

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



**Agenda of:** September 17, 2008  
**Item No.:** 4.b.  
**Staff:** Pat Kelly

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P07-0034

**OWNER:** Stephen J. Chaput

**APPLICANT:** Stephen J. Chaput

**ENGINEER:** Gene E. Thorne and Associates, Inc.

**REQUEST:** A Parcel Map creating two parcels of 5.16 and 5.33 acres in size on a 10.49 acre site. Four Design Waivers have been requested to allow: a) the use of Design and Improvement Standard Manual (DISM) Standard Drawing 101C with specifications determined by the 1-150 average daily trip category (overall roadway width of 20-feet, consisting of an 18-foot travel surface with 1-foot shoulders on each side; b) the right-of-way for Estates Drive to remain at 50-feet in width, rather than 60 foot as originally required; c) the creation of parcels with a length in excess of three times the width; d) the on-site Estates Drive roadway centerline to be off-center of the right-of-way centerline.

**LOCATION:** On the west side of Salmon Falls Road approximately 4 miles north of the intersection with El Dorado Hills Boulevard. and Green Valley Road in the El Dorado Hills area, Supervisorial District IV. (Exhibit A)

**APN:** 104-210-02 (Exhibit B)

**ACREAGE:** 10.49 acres

**GENERAL PLAN:** Low-Density Residential (LDR) (Exhibit C)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**BACKGROUND:** The subject parcel was created from a four parcel Parcel Map (PM 7-139) which was recorded May 16, 1975. The subject Tentative Parcel Map application was submitted on July 10, 2007 and was deemed complete on August 7, 2007.

**STAFF ANALYSIS**

**Project Description:** A Tentative Parcel Map to create two parcels to be 5.16 and 5.33 acres in size on a 10.49-acre site. The two proposed residential parcels would have individual septic systems and well water serving each home. The two proposed parcels would utilize Hidden Bridge Drive and Estates Drive, which are not County maintained, as the primary access roads. The applicant would be required to provide off-site road improvements on Hidden Bridge Road and Estates Drive and on-site road improvements on Estates Drive including a turn-around at the southern end of Estates Road to be constructed to the required DISM and fire safe standards.

**Site Description:** The project site is undeveloped and is bound by undeveloped land and rural residential housing to the north, south and west. Salmon Falls Road is adjacent to the easterly boundary line of the project site. The elevation of the project site ranges from 530 to 655-feet above sea level. The project site is comprised of gabbroic mixed chaparral and contains one intermittent channel and two ephemeral channels. The property slopes downward from the west to east at 0 to over 40 percent slopes. Seventy-eight percent of the project site is sloped less than 30 percent. The project site contains one soil type, Rescue extremely stony sandy loam, (RgE2), 3-50 percent slopes. Included are small areas of Metamorphic rock land and Serpentine rock land.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE-5	LDR	Undeveloped
<b>North</b>	R3A	MDR	Residential, single-family dwellings
<b>South</b>	RE-5	LDR	Residential, single-family dwellings
<b>East</b>	R3A	MDR	Residential, single-family dwelling
<b>West</b>	RE-5	LDR	Residential, single-family dwelling

**Project Issues:** Discussion items for this project include land use and zone compatibility, road improvements, water and sewer improvements, fire safety, existing site design for grading and improvements, and available public services.

**Water System Improvements and Fire Safety:** The two parcels would be located in the El Dorado Irrigation District (EID) service area, however, there are no facilities currently located at the existing project site. The proposed parcels would be required to comply with the required fire flow needed for fire protection as determined by the El Dorado Hills Fire Department. Pursuant to the Fire

Department, these standards would include the installation of a fire sprinkler system pursuant to NFPA 13D, 2007 Edition for residential units. The driveways serving the residential units would be designed to the California Fire Safe Regulations minimum standards which allow a maximum of a 20 percent grade with a minimum vertical clearance of 15-feet and a width of 12-feet. The proposed development would be conditioned to develop, implement, and maintain a Wildfire Safe Plan that would be approved according to the California Fire Safe Regulations.

**Public Services:** There are a number of public amenities in the form of public parks and recreational opportunities within the County, and many are close to the area such as Folsom State Recreation Area which allows water recreational uses and provides camping and recreational day use facilities. This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands.

**Water and Sewer:** The two proposed residential parcels would have individual septic systems and well water serving each home. Permits for septic systems and wells would be issued by the El Dorado County Department of Environmental Management, and under the regulations of the Regional Water Quality Control Board. Septic systems designed and installed on-site would be required to comply with State and County Standards. Electric power would be available on the project site.

The project would not be requiring El Dorado Irrigation District services.

**Access:** There would be two proposed parcels and one existing parcel (not part of the project) that would utilize Estates Drive, which is not County maintained, as the primary access road. The Department of Transportation would require width and surface improvements to the access road. A turn-around on the access roadway would be constructed to the provisions of DISM Standard Plan 114 or per fire safe standards. The improvements would be substantially completed, to the approval of DOT or the applicant would be required to obtain an approved improvement agreement with security, prior to the filing of the Parcel Map. The project has been conditioned to comply with El Dorado County Department of Transportation (DOT) and El Dorado Hills Fire Department requirements.

**Request for Design Waiver:** Four Design Waivers have been requested to allow: a) the use of DISM Standard Drawing 101C with specifications determined by the 1-150 average daily trip category (overall roadway width if 20-feet, consisting of an 18-foot travel surface with 1-foot shoulders on each side; b) the right-of-way for Estates Drive to remain at 50-feet in width; c) the creation of parcels with a length in excess of three times the width; d) the on-site Estates Drive roadway centerline to be off-center of the right-of-way centerline. DOT supports the approval of the use of Standard Drawing 101C which prescribes a 50-foot right-of-way, an 18-foot driving surface and 1-foot shoulders for a roadway impacted by 1-150 ADTs. DOT supports the approval to allow the proposed on-site Estates Drive roadway centerline to be off-center of the existing right-of-way centerline due to two power poles within the right-of-way that would constrain the location of the proposed road improvements with regard to the centerline of the right-of-way. Planning Services staff supports approval of the proposed 5.33 acre parcel, shown as Parcel B on the Tentative Parcel Map, being a width of depth ratio 4.8 to 1 using a weighted average. The average width would be approximately 223-feet and the general shape would be rectangular. Given the shape of the parent

parcel and the access considerations no other options would be available for the proposed Tentative Parcel Map. The proposed Parcel B may not comply with the lot width requirement provided in Volume II of the DISM, however, the minimum parcel size requirement has been complied with and all other zoning district provisions have been complied with. Therefore, due to site constraints, the Design Waivers can be recommended for approval.

**General Plan:** The General Plan designates the subject site as Low-Density Residential (LDR), which permits an allowable density of one dwelling unit per five acres, parcel sizes from five to ten acres, and establishes areas for single-family residences in a rural environment. The two proposed parcels 5.16 and 5.33 acres in size would conform to the General Plan land use designation. The following General Plan policies apply to this project:

**Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. The two new parcels would be in keeping with the General Plan intended development pattern expected in lands designated as Low Density Residential (LDR) and would be consistent with the dominant pattern of parcel development for the areas to the west and south.

**Policy 5.7.2.1** directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development. The project would be required to comply with the required minimum fire flow requirements of the El Dorado Hills Fire Department which would be reviewed and approved by the Department prior to filing the Parcel Map.

**Policy 6.2.3.2** directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. As conditioned, and discussed under *Access* in the Project Issues section, the project would comply with the intent of this policy.

**Policy 7.3.3.4** requires development projects to be set back at a minimum of 100 feet from all perennial streams, rivers, lakes and 50 feet from intermittent streams and wetlands. The site contains one intermittent channel and two ephemeral channels, which are potential waters of the U.S. The project does not propose impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The Tentative Parcel Map has been designed to observe the 50-foot required setback from the intermittent channel. Best Management Practices (BMPs) would be designed during the grading and improvement phase to limit the potential of surface run-off pre- and post-construction to comply with County and Regional Water Quality Control Board (RWQCB) standards. All grading, drainage and construction activities associated with this project, including those necessary to prepare and develop the off-site and on-site road access and turn-around, would be required to implement proper BMPs.

**Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards. No trees are proposed to be removed as part of this project proposal. The turn-around and road improvements would not require oak tree removal and the improvements are not anticipated to impact the adjacent oak trees.

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

**Zoning:** The subject site is zoned Estate Residential Five-acre (RE-5) Zone District. Included below is an analysis of the Development Standards of the RE-5 Zone District pursuant to Section 17.28.210 of the Zoning Ordinance.

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

The two proposed parcels 5.16 and 5.33 acres in size would be consistent with the requirements of the RE-5 Zone District.

**B. No maximum building coverage;**

No development is proposed in conjunction with the project.

**C. Minimum lot width of 100 feet;**

The average lot width for the proposed parcels would be approximately 260 feet which would be consistent with this requirement.

**D Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increase one foot for each additional foot of building height in excess of twenty-five feet;**

As shown on the Tentative Parcel Map, the front, side, and rear setback for each building would be a minimum of 30 feet.

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

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

**F. Maximum building height, forty-five feet;**

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

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

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

**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.**

The project would be located within an established single-family residential neighborhood and all adjacent parcels are designated for single-family residential development. The project would not be adjacent to planned agricultural zone lands.

Conclusion: As discussed above, staff finds that the project can be found to conform with the intent of the El Dorado County Code.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could not have a significant effect on biological and cultural resources. Therefore, a negative declaration has been prepared.

This project is 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 \$1,876.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.50.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff; and,
2. Approve the Tentative Parcel Map P07-0034 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Zoning Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Assessor's Map
Exhibit E .....	Parent Parcel Map 7-139
Exhibit F .....	Tentative Parcel Map, dated April, 2008
Exhibit G .....	Slope Map
Exhibit H .....	Oak Canopy Preservation Plan
Exhibit I .....	Aerial Photo
Exhibit J .....	Preliminary Grading & Drainage Plan
Exhibit K .....	Initial Study/Environmental Checklist, Draft Negative Declaration

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **Tentative Parcel Map** **File Number P07-0034/Stephen Chaput** **September 3, 2008, Zoning Administrator Hearing**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit F (Tentative Parcel Map) dated September 17, 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:

A Tentative Parcel Map creating two parcels being 5.16 and 5.33 acres in size on a 10.49-acre site. The two proposed residential parcels shall have individual septic systems and well water serving each home. The two proposed parcels shall utilize Hidden Bridge Drive and Estates Drive as the primary access roads. A turn-around at the southern end of the on-site portion of Estates Road shall be constructed to the required fire safe standards.

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.

### **Planning Services Site Specific and Standard Conditions**

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 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.



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. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
4. Prior to filing of the Parcel Map, Planning Services shall verify that all Development Services fees shall be paid.
5. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. Planning Services shall verify that required fees have been paid prior to filing the Parcel Map.
6. 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. Planning Services shall verify that fees shall be paid at the time of filing the Parcel Map.
7. 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 shall cooperate fully in the defense.

8. The Tentative Parcel Map shall expire in 36 months from date of approval unless a timely extension has been filed.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 California Department of Fish 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.

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

10. The applicant shall be required to comply with the Fire District requirements prior to filing

of the Parcel Map, which includes but are not limited to the following:

- a. Any roadway shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
- b. The applicant shall provide a turn around at the southerly end of the on-site portion of Estates Drive according to California Fire Safe Regulations or provisions of DISM Standard Plan 114.
- c. The minimum ingress and egress dimensions for emergency response vehicles are 20-feet wide by 15-feet tall with an all weather surface.
- d. The gate located on Estates Drive and Salmon Falls Road may remain in place as long as it is never closed. If the gate is ever found closed, the Zee Estates Home Owners Association shall be cited for having a gate that that does not comply with the emergency gate standard as set forth by the El Dorado Hills Fire Department.
- e. The driveways serving the residences on this project site shall be designed to the California Fire safe Regulations minimum standards. These are a maximum of 20 percent grade with a minimum vertical clearance of 15-feet and width of 12-feet.
- f. This development shall be conditioned to develop, implement, and maintain a Wildland Fire Safe Plan that is approved according to the California Fire Safe Regulations.

### **El Dorado County Department of Transportation**

11. The applicant shall verify or improve Hidden Bridge Road to an 18-foot road width with 2-foot shoulders from Salmon Falls Road to Estates Drive per the El Dorado County Design and Improvements Design Manual (DISM) Standard Plan 101C. The improvements shall be substantially completed to the approval of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
12. The on-site portion of Estates Drive shall be constructed per the DISM, Standard Plan 101C, 18-foot roadway with 1-foot shoulders. The improvements shall be substantially completed to the approval of DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
13. The off-site portion of Estates Drive north of this site to Hidden Bridges Drive shall be constructed to a width of a 18-foot roadway with 1-foot shoulders on each side of the roadway according to DISM Standard Plan 101C. The improvements shall be substantially

completed to the approval of DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.

14. The applicant shall provide a turn-around at the southern end of the on-site portion of Estates Drive to the provisions of DISM Standard Plan 114 or per fire safe standards. The improvements shall be substantially completed, to the approval of DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
15. Drainage easements shall be provided. The drainage easements should comply with the 100 years event flow line or the easement mentioned in the drainage manual section 1.8.2 whichever is greater in amount prior to the filing of the Parcel map
16. 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 the filing of the Parcel Map.
17. The applicant shall construct encroachment from Estates Drive onto Hidden Bridge Drive to the provisions of DISM Standard Plan 103C. The improvements shall be substantially completed to the approval of DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
18. The applicant shall construct (or verify) the encroachment from Hidden Bridge Drive to Salmon Falls to the provisions of DISM Standard Plan 103C, prior to the filing of the Parcel Map.
19. The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site portion of Estates Drive, with the filing of the Parcel Map.
20. 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 Hidden Bridge Drive, prior to the filing of 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. If the subdivider is required to perform off-site improvements and it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or

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

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

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.

#### **Department of Transportation Standard Conditions**

23. 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.
24. 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 filing of the Parcel Map.
25. 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.
26. 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.

27. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
28. 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.
29. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, the applicant 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.
30. 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.
31. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**El Dorado County Office of the County Surveyor**

32. All survey monuments must be set prior to filing the Parcel Map.
33. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access from Estates Drive where it leaves applicants property and encroaches on neighboring parcel to a State or County Maintained Road as defined in 16.44.120(B)(2).
34. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

**Department of Environmental Management– Air Quality Management District:**

35. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

36. The applicant shall provide proof that each parcel shall have a safe and reliable water source prior to filing the Parcel Map. Individual wells shall comply with the requirements necessary for construction permits.

# **ATTACHMENT 2 FINDINGS**

**FILE NUMBER P07-0034  
September 3, 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:

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA Findings**

- 1.1 The Zoning Administrator has considered the Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Zoning Administrator finds that through feasible conditions placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services Department at 2850 Fairlane Court, Placerville, CA.

### **2.0 General Plan Consistency Findings**

- 2.1 The proposed Tentative Parcel Map, as conditioned, is consistent with the Low Density Residential General Plan land use designation for parcel size, density and land use.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies, 2.2.5.21 (incompatibility with land uses), 5.7.2.1 (fire protection), 6.2.3.2 (adequate access), 7.3.3.4 (setbacks for streams and wetlands) and 7.4.4.4 (oak tree protection), because there are adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity and wildfire hazards have been addressed. Native oak tree canopy will not be impacted with the project.

### **3.0 Zoning Findings**

- 3.1 The project is zoned Estate Residential Five-acre (RE-5) which establishes a minimum parcel size of five acres. The project would create two parcels being 5.16 to 5.33-acres in size which is consistent within the RE-5 zone district. The proposed parcels conform to

existing zoning. The Design Waiver will allow both parcels to comply with the development standards in Section 17.28.210.

#### **4.0 Tentative Map Findings**

**4.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance.** As proposed, the Tentative Parcel Map conforms to the development standards within the Estate Residential Five-acre (RE-5) zone district and Minor Land Division Ordinance.

**4.2 The site is physically suitable for the proposed type and density of development.** The project was designed in a manner which avoids significant disturbance of slopes in excess of 30 percent, excessive grading and oak tree canopy removal.

**4.3 The proposed tentative map is not likely to cause substantial environmental damage.** The proposed Tentative Parcel Map is not likely to cause substantial environmental damage as determined in the prepared environmental document.

#### **5.0 Design Waiver Findings**

**5.1. Request to allow the use of Standard Drawing 101C with specifications determined by the 1-150 average daily trip category (overall roadway width if 20-feet, consisting of an 18-foot travel surface with 1-foot shoulders on each side.**

*5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The Department of Transportation (DOT) and El Dorado Hills Fire Department have reviewed the project and confirmed that the proposed access and on-site road improvements are adequate for the development pursuant to the Conditions of Approval in Attachment 1.

*5.1.2 Strict application of the design or improvement requirements will cause extraordinary and unnecessary hardship in developing the property.* The DISM required road width imposed unnecessary risk for having to relocate the existing power poles, located within the right-of-way, at significant and unreasonable expense. Reducing the width, allows a safe path of travel, while allowing the existing power poles to remain.

*5.1.3 It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The Design Waiver complies with the applicable road standard. The waiver will not be injurious to adjacent properties or detrimental to the health, safety, and convenience and welfare of the public. The proposed project improvements will greatly benefit adjacent properties and public safety, convenience and welfare by greatly improving access for residents, guests and emergency personnel.



5.1.4 *It can be found that this waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of the County Code or any of the other applicable ordinances discussed within the staff report.

**5.2 Allow the existing 50-foot right-of-way for Estates Drive to remain 50-feet in width.**

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The DOT reviewed the requested Design Waiver and supports the request because the DISM and revisions to the Standard Drawing 101C allow for a 50-foot right-of-way on local roads with low traffic volumes such as this project.

5.2.2 *Strict application of the design or improvement requirements will cause extraordinary and unnecessary hardship in developing the property.* Requiring additional right-of-way imposes hardship for the completion of this project. The feasible building areas on the proposed parcels are constrained by rare plant areas, drainage channels, and required septic disposal areas.

5.2.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As described above, the proposed road will comply with the DISM for right-of-way width and pavement width based on traffic volumes. The project will create two single-family residential parcels using Estates Drive for access.

5.2.4 *It can be found that this waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of the County Code or any of the other applicable ordinances discussed within the staff report.

**5.3 Request to allow the creation of one parcel with a length in excess of three times the width.**

5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The shape of the project parent parcel dictates to a large degree the shape of the proposed parcels. The project provides that both parcels have a logical dividing point from Estes Drive to Salmon Falls Road that keeps both parcels slightly over 5-acres in size and in a generally rectangular shape. Due to the projection of the western area of the 5.33-acre parcel there is simply no way to improve upon the width to depth ration of this parcel. The 5.33-acre parcel provides the necessary setbacks, access, and disposal area with an average width a little more than twice the minimum required for the zoning classification (100-feet).

- 5.3.2 *Strict application of the design or improvement requirements will cause extraordinary and unnecessary hardship in developing the property.* As discussed above, to not allow the current parcel configuration is to eliminate all options for utilizing this parcel according to its zoning and land use designation.
- 5.3.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The 5.33-acre parcel averages more than two times the required width of its zoning classification and its minimum width is at least 50 percent more than the minimum. The waiver is not injurious to adjacent property or the overall public welfare.
- 5.3.4 *It can be found that this waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of the County Code or any of the other applicable ordinances discussed within the staff report.
- 5.4 Request to allow the proposed on-site Estates Drive roadway centerline to be off-center of the existing right-of-way centerline.**
- 5.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The DOT reviewed the requested Design Waiver and supports the request provided the roadway and shoulder will remain within the easement. The existing power poles located within the right-of-way located at the approximate midpoint of the two curves that form the western boundary of the proposed 5.16-acre parcel allows room for roadside ditches and the catchline beyond. Per the current preliminary grading design the grading is contained within the right-of-way
- 5.4.2 *Strict application of the design or improvement requirements will cause extraordinary and unnecessary hardship in developing the property.* Forcing the applicant to construct the road coincident with the existing right-of-way centerline imposes unnecessary risk for having to relocate the existing power poles. Such power pole relocation is a very significant and unreasonable expense in light of the small deviation from right-of-way centerline requested.
- 5.4.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The DOT reviewed the requested Design Waiver and supports the request as discussed above. The El Dorado Hills Fire Department reviewed the requested Design Waiver and supports the request because the Fire Department has required, as a condition of approval, for the applicant to provide a Fire Safe Plan. The Fire Department determined that allowing the roadway to be off-center of the right-of-way will not contribute to additional risk of fire or protection of the property.
- 5.4.4 *It can be found that this waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested Design Waiver will not hinder the County's implementation of the

Subdivision Map Act as outlined in Article II of Chapter 16 of the County Code or any of the other applicable ordinances discussed within the staff report.