

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



Agenda of: March 18, 2009
Item No.: 4.a.
Staff: Tom Dougherty

TENTATIVE PARCEL MAP

FILE NUMBER: P08-0034/Neu

APPLICANT: Wendy J. Cirimele, Dennis J. and Carolyn L. Neu

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: Tentative Parcel Map creating two parcels, 20.88 acres and 20.89 acres in size, from a 41.76 acre site. A request has been made to allow administrative relief to reduce the required 200-foot agricultural setback to 145 feet. Design Waivers have been requested for the following:

- 1) Allow a 30-foot right-of-way width for the proposed access road;
- 2) Allow less than a 100-foot tangent between the reversed curves of the proposed access road;
- 3) Allow the proposed access road centerline to be non-coincident with the proposed right-of-way centerline; and
- 4) Allow an overall road width of 20-feet for the proposed access road (18-foot travel surface with 1-foot shoulders per Standard Plan 101C).

LOCATION: South Side of Fruitridge Road approximately 500 feet west of the intersection with Hassler Road in the Camino Area, Supervisorial District III. (Exhibit A).

APN: 048-050-19 (administrative) and 048-050-27 (administrative) (Exhibit B)

PARCEL SIZE: 41.76 acres

GENERAL PLAN: Agricultural Lands – Agricultural District Overlay (AL/A) (Exhibit C)

ZONING: Select Agricultural Ten-Acre (SA-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT:

Negative Declaration

RECOMMENDATION:

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Tentative Parcel Map P08-0034 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
3. Approve the following Design Waivers as the required findings have been made as noted in Attachment 3:
 - a) Allow a 30-foot right-of-way width for the proposed access road;
 - b) Allow less than a 100-foot tangent between the reversed curves of the proposed access road;
 - c) Allow the proposed access road centerline to be non-coincident with the proposed right-of-way centerline.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the Tentative Parcel Map request and issues for Zoning Administrator consideration are provided in the following sections:

Project Description: The Tentative Parcel Map would create two parcels, 20.88 acres and 20.89 acres in size, from a 41.76 acre site (see Exhibit F). A request has been made to allow administrative relief to reduce the required 200-foot agricultural setback to 145 feet for the existing single family dwelling on proposed Parcel 1. Four Design Waivers have been requested for the following: 1) Allow a 30-foot right-of-way width for the proposed access road; 2) Allow less than a 100-foot tangent between the reversed curves of the proposed access road; 3) Allow the proposed access road centerline to be non-coincident with the proposed right-of-way centerline; and 4) Allow an overall road width of 20 feet for the proposed access road (18-foot travel surface with 1-foot shoulders per Standard Plan 101C). The applicant proposes to abandon the southerly portion of an existing road and public utility easement located on proposed Parcel 1. No residential development would be a result of this parcel map.

Site Description: The project site consists of 41.76 acres and is located in the Camino area at an approximate elevation of 2,440 to 2,640 feet above mean sea level. The parcel contains an existing single family residence with associated hardscape and landscape features and a Christmas tree farm with accessory structure. The existing residence currently takes access off of Fruitridge Road via Frosty Fir Drive. The primary on-site biological communities include annual grasses, ponderosa pine, and montaine hardwood conifer. White Rock Creek bisects the property in the southeastern corner. Oak woodland canopy currently covers approximately 7.52 acres (18 percent) of the project site. Project site soils consist of Argonaut loam (AoB) 0 to 5 percent slopes, Cohasset cobbly loam (CoC) 3 to 15 percent slopes, Cohasset cobbly loam (CoE) 15 to 50 percent slopes, and Iron Mountain very rocky sandy loam (ImE) 3 to 50 percent slopes. Lava cap formations exist at the

northeast corner of the project site. The site contains slopes in excess of 40 percent.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	SA-10	AL-A*	Single-Family Residential, Christmas Tree Farm
North	RE-5/AE	AL-A	Single-Family Residential, Lava Cap Winery
South	SA-10	AL-A	Single-Family Residential/Agriculture
East	R2A	AL-A	Single-Family Residential
West	SA-10	AL-A	Single-Family Residential

*-A refers to Agricultural Districts Overlay

Discussion: The project vicinity is representative of agriculturally zoned lands with larger lot sizes as well as residential zoned lands with smaller lot sizes (see Exhibit D). All lands in the project vicinity are designated by the General Plan as Agricultural Lands (AL) with Agricultural District (-A) Land Use Overlay (see Exhibit C). The project parcel is bounded on the north and east by residential land uses on residentially zoned lands (RE-5 or R2A). Lava Cap Winery is located to the northeast of the project site across Fruitridge Road. Residential land uses on agriculturally zoned parcels exist to the south and west of the project site. Currently, the parcel to the west appears to have some agricultural pursuits occurring on-site (see Exhibit M).

General Plan: The project site is designated Agricultural Lands (AL) with an Agricultural District (-A) Land Use Overlay. **Policy 8.1.1.8**, which pertains to the land use overlay definition for AL, establishes lands of sufficient size to sustain agricultural use which possess one or more of the following characteristics: 1) currently under a Williamson Act or Farmland Security Zone Contract; 2) contain the characteristics of choice agricultural lands; or 3) under cultivation for commercial crop production or are identified as grazing land; and a) are located in the County’s Rural Region; or b) the County Department of Agriculture has determined that the land is well suited for agricultural production. Also, a maximum of two residential dwellings used to support the agricultural use are allowed.

Discussion: The project is not in a Williamson Act Contract but meets the other criteria as discussed below in the 2.2.2.2 section.

Land Use Designation Definitions: **Policy 2.2.2.2** directs that the A land use overlay identify the areas which contain the majority of the County’s federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as “choice” agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. These agricultural districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage the expansion of agricultural activities and production. Also, the minimum residential parcel size for lands containing choice agricultural soils shall be 20 acres, and ranch marketing is encouraged on lands engaged in agricultural production.

Discussion: The project would create two parcels both of 20 acres in size on parcels which contain “choice soils”. A Christmas tree farm currently exists on proposed parcel 1 and this land use would continue after the proposed parcel split. The proposed parcel sizes would allow for other agricultural pursuits and would conform to the requirements of the AL land use designation and the A land use overlay.

Land Use Compatibility: Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: Residential uses would be consistent and compatible with the intended development pattern in the immediate neighborhood.

Policy 5.7.1.1, Fire Protection Services, requires the applicant demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development, **Policy 6.2.2.2, Wildland Fire Hazards**, requires that the County preclude development in areas of high and very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection, and **Policy 6.2.3.2, Adequate Access for Emergencies**, requires 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.

Discussion: El Dorado Irrigation District would serve the site for domestic water and fire-flow from an existing ten - inch waterline in Fruitridge Road. On-site road improvements to the existing driveway (Frosty Fir Drive) are required for general and emergency access to the project. The Department of Transportation has reviewed the project and supports the proposed Parcel Map provided that the project meet the minimum standards for the County Design and Improvement Standards Manual (DISM) Standard Plan 101C with 20-foot roadway with one - foot shoulders for the on-site portion of the access road and improved encroachment from the proposed road (Frosty Fir Drive) onto Fruitridge Road to Standard Plan 101C. El Dorado County Fire Protection District and the California Department of Forestry and Fire Prevention (CalFire) have placed conditions on project approval, and the applicant has provided an approved Wildfire Fire Safe Plan addressing the emergency access issues for the project site. The project has been conditioned to conform to the Fire District and CalFire conditions of approval and the approved Wildfire Fire Safe Plan prior to filing the Parcel Map. Therefore, the project as conditioned would conform to the General Plan policies referenced above.

Development on Slopes That Exceed 30 percent: Policy 7.1.2.1 does not allow development on slopes greater than 30 percent unless required for project access. Proposed Parcel 2 contains limited slopes in excess of 30 percent.

Discussion: Due to project constraints including existing improvements on proposed Parcel 1, DISM requirements, and lot width requirements, the project access to the conceptual building pad on proposed Parcel 2 would require impacts to protected slopes; however, this impact has been determined to be necessary for access to proposed Parcel 2 and would therefore be consistent with General Plan Policy 7.1.2.1.

Wetlands: **Policy 7.3.3.4** requires buffers and special setbacks for the protection of riparian areas and wetlands.

Discussion: White Rock Creek bisects the southeast corner of proposed Parcel 1. Policy 7.3.3.4 requires a 100-foot setback from the top of bank of this perennial stream feature. No impacts are proposed within approximately 1,000 feet of White Rock Creek. Any future development would be required to conform to General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that policy. Therefore, the project as proposed would conform to General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that policy.

Oak Canopy Coverage: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: Oak woodland canopy currently covers approximately 7.52 acres (18 percent) of the project site. Under General Plan Policy 7.4.4.4, Option A, 90 percent of the existing canopy must be retained. As proposed, the project would retain 100 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A and the El Dorado County Oak Woodland Management Plan. Future residential development on either proposed parcel would be required to mitigate the loss of oak canopy in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

Ten-Acre Buffers: **Policy 8.1.3.1** requires agriculturally zoned lands including Williamson Act Contract properties to be buffered from increases in residential density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands.

Discussion: The project site is adjacent to agriculturally zoned parcels (SA-10) to the south/southwest. The project, as proposed, would result in parcels of 20 acres; therefore, the project as proposed would conform to the requirements of General Plan Policy 8.1.3.1.

Setback of 200 Feet Required for Incompatible Uses: **8.1.3.2** requires agriculturally incompatible uses adjacent to agriculturally zoned lands to provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate.

Discussion: The Interim Interpretive Guidelines for Policy 8.1.3.2, adopted June 22, 2006, defines residential structures as agriculturally incompatible uses, and outlines the requirements for administrative relief from the interim setback standards. The applicant has requested an administrative relief of the 200 foot requirement to reduce the required agricultural setback from the existing home on proposed Parcel 1 to the property line bisecting the proposed parcels to approximately 145 feet. The County Agricultural Commission reviewed the requested administrative relief of General Plan Policy 8.1.3.2 agricultural setback and approved the proposed reduced setback with the inclusion of a recorded *Agricultural Lands Disclosure Statement* for the setback area (see conditions of approval). Therefore, the project as proposed has been determined to conform to General Plan Policy 8.1.3.2 and the Interim Interpretive Guidelines for that policy.

Agricultural Commission Review for Compatibility With Surrounding Uses: **Policy 8.1.4.1** requires that the County Agricultural Commission shall review all discretionary development applications involving land zoned for or designated agricultural, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. The project was reviewed at the Agricultural

Commission meeting of January 14, 2009, where the Commission approved (with 5-0-1 vote) the proposed Parcel Map and the administrative reduction in agricultural setback as discussed in the 8.1.3.2 discussion above. The memo from the Commission that followed their meeting and summarized their comments is attached as Exhibit K.

Conclusion: It has been determined that the project is consistent with the applicable General Plan Policies as in the General Plan section above. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is located within the Select Agricultural Ten-Acre (SA-10) zone district. The proposed Parcel Map would create two parcels which are consistent with the development criteria identified with Section 17.36.260 of the Zoning Ordinance. The existing and proposed residential uses at the subject site are permitted by right under Section 17.36.230. Existing and future agricultural pursuits and accessory structures are also allowed by right under Section 17.36.230. Findings for Approval are provided in Attachment 2.

Design Waivers: Four Design Waivers from the DISM have been requested for the proposed project. Findings of Consistency for the proposed Design Waivers which would be approved with the project are provided in Attachment 2. The requested Design Waivers are as:

1. A request to allow a 30-foot right of way width for the proposed access road.

Discussion: It is not an option for the applicants to use the existing encroachment onto Fruitridge Road as receiving permission for the use of that easement is not currently obtainable from the parcel owner. A 20-foot easement already exists in the location of the proposed access road. Any easement over 30 feet would impose unnecessary setback problems on existing structures and natural features. Neither the El Dorado County Fire Protection District nor Calfire had any objection to this Design Waiver request.

DOT Response: The proposed right of way currently accommodates the proposed roadway and any future widening of the road. Therefore DOT is in support of this design waiver request.

2. A request to allow less than a 100-ft tangent between the reversed curves of the proposed access road.

Discussion: Neither the El Dorado County Fire Protection District nor Calfire had any objection to this Design Waiver request and it has been determined that allowing this Design Waiver would prevent unnecessary impacts to the existing natural features and structures.

DOT Response: DOT supports the reduction of a tangent less than 100-feet in length. The proposed tangent between reversed curves shall be to the approval of the Department of Transportation.

3. A request to allow the proposed access road to be non-coincident with the proposed off-site right of way centerline.

Discussion: Neither the El Dorado County Fire Protection District nor Calfire had any objection to this Design Waiver request. Requiring the proposed access road to be non-coincident with the proposed off-site right of way centerline would cause unnecessary negative impacts to the site's natural features and cause excessive grading.

DOT Response: DOT is in support of the Design Waiver.

4. A request to allow an overall road width of 20-feet (18-ft travel way and 1-foot shoulders) for the proposed access road.

DOT Response: A design waiver is not required for this request. The proposed roadway shall be improved to a 101C road standard which requires an 18-foot roadway with a 1-foot shoulder on either side. However, Cal Fire requires a 20-foot roadway in accordance with the 2007 California Fire Code which supersedes the DOT condition. Cal Fire requirements would be complied with, therefore a Design Waiver would not be required.

Discussion: There is an existing 20-foot easement through parcel 048-060-11 to the northeast of the project which would replace the existing Frosty Fir Drive entrance which has no easement. A 30-foot easement would fit within the existing natural and man-made obstacles and the neighbor has agreed to allow the expansion to that limit. All other feasible access routes were considered by the applicant and no other alternative would work. Cal Fire has included a Condition of Approval stating that the access road shall be a minimum road surface width of 20 feet per the California Fire Code unless increased road width is required by DOT (2007 California Fire Code, Appendix D).

Conclusion: Granting of the Design Waivers 1 through 3 would not be injurious to any of the affected property owners as they are all in agreement with the proposal. Upon fulfillment of the recommended conditions of approval, neither the El Dorado County Fire Protection District, Calfire, nor DOT have any outstanding concerns therefore, Design Waivers 1 through 3 could be approved as proposed.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (see Exhibit N) to assess project-related environmental impacts. Based on the Initial Study, it has been determined that there is not substantial evidence that the proposed project would have a significant effect on the environment. 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 \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 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.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2.....	Findings of Approval
Exhibit A	Vicinity map
Exhibit B	Assessor's Parcel Number (APN) map
Exhibit C	General Plan Land Use map
Exhibit D.....	Zoning map
Exhibit E1	Record of Survey 28-30
Exhibit E2	Record of Survey 9-29
Exhibit F	Proposed Tentative Parcel Map, February 10, 2008.
Exhibit G.....	Aerial Photo Exhibit with proposed tentative parcel map superimposed, September 10, 2008.
Exhibit H.....	Proposed Tentative Parcel Map with agricultural setbacks shown.
Exhibit I	Preliminary Grading and Drainage Plan, September 10, 2008
Exhibit J	Soils map
Exhibit K.....	Agricultural Commission Memo, January 21, 2009, (three pages).
Exhibit L	Agricultural Lands Disclosure Statement example, (two pages).
Exhibit M	Aerial photo showing vicinity
Exhibit N.....	Initial Study Environmental Checklist (CEQA)

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P08-0034/Neu Tentative Parcel Map

March 18, 2009 Zoning Administrator Hearing

CONDITIONS OF APPROVAL

Project Description

1. This tentative Parcel Map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit A through N dated March 18, 2009, 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 would constitute a violation of permit approval.

The project description is as follows:

The project would allow the creation of two parcels, 20.88 acres and 20.89 acres in size, from a 41.76 acre site. Both parcels shall be served by domestic water service meters and onsite septic wastewater systems. Access improvements shall include construction of the on-site roadway and the encroachment from the proposed road (Frosty Fir Drive) onto Fruitridge Road. Administrative relief is granted as conditioned below in Condition 11 to reduce the required 200-foot agricultural setback to 145 feet for the existing single family dwelling on Parcel 1. Parcel 1 will include the existing single family dwelling, Christmas tree farm and related parking lot. Design Waivers are granted for a) allowing a 30-foot right-of-way width for the proposed access road; b) allowing less than a 100-foot tangent between the reversed curves of the proposed access road; and c) allowing the proposed access road centerline to be non-coincident with the proposed right-of-way centerline.

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. Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.

3. A meter award letter or similar document to provide water service to each parcel by the El Dorado Irrigation District shall be submitted to Planning Services for review and approval prior to filing the Parcel Map.
4. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
5. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
6. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
7. The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
8. The applicant shall make the actual and full payment of Development Services Department processing fees for the tentative parcel map application prior to filing the parcel map.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
10. The applicant shall implement the approved *Neu/Cirimele Wildland Fire Safe Plan*, dated September 10, 2007, as approved by the El Dorado County Fire Protection District and California Department of Forestry and Fire Protection.
11. The applicant shall record an *Agricultural Lands Disclosure Statement*, (Exhibit L), that specifically identifies that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with having a non-compatible use/structure within the setback. A copy of the draft *Agricultural Lands*

Disclosure Statement shall be received and approved by Development Services, Planning Division prior to recordation and the subsequent recordation shall be done prior to filing the parcel map.

12. 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.

El Dorado County Department of Transportation

13. **Access Roadway:** Because the on-site access is serving two parcels, it shall be considered a roadway. The roadway shall be constructed per El Dorado County Design and Improvements Standard Manual (DISM) 101C with a minimum 20-foot road width with 1-foot shoulders on both sides and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the parcel map.
14. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100 feet on local roads provided the adjacent curves have a minimum radius of 200 feet or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line and Curve Table on the site plans prior to filing the parcel map.
15. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the proposed road onto Fruitridge Road to the provisions of DISM Standard Plan 103C. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the parcel map.
16. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate a 30-foot right-of-way along the proposed road as determined by El Dorado County Department of Transportation, prior to filing the parcel map. This offer will be rejected by the County.
17. **Turnaround:** The applicant shall provide a turn around on the proposed access roadway to the provisions of DISM Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall

obtain an approved improvement agreement with security, prior to the filing of the parcel map.

18. **Off-site Easements:** The applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of improvement plans.
19. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the Parcel Map.
20. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
21. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the Parcel Map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement
22. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shard or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
23. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Codes, and Restrictions (CC&Rs).
24. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
25. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
26. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map.

27. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Parcel Map.
28. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
29. **Grading Permit / Plan:** The applicant shall submit an on-site and off-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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to prior to filing the Parcel Map.
30. **Grading Plan Review:** Grading and improvement 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. 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.
31. **RCD Coordination:** 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.
32. **Drainage Study / SWMP Compliance:** 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.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the Parcel Map or the applicant shall obtain an approved improvement agreement with security.

33. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the parcel map.
34. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and/or on the parcel map.
35. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.
36. **Electronic Documentation:** 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. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building

permit is deemed complete.

El Dorado County Fire Protection District

38. Submit review fee to the District of \$120.00 prior to filing the Parcel Map.
39. Fire flow for this project is 1,000 gpm @ 20 psi for two hours. Provide documentation to the District from the El Dorado Irrigation District (EID), that the water system will meet fire flow requirements, prior to filing the parcel map.
40. A hydrant is required for this project. The hydrant must be no more than 500 feet from each parcel. Provide documentation to the District that the hydrant is in place, prior to filing the parcel map.
41. In place of the hydrant the applicant may use 3,000 gallons of water storage and a NFPA 13D home sprinkler systems in all structures built on each parcel. This will appear in the form of a deed restriction that would be reviewed and approved by the District prior to recordation and recordation shall occur prior to filing the Parcel Map.
42. El Dorado County DOT standards will be met at a minimum and will supersede Fire District minimum requirements.
43. The *New/Cirimile Wildland Fire Safe Plan* dated September 10, 2007 is approved and to be attached to the filed parcel map. Provide documentation to the District that this requirement has been met, prior to filing the parcel map.

California Department of Forestry and Fire Protection

44. Road shall be a minimum road surface width of 20 feet per the California Fire Code unless increased road width is required by DOT (2007 California Fire Code, Appendix D).
45. Road shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
46. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
47. All parcels 1 acre and larger shall provide a minimum 30 - foot setback for buildings and accessory buildings from all property lines and/or the center of the road.
48. More restrictive standards may be proposed by the local Fire Protection District or the County of El Dorado and should in no way be construed to be in conflict with the above recommendations.

County Surveyor's Office

49. All survey monuments shall be set prior to filing the Parcel Map.
50. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120 (B)(2).
51. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
52. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P08-0034 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

File Number P08-0034/Neu Tentative Parcel Map

March 18, 2009 Zoning Administrator Hearing

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The 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 documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation allows a maximum density of one (1) dwelling unit per one (1) acre and parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 2.2.5.3 (future rezoning), 5.3.1.2 (lots less than five-acres relying on septic systems), 5.3.1.7 (public wastewater facilities in Community Regions), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 7.1.2.1 (disturbance of slopes in excess of 30 percent), 7.4.4.4 (oak tree canopy retention and replacement), 8.1.3.1 (buffer agriculturally zoned lands), and 8.1.4.1 (Agricultural Commission review). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is to be zoned Select Agricultural (SA-10) which permits the proposed parcel sizes of 20.88 acres and 20.89 acres under Section 17.36.260(A).
- 3.2 The existing and proposed residential uses at the subject site are permitted by right under Section 17.36.230 (A). As proposed, the project meets all applicable development standards contained within Section 17.36.260 of the *El Dorado County Zoning Ordinance*.

4.0 PARCEL MAP FINDINGS

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

All necessary improvements have been considered by the reviewing disciplines to determine that this tentative Parcel Map is consistent with the policies of the 2004 General Plan, as analyzed and described in the staff report and the General Plan findings above.

- 4.2 *The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

As proposed and conditioned, the tentative Parcel Map conforms to the development standards within the select Agricultural (SA-10) zone district and the Minor Land Division Ordinance.

- 4.3 *The site is physically suitable for the proposed type and density of development.*

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which allows suitable emergency water, emergency access, and septic disposal area, conforms to oak tree canopy removal and replacement standards, and avoids significant disturbances to slopes in excess of 30 percent, and fits within the context of the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the AL General Plan land use designation and conforms to the minimum parcel size and development standards of the SA-10 zone district. Future development would require consistency with applicable General Plan policies and Zoning Ordinance requirements.

- 4.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

The proposed Parcel Map is not anticipated to cause substantial environmental damage as determined in the Initial Study and Negative Declaration prepared by staff.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To allow a 30-foot right-of-way width for the proposed access road.

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

It is not an option for the applicants to use the existing encroachment onto Fruitridge Road as receiving permission for the use of that easement is not currently obtainable from the parcel owner. There is no viable alternative access available to the applicants other than the one proposed. A 20-foot easement already exists in the location of the proposed access road. Any easement over 30 feet would impose unnecessary setback problems on existing structures and natural features. Neither DOT, El Dorado County Fire Protection District, nor Cal Fire had any objection to this Design Waiver request. The proposed right of way currently accommodates the proposed roadway and any future widening of the road.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and infringement upon existing neighboring structures and natural features.

- 5.1.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

Permitting a 30-foot access easement from Fruitridge Road to the parcels would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The project has been conditioned to include roadway widening to meet DISM and California Fire Code requirements. All property owners affected are in agreement with the easement width and location.

- 5.1.4 *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 requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 To allow less than a 100-foot tangent between the reversed curves of the proposed access road.

- 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 existing road access has been used for many years. The required expansion and compliance with DISM conditions for curved roads would create unnecessary impacts on existing structures and natural features. The proposed Design Waiver allows the creation of two parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, (SA-10), and consistent with the General Plan

Designation of Agricultural Lands with an Agricultural Overlay which both allow 20-acre parcels.

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

The proposed access is the only option available to the applicants and all affected parties are in agreement. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from denial of the division of the subject parcel creating two parcels. An approved map would be consistent with the minimum lot size requirements and development standards of the underlying zoning designation of Select Agricultural (SA-10) and consistent with the General Plan designation of Agricultural (A) which allows 20-acre parcels. Neither DOT, El Dorado County Fire Protection District, nor Cal Fire had any objection to this Design Waiver request.

- 5.2.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public as determined by DOT, El Dorado County Fire Protection District, and Cal Fire

- 5.2.4 *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 requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The granting of the design waiver will create parcels that will be consistent with the Development Standards of the SA-10 zone district and applicable policies of Chapter 17 of the County Code.

5.3 To allow the proposed access road centerline to be non-coincident with the proposed right-of-way centerline.

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

Neither DOT, El Dorado County Fire Protection District, nor Cal Fire had any objection to this Design Waiver request. Approval would permit approval of the creation of two parcels consistent with both the General Plan and Zoning Ordinance with minimal environmental effects.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from realigning the roadway

unnecessarily, pursuant to DOT, El Dorado County Fire Protection District, and Cal Fire review and determinations.

- 5.3.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The allowance for the proposed access road centerline to be non-coincident with the proposed right-of-way centerline will not result in a situation that would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The required roadway would be sufficient to meet fire safe standards for access and has been reviewed and conditionally approved by the El Dorado County Fire Protection District, Cal Fire, and the Department of Transportation.

- 5.3.4 *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 requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.