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



Agenda of: April 15, 2009
Item No.: 5.b.
Staff: Aaron Mount

TENTATIVE PARCEL MAP

FILE NUMBER: P08-0007

APPLICANT: Wayne and Jan Marshall

AGENT: Stanley Wells

REQUEST: A tentative parcel map creating two parcels approximately 10-acres in size on a 20.23-acre site.

A design waiver has been requested for the following: To allow the creation of a parcel without road frontage utilizing an exclusive easement and 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 Peace Trail, approximately 500 feet south of the intersection with Pleasant Valley Road in the Pleasant Valley area, Supervisorial District III. (Exhibit A)

APN: 098-170-09

ACREAGE: 20.23 acres

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

ZONING: Estate Residential Five-Acre (RE-5) (Exhibit C)

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; and
2. Approve the Tentative Parcel Map P08-0007 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.

BACKGROUND

This parcel map has been requested due to a court ordered partition filed in December 1993. A Certificate of Compliance (COC) was submitted December 28, 2006 and during processing it was determined by County counsel that a condition of approval would have to be included to require a parcel map application. The COC was withdrawn and a parcel map application was submitted February 14, 2008. Final comments were received from Environmental Management on January 22, 2009. The parcel map request is a re-division of Parcel B of PM14-79 approved under Tentative Parcel Map P77-0038 on March 4, 1977.

The project parcel contains a barn which has been converted to dwelling space without permits. Code Enforcement currently has an open case file, 187853. The project is conditioned to remedy the Code Enforcement action by either converting the structure back to barn or permitting the structure for a residence.

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 20 acres to two parcels of approximately 10 acres in size. The two parcels would share an access easement onto Peace Trail, a privately maintained road. Proposed Parcel 1 contains an existing house which currently has a public water meter and approved septic system for sewage disposal. Proposed Parcel 2 contains an unpermitted residence and would be conditioned to be removed, permitted as a dwelling, or converted back to a barn prior to filing of the parcel map. The proposed Parcel 2 would have a well for water supply and a septic system for sewage disposal.

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

Site Description: The approximately 20.23-acre site is located within the Pleasant Valley area just east of the Oak Hill rural Center. The elevation is approximately 2,200 feet above mean sea level. There is an existing residence on the north east portion of the parcel and an unpermitted residence on the western portion of the parcel. The subject parcel is bound by Peace Trail on the east and is

surrounded by residential development and is adjacent to an EID water storage facility. Vegetation on-site is comprised of landscaping surrounding the existing residences and the undeveloped portions contain manzanita, foothill pine, interior live oak, and associated understory vegetation. Slopes on-site are generally mild with the northern end being the buildable area and transitioning to a gentle southern aspect slope. The proposed parcels would be accessed from a shared driveway onto Peace Trail, a privately maintained road, which connects to Pleasant Valley Road, a County maintained road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential/Single Family Residence
North	RE-5	LDR	Residential/Single Family Residence
South	RE-10	RR	Residential/Single Family Residence
East	RE-5	LDR/OS	Residential and Public Utility/Single Family Residence and Water Storage Facility
West	RE-5/TPZ	LDR/MDR	Residential/Single Family Residences

Discussion: The creation of two parcels would be consistent with potential and existing densities in the project area and would not result in land uses that would alter the rural residential character of the area. The TPZ zoned parcel to the west of the project has received conceptual approval from the El Dorado County Board of Supervisors for an immediate zone change. The TPZ zoned parcel does not contain an active timber operation and it has been determined that the parcel could not sustain an economically viable yield.

Subdivision Map Act: The subject parcel map request is a redivision of Parcel B of PM14-79 approved under Tentative Parcel Map P77-0038 on March 4, 1977. The current owner of the subject parcel was the owner of the parent parcel which was subdivided by P77-0038 creating three parcels. With the previous and current parcel map requests, the resultant number of parcels created from the parent parcel would be four, therefore a subdivision map would not be required and the parcel map request is the correct application.

Project Issues: Discussion items for this project include water supply, fire safety, oak tree canopy, road improvements and access, septic systems, and wetland setbacks.

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. Proposed Parcel 2 has a recently permitted domestic well approved by Environmental Management.

Fire Safety: The El Dorado County Fire Protection District would require the project to install a hydrant at the intersection of Peace Trail and Pleasant Valley road. Additionally, 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. Development of individual lots would not remove oak canopy beyond the established retention requirements. Future development of the proposed lots would have the option of complying with either Option A or Option B of General Plan Policy 7.4.4.4 in accordance with the Oak Woodland Management Plan.

Road Improvements and Access: The project parcel is accessed by Peace Trail, a privately maintained road, which connects to Pleasant Valley Road. The project parcel currently has a single encroachment onto Peace Trail. Proposed Parcel 2 would have a driveway easement over proposed Parcel 1 to gain access to Peace Trail. On-site and off-site road improvements would be required by the DOT and the El Dorado County Fire Protection District providing sufficient road width and emergency vehicle load ratings pursuant to the fire safe regulations. These improvements are included in the conditions of approval for the project prior to filing of the Parcel Map.

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 parcel which contains the unpermitted residence. The feasibility report was reviewed and approved by the El Dorado County Environmental Health Division.

Wetland 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 a wetland feature and the required setbacks and is consistent with this policy. No development is proposed that would have an impact on the seasonal pond on the southern portion of the project parcel.

General Plan: The General Plan designates the subject site as Low Density Residential (LDR). *This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres.*

Discussion: As conditioned, this project would be consistent with the General Plan land use designation of LDR because it proposes two parcels approximately 10 acres in size. 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 parcels proposed. As such, the two new parcels and their residential uses would be consistent with the existing development pattern.

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 County 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.

General Plan **Policies 8.4.1.1 and 8.4.1.2** provide for buffer parcels and setbacks between timber production lands and adjacent incompatible land uses. The subject parcel is adjacent to a parcel on the west currently zoned Timberland Preserve Zone district (TPZ) and is in Timber Preserve contract with the State. The subject TPZ zoned parcel has been conceptually approved by the El Dorado County Board of Supervisors for an immediate zone change to a residential zone district (Z08-0020/Fulp). The El Dorado County Agricultural Commission determined that the parcel is not suitable for an agricultural operation and a registered professional forester determined that the parcel does not contain an active timber operation and could not sustain an economically viable yield. Until the immediate zone change is approved by the California State Board of Forestry, the County Board of Supervisors can not adopt a resolution formally changing the zoning of the TPZ parcel. Until such time, the TPZ zoned parcel has to be evaluated as an adjacent agricultural zoning and therefore the Agricultural Commission determined that a one hundred foot non-building setback on the project parcel would reduce any land use conflicts to a less than significant level. The tentative parcel map shows an adequate setback from the adjacent TPZ parcel to the existing unpermitted residence proposed Parcel 2. Further review would take place when the unpermitted residence would go through the permitting process. Additionally, modifications may be obtained through the Administrative Relief procedures within the Interim Interpretive Guidelines for El Dorado County General Plan Policies 8.1.3.2 and 8.4.1.2.

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 Estate Residential Five-Acre (RE-5). The proposed parcels of approximately 10-acre in size have been shown to have sufficient area to conform to the zoning and development standards in Section 17.28.210 for minimum lot width of 100 feet, minimum parcel size of 5 acres, building setback requirements of 30 feet within front yards, 30 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. 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 10-acre parcels which would take access from Peace Trail, a privately 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. A condition for a road would require a minimum width of 20 feet and a standard cul-de-sac thus greatly increasing the impact to oak woodlands and increased grading.

El Dorado County Subdivision Ordinance: The project is subject to the applicable provisions of the El Dorado County Subdivision Ordinance, including Section 16.44.010 (State Law Compliance) and 16.44.020 (General Plan Compliance), subject to the specific findings under Section 16.44.030.

Conclusion: The proposed Tentative Parcel Map would create a total of two lots, in conformance with the standards under the RE-5 zone district. Development of these parcels would be subject to applicable provisions of the El Dorado County General Plan, recommended Conditions of Approval, and other standards imposed by El Dorado County and affected agencies.

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 has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a 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	Slope Map
Exhibit F	Assessor's Map Bk. 098 Pg. 17
Exhibit G	Parcel Map 14-79
Exhibit H	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P08-0007 – Marshall Zoning Administrator Hearing, April 15, 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 15, 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 approximately 10.007 acres in size on a 20.23-acre parcel. Parcel 1 will be served by a domestic water service meter and Parcel 2 will be served by a private well. Both parcels will contain onsite septic wastewater systems. Access is via private driveways connecting to Peace Trail, a privately maintained roadway.

A design waiver: Allows Parcel 2 without road frontage utilizing an exclusive easement and driveway for access.

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.

Project Conditions of Approval

2. The unpermitted residence on the project parcel shall be either permitted as a residence, converted to a barn, or removed to the satisfaction of Code Compliance prior to filing of the parcel map.
3. 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.
4. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, a time extension application may be filed prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
5. 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.
6. 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.

7. 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.

8. 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.
9. Installation of security gates shall only be permitted with an approved Special Use Permit.

El Dorado County Department of Transportation

10. On-site Access Improvements: The applicant shall widen the on-site portion of Peace Trail to an 18-foot wide roadway with 1-foot shoulders on each side consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C. This improvement must be made up until the accessway only serves one parcel, at which point it becomes a driveway and can be built to driveway width of 12-foot. 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.
11. Off-site Access Improvements: The applicant shall construct and /or verify that the off-site portion of Peace Trail from the project boundary to Pleasant Valley Road, meets the requirements of El Dorado County Standard Plan 101C, an 18-foot roadway width with 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM, and Fire Safe Regulations. The applicant shall provide an exhibit to the DOT, Planning, and the Fire Agency that shows that Peace Trail complies with the DISM and Fire Safe Regulations. 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.
12. Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Peace Trail to Pleasant Valley Road to the provisions of County Design Standard 103D. 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 map.
13. Easements: All applicable existing and proposed easements shall be shown on the project plans.
14. Road & Public Utility Easements: The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map.

15. **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.
16. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any 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.
17. **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.
18. **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.
19. **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.
20. **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 map.
21. **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.
22. **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 DOT prior to occupancy clearance.

23. 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.
24. 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.
25. Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
26. Drainage Study / SWMP Compliance: The applicant shall provide a drainage report at time of improvement plans or grading permit application submittal, 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. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- 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 final map or the applicant shall obtain an approved improvement agreement with security.

27. Drainage, Cross-Lot: Cross lot drainage shall be avoided. When cross lot drainage does occur, 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 final map.
28. Drainage Easements: 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 final map.
29. 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.

30. Off-site Improvements (Security): Prior to the filing of a parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

31. Off-site Improvements (Acquisition): As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

32. 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.

33. 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.

34. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Fire protection District

35. Submit review fee of \$ 120.00 prior to filing of the parcel map.
36. Fire flow for this project is 1000 gpm @ 20 psi for two hrs. Provide documentation from EID (FIL) and the Fire District to show that the system will meet required fire flow for this project prior to filing of the parcel map.
37. An additional hydrant will be required on Pleasant Valley Road at the intersection of Peace Trail prior to the filing of the parcel map.
38. Hydrants will be Muller Centurion 200 and the Fire District will approve the location prior to filing of the parcel map.
39. A deed restriction for a Fire Safe plan is required for both parcels. The Fire Safe plan will be implemented in stages. Stage 1 to be implemented prior to filing of the parcel map.
40. Any gates that are not shown will require Fire District approval.

El Dorado County Air Quality Management District

41. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is not located within the Asbestos Review Area (copy enclosed). District Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
42. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
43. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

44. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

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45. All survey monuments must be set prior to filing the Parcel Map.
46. 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).
47. 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.
48. 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 P 08-0007 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 FOR APPROVAL

File Number P08-0007 – Marshall Zoning Administrator Hearing, April 15, 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 Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation permits residential uses on parcel sizes that range from 5.00 to 10.00 acres which permits the proposed parcel sizes of approximately 10-acres each.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazards), 6.2.3.2 (fire safe access), and 8.4.1.1 and 8.4.1.2 (protection of timber lands). 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 Estate Residential Five-Acre (RE-5) which permits the proposed parcel sizes of approximately 10-acres under Section 17.28.210(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, 30 feet side yards and 30 feet rear yard setbacks. The proposed parcels have been shown to have adequate area 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 Estate Residential Five-Acre (RE-5) 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, avoids wetlands, 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 Negative Declaration prepared by staff. The access roadways to all parcels will require minor modifications to the existing rough-graded

roadway including surfacing and width improvements. The impacts from all other potential impacts have been analyzed in the Initial Study and have been found to be less than significant.

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 short segment of the road easement for Peace Trail that is on-site, and the impact upon existing natural features if a road were utilized at the existing encroachment. The proposed tentative parcel map will create two new parcels with new encroachments onto Peace Trail. The additional traffic generated by these two new parcels would not have an impact that would require the development of a road to full standards. No objections were raised by DOT or the responsible Fire District.

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 expense and additional environmental impacts of developing a road when traffic impacts are minimal and a driveway meets the need for access.

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.

