with the Development Standard of the RE-5 zone and will meet the required setbacks of the Fire Safe Regulations.