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



Agenda of: April 1, 2009
Item No.: 4.a.
Staff: Aaron Mount

PARCEL MAP

FILE NUMBER: P07-0038

APPLICANT: James Waltner

AGENT: Gene E. Thorne & Associates

REQUEST: A tentative parcel map creating two parcels ranging in size from 2.32 acres to 2.5 acres on a 4.82-acre site. (Exhibit B).

A design waiver has been requested for the following: To allow the creation of a parcel without County road frontage utilizing an exclusive easement and 12-foot driveway for access as required by Volume II Section 2.B.5 of the Design and Improvements Standards Manual.

LOCATION: On the west side of Forni Road, approximately 1,500 feet north of the intersection with Missouri Flat Road in the Diamond Springs area, Supervisorial District III. (Exhibit A)

APN: 327-200-01

ACREAGE: 4.82 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: One-Acre Residential (R1A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff.
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve the Tentative Parcel Map P07-0038 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.
4. Approve the following design waiver as the required findings have been made as noted in Attachment 2:

Allow the creation of a parcel without County road frontage utilizing an exclusive easement and 12-foot driveway for access as required by Volume II Section 2.B.5 of the Design and Improvements Standards Manual

BACKGROUND

The proposed parcel map was initiated due a court ordered partition which was filed as a Superior Court stipulation in 1983. Two previous parcels maps were submitted and approved for the subject parcel, P89-0145 and P85-0199, but were never filed with the Surveyor's Department.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the parcel map request and issues for Zoning Administrator consideration are provided in the following sections.

Project Description: A Tentative Parcel Map to subdivide the existing parcel of approximately 4.82 acres to two parcels of approximately 2.32 and 2.5 acres. The newly created proposed Parcel 1 is to be situated towards the western part of the existing parcel, behind the existing residence from Forni Road. A separate driveway is proposed to provide ingress/egress to proposed Parcel 1 with a 12 foot wide driveway leading from the driveway access on Forni Road westward to the western part of the existing parcel. Proposed Parcel 2 contains a single family residence and an approved encroachment onto Forni Road.

A design waiver has been requested for the following: To allow the creation of a parcel without County road frontage utilizing an exclusive easement and 12-foot driveway for access as required by Volume II Section 2.B.5 of the Design and Improvements Standards Manual.

Site Description: The approximately 4.82-acre site is located within the Diamond Springs Community Region. The elevation ranges from approximately 1,670 to 1,760 feet. There is an

existing residence near the center of the subject parcel on the highest ground. The subject parcel is bound by Forni Road on the east and is surrounded by residential development. Vegetation on-site is comprised of landscaping surrounding the existing residence, a row of native oaks along Forni Road, the area between the residence and Forni Road, and the upper portion of the western slope, is dominated by non-native annual grasses and invasive Himalayan blackberry, and the lower portion of the western slope has an overstory of native oaks and both Himalayan blackberry and native shrubs in the understory. Slopes on-site are generally mild with the eastern end being a gentle southern aspect slope and the western end is a moderate western aspect slope. A preliminary jurisdictional wetland delineation has been prepared for the parcel. A pond occurs near the western end of the parcel. A channel and Seasonal Wetland 2 are adjacent to the pond. Seasonal Wetland 1 is in the eastern end of the site and is in a draw that drains off-site, but is in the same watershed as the pond on the parcel. Seasonal Wetland 1 receives water from a culvert under Forni Road and upland runoff from the project site. The proposed driveway for the new parcel would require filling a portion of Seasonal Wetland 1.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MDR	Residential, single-family residence and accessory structures.
North	R1A	MDR	Residential, single-family residence and accessory structures.
South	R1A	MDR	Residential, single-family residence and accessory structures.
East	RE-5	MDR	Residential, single-family residence and accessory structures.
West	R1A	C	Residential, single-family residence and accessory structures.

Discussion: The project would create two residential parcels in a residential setting consistent with surrounding densities and would not create conflicts with the surrounding land uses. Future commercial development may occur on the parcel to the west. The wetland features on the western end of the subject parcel will ensure a sufficient setback from the commercially designated parcel, thus reducing potential future conflicts in land uses.

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 Supply (domestic/potable): The subject parcel is within the service area boundary of the El Dorado irrigation District (EID). There is an existing domestic metered water service account currently on the parcel. The resulting undeveloped parcel would be required to establish separate domestic water service accounts prior to filing the parcel map. A facilities improvement letter form EID was submitted and states there are adequate facilities to serve the proposed undeveloped parcel.

Fire Safety: The El Dorado-Diamond Springs Fire Protection District (Fire District) would require the project parcels to meet the minimum fire flow which is 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of 2 hours. In lieu of fire flow, the applicant may choose an approved residential sprinkler system with deed restrictions for a NFPA 13D residential sprinkler system for all new structures. A facilities improvement letter from EID was submitted and states that the project could not meet the necessary fire flow with out extensive improvements to the existing public water system. The project is required to provide an approved fire safe plan prior to filing of the parcel map which will further analyze fire suppression and development of the project parcels. As designed and with fulfillment of the recommended Conditions, this project would meet the minimum Fire Safe requirements.

Oak Tree Canopy: No oak tree canopy is proposed to be removed for development on the project parcel. The proposed new encroachment onto Forni Road would require tree removal on the County owned right-of-way to mitigate for line of site issues. Existing project oak tree canopy coverage is estimated at 31 percent. Under General Plan Policy 7.4.4.4, Option A, 85 percent of the existing canopy must be retained. After tree removal for line of site on Forni Road the project would retain 85 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Development of individual lots would not remove oak canopy beyond the established retention requirement. Future development of the proposed lots would have the option of complying with either Option A or Option B of Policy 7.4.4.4 in accordance with the Oak Woodland Management Plan.

Road Improvements and Access: The proposed tentative parcel map is designed with a second encroachment onto Forni Road to allow driveway access to the westerly proposed parcel. Due to line of site issues the only location for the second encroachment is at the southern end of the parcel opposite of the existing encroachment. No road improvements have been conditioned other than line of sight clearing of trees along Forni Road to ensure the encroachment meets County design requirements. The existing residence has an approved driveway encroachment onto Forni Road.

Septic System Improvements: Public sewer service is not available in the project vicinity. The applicant provided an onsite wastewater treatment system feasibility report that studied the potential for one septic system for the proposed undeveloped parcel which was reviewed and approved by the El Dorado County Environmental Health Division. Further discussion of the sewer issues is in the General Plan section.

Special Setbacks: General Plan Policy 7.3.3.4 requires development projects to be set back a minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. The proposed parcel map identifies the riparian and wetland features and these setbacks and is consistent with this policy. Development of the on-site driveway to proposed Parcel 1 would include filling of a wetland feature but is exempt from Policy 7.3.3.4 only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Impacts related to the wetland filling for development of the necessary driveway are discussed in the Initial Study and have been mitigated to bring the potential impacts to a less than significant level. All other potential development on the project parcel would meet the required setbacks. The final map would be required to show the riparian and wetland features and their respective setbacks on the map.

General Plan:

The General Plan designates the subject site as Medium Density Residential (MDR). *This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres.*

Discussion: As conditioned and mitigated, this project would be consistent with the policies of the General Plan because it proposes parcels ranging in size from 2.32 to 2.50 acres and the topography and wetland features would prevent higher densities. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

General Plan **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. Surrounding parcels in the immediate vicinity are developed with single-family residences on lot size consistent with the one acre or greater parcels proposed. As such, the two new parcels and their residential uses would be consistent with the intended development pattern. Future commercial development may occur on the parcel to the west. The wetland features on the western end of the subject parcel and the associated development setbacks will ensure a sufficient buffer from the commercially designated parcel, thus reducing potential future conflicts in land uses.

General Plan **Policy 5.3.1.2** requires “the creation of lots less than five acres in sized in Medium-Density Residential areas relying on septic system shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than five acres.” The project proposes the use of public water facilities from the EID, therefore, the proposed parcel sizes can be less than five (5) acres in size. Also, General Plan **Policy 5.3.1.7** states “In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.” Although the project site is located within the Diamond Springs Community Region, public wastewater collection facilities are not immediately available to serve the project. Connecting to existing wastewater collection facilities at this distance for one new parcel would incur costs that would preclude the applicant from feasibly subdividing the property. A septic system for the proposed undeveloped parcel has been submitted and approved by Environmental Management. Wetland features and topography of the project parcel would preclude development of additional units on the site.

General Plan **Policy 5.7.1.1** 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. General Plan **Policy 6.2.2.2** 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 California Department of Forestry and Fire Protection. The El Dorado-Diamond Springs Fire Protection District has commented on the project and the project has been conditioned to require an approved Wildfire Fire Safe Plan addressing the emergency water and access issues for the project site prior to filing the parcel map.

General Plan **Policy 6.2.3.2** requires that the applicant to 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. The tentative parcel map, as conditioned, conforms to General Plan Policy 6.2.3.2 as discussed in the “Access” and “Fire Safety” sections above.

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.

Zoning: The subject site is currently zoned Residential One-Acre (R1A). The proposed 2.32 to 2.50-acre lots have been shown to have sufficient room to conform to the zoning and the development standards in Section 17.28.080 for minimum lot width of 100 feet, minimum parcel size of one acre, building setback requirements of 30 feet within front yards, 15 feet side yards, and 30 feet rear yard setbacks. California Fire Safe Regulations requires parcels of greater than an acre in size to have 30 foot structural setbacks on all yards. The proposed tentative parcel map conforms to this requirement. The proposed parcels have been shown to have adequate room to satisfy the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060. The existing residential use at the subject site is permitted by right under Section 17.28.190.

Conclusion: As discussed above, staff finds that the project can be found to conform to the intent of the Zoning Code and that the necessary findings can be made to support the request for a Tentative Parcel Map creating two parcels. The findings are contained in Attachment 2.

Design Waiver: One (1) design waiver from the Design and Improvement Standards Manual (DISM) has been requested for the proposed project. A finding of consistency for the proposed design waiver approval is provided in Attachment 2. The requested design waiver is as follows:

1. To allow the creation of a parcel without County road frontage utilizing an exclusive easement and 12-foot driveway for access as required by Volume II Section 2.B.5 of the Design and Improvements Standards Manual..

Discussion: The proposed project would create two approximately 2-acre parcels which take access from a Forni Road, a County maintained road. The requested design waiver if approved would allow the creation of a parcel of standard design while not causing a greater impact that would result from requiring development of a full width road. Due to line of site issues there is only one location for a second encroachment on to Forni Road. Due to this constraint the proposed 12 foot wide driveway must impact a wetland feature which may require U.S. Army Corps of Engineers permits. A condition for a road would require a minimum width of 20 feet thus greatly increasing the impact to the wetland feature.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was 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 States fish and wildlife resources

SUPPORT INFORMATION

Attachments:

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

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P07-0038 – Waltner Zoning Administrator Hearing, April 01, 2009

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit D (tentative parcel map) dated April 01, 2009, and the 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 ranging in size from 2.32 acres to 2.5 acres on a 4.82-acre site parcel. All parcels will be served by domestic water service meters and onsite septic wastewater systems. Access is via separate private driveways connecting to Forni Road, a County roadway.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

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

2. [MM Bio 1]. A 50-foot setback line shall be recorded on the final map that begins at all high-water marks of an intermittent stream or the outer boundary of any adjacent wetlands as determined by the submitted wetlands delineation and shown on the tentative map. No

development shall occur within the setback area. The identification shall be made on the final map, Site Plan Review, grading and building plans where applicable.

Monitoring: Prior to filing of final map, Site Plan Review (SPR), grading and/or building plan approval, Planning Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable.

3. [MM Bio2]. Prior to disturbance of any waters of the United States including any wetland features, a wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

Monitoring: The applicant shall provide a copy of the approved 404 permit and Corps of Engineer’s approved mitigation purchase documentation of mitigation credits, if required, to Planning Services prior to filing of the parcel map. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project prior to filing of the parcel map. If documentation of complete avoidance of the wetland feature by a qualified biologist is provided to Planning Services, a letter from the Corps shall not be required.

Project Conditions of Approval

4. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or filing of the parcel map filed until said fees are paid.
5. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
6. 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.
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 California Government Code.

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

8. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

9. The applicant shall choose to mitigate for oak canopy loss with either Option A or Option B, pursuant to General Plan Policy 7.4.4.4.

If Option A is chosen, the applicant shall be required to replant 40 one-gallon sized interior live oaks (*Quercus wislizenii*) trees (200 trees x 0.20 acre = 40). Alternatively, the applicant may plant 270 acorns [(200 trees x 0.20 acre) x 3 acorns = 120 acorns]. Prior to filing of the parcel map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

If Option B is chosen, in lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The fee shall be paid prior to filing of the parcel map.

10. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing of the parcel map.
11. A Fuel Modification and Wildland Fire Safety Plan by a Registered Forester shall be required by Diamond Springs-El Dorado Fire Protection District and the California Department of Forestry and Fire Protection. The Fuel Modification and Wildland Fire Safety Plan shall be reviewed and approved by the Diamond Springs-El Dorado Fire Protection District and the California Department of Forestry and Fire Protection prior to the parcel map being filed.

El Dorado County Department of Transportation

12. Encroachment: The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachment from the proposed private driveway onto Forni Road to the provisions of County Standard Plan 103B-1, prior to issuance of a building permit.
13. Sight Distance: The sight distance from the proposed driveway from a vehicle parked at the edge of traveled way of Forni Road with the driver's eye no more than 15-ft from the edge of pavement, shall be a minimum of 350-ft in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to filing.
14. Vehicular Access Restriction: Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Forni Road, excluding the location of the approved driveway access encroachment.
15. 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.
16. 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 final map.
17. 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.
18. Grading Permit/Plan: If more than 50 cubic yards of earth movement are required for improvements, 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. 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 the DOT and/or Development Services (whichever is applicable) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.

19. 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 or Development Services (whichever is applicable). 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.
20. 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 or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
21. 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 map.

22. 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 map.
23. 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.
24. 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.
25. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Diamond Springs-El Dorado Fire Protection District

26. Required fire flow for a residential type parcel split for a residence less than 3,600 square feet is 1,000 gallons per-minute, for a duration of 2 hours, at a minimum 20 p.s.i. Fire flow for a residence greater than 3,600 square feet is 1,500 gallons per-minute, for a duration of 2 hours, at a minimum 20 p.s.i.
27. Average spacing between fire hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres. Additional hydrants may be required for this project to meet fire flow requirements, if existing hydrant locations and flows do not comply with the aforementioned.
28. Projects that do not meet fire flow may use a NFPA 13D residential sprinkler system, for each parcel, with a minimum 3,000 gallons of dedicated, onsite, water storage for fire protection. This system shall be in lieu of the required fire flow and approved by the Diamond Springs-El Dorado Fire Protection District.
29. When required fire flow / hydrant location is not available, the applicant shall enter into a deed restriction for a NFPA 13D residential sprinkler system, for each parcel, with a minimum 3,000 gallons of dedicated, onsite, water storage for fire protection. This deed restriction shall be reviewed and approved by this Fire District prior to final recording.

30. The above requirements to be completed prior to filing the Parcel Map.
31. All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
32. Driveway grades exceeding 16% shall be of an all weather surface (pavement or asphalt).
33. Driveway grades exceeding 20% shall be approved by the Diamond Springs-El Dorado Fire District. Approval may include a deed restriction for a NFPA 13D residential sprinkler system with minimum 3,000 gallons of dedicated onsite water storage for each parcel for fire protection.
34. 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.
35. All roadways will be a minimum of 20 feet wide, all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width; parking on both sides of the road will require 40 feet minimum road width.
36. A turnaround shall be provided to all building sites with driveways over 150 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead "T", a modified "T" or a modified "Y" in lieu of a circular type turnaround, as per El Dorado County DOT Standards.
37. Any gates will require Fire District approval and meet current El Dorado County Standards.
38. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
39. As per PUBLIC RESOURCES CODE 4291. A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

El Dorado County Office of the County Surveyor

40. All survey monuments must be set prior to filing the Parcel Map.
41. 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 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.

ATTACHMENT 2

FINDINGS

File Number P07-0038 – Waltner Zoning Administrator Hearing, April 01, 2009

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 Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation 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 Department – Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 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 permits residential uses on parcel sizes that range from 1.00 to 5.00 acres which permits the proposed parcel sizes of 2.32 and 2.50-acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.3.1.2 (septic systems in MDR on parcels less than 5-acres), 5.3.1.7 (public

wastewater facilities in Community Regions), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazards), 6.2.3.2 (fire safe access). It has been determined that the project is consistent with the General Plan because of the project's provision of access and water supply, connection to public water, lot configuration, septic system design, and efforts to fit within the context of the surroundings land uses.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned One-Acre Residential (R1A) which permits the proposed parcel sizes of 2.32 and 2.50-acres under Section 17.28.080(A).
- 3.2 The existing and proposed residential use at the subject site is permitted by right under Section 17.28.060(A). As proposed, the project meets all applicable development standards contained within Section 17.28.080 of the *El Dorado County Zoning Ordinance*. for minimum lot width of 100 feet, minimum parcel size of one acre, building setback requirements of 30 feet within front yard parcel boundaries and road easements, 15 feet side yards and 30 feet rear yard setbacks. The proposed parcels have been shown to have adequate room to satisfy the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

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 agencies 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 tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

As proposed, the tentative map conforms to the development standards within the One- Acre Residential (R1A) 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 for suitable emergency water, emergency access, septic disposal area, avoids significant disturbances to oak tree canopy and slopes in excess of 30 percent, and fits within the context of the surrounding residential land uses in the project vicinity.

- 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 Mitigated Negative Declaration prepared by staff. Impacts to biological resources have been mitigated to a less than significant level.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To allow the creation of a parcel without County road frontage utilizing an exclusive easement and 12-foot driveway for access as required by Volume II Section 2.B.5 of the Design and Improvements Standards Manual.

- 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 special conditions or circumstances that are peculiar to this property are the shape of the parent parcel, the sight distance available for a new driveway along Forni Road, the need to minimize impact upon seasonal wetland on the property and the impact upon existing improvements if a joint driveway were utilized at the existing encroachment for 3100 Forni Road.

The parent parcel is approximately 210 feet wide by 1000 feet long, with road frontage on Forni Road along the narrow dimension. Other than the existing encroachment at 3700 Forni Road, there is only one other additional access point on Forni Road providing adequate sight distance for another driveway.

A full width road through Parcel 2 to Parcel 1 would produce far greater impact upon the existing seasonal wetland than the proposed 12-foot driveway. A common driveway for both parcels, using the existing encroachment at 3700 Forni Road, would require encroachment onto the developed area around the existing residence.

- 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 the inability to develop a five acre parcel in an area containing parcels consistent with the one acre minimum zoning district (R1A) and land use designation (MDR). The adjoining parcels to the south and west are all approximately one acre in size. The adjoining parcels to the north range from a little over one acre to a little over two acres. Parcels fronting Forni Road to the immediate east of the subject parcel are one acre or less in size. Not allowing the division due to the need for driveway access imposes an unnecessary hardship on the applicant while most of the adjoining properties are consistent with the R1A zone district.
- 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.* Planning Services and DOT have

reviewed the design waiver and recommends approval. The proposed design waiver is not anticipated to be injurious to adjacent properties or detrimental to the health, safety, convenience or welfare of the public.

- 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.