

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



Agenda of: April 15, 2009
Item No.: 5.c.
Staff: Thomas A. Lloyd

PARCEL MAP/SPECIAL USE PERMIT

FILE NUMBER: P08-0025/S08-0027/ Hiroshima Parcel Map and Gate

APPLICANT: Phil Hiroshima

PROPERTY OWNER: Phil Hiroshima

REQUEST: 1) A tentative parcel map to create four lots, ranging in size from 5.00 to 5.17 acres and served by public water and private on-site septic systems, from an existing 20.17 acre parcel; and 2) A special use permit to allow the installation of an electric gate across the proposed access road serving the project.

LOCATION: On the east side of Emmerson Road, 475 feet north of the intersection with State Highway 49 in the Placerville Periphery area, Supervisorial District IV. (Exhibit A)

APN: 089-202-34

ACREAGE: 20.17 acres

GENERAL PLAN: Low Density Residential-Platted Lands Overlay (LDR-PL) (Exhibit B)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION:

1. Adopt the Negative Declaration based on the Initial Study (Exhibit F); and
2. Approve P08-0023 and S08-0027 subject to the Conditions of Approval in Attachment 1 based on the Findings in Attachment 2.

BACKGROUND:

The 20.17 acre subject parcel was created as Parcel 3 of Tentative Parcel Map P85-139, approved October 7, 1985 and recorded in Book 38, Page 108 of Parcel Maps.

STAFF ANALYSIS

Project Description: The project, as proposed, consists of a tentative parcel map to create four lots, ranging in size from 5.00 to 5.17 acres and served by public water and private on-site septic systems, from an existing 20.17 acre parcel and a special use permit to allow the installation of an electric gate across the proposed access road serving the project.

Site Description: The project site lies on the western slope of the central Sierra Nevada in the northwestern portion of El Dorado County, at an approximate average elevation of 1,850 feet above mean sea level. The majority of the parcel consists of annual grassland and pasture surrounded by oak woodland habitat. The woodland canopy in the northwest corner of proposed parcel one is dominated by oaks, primarily interior live oak. The remainder of the canopy is comprised mostly of ponderosa pine. On the east side of the property, across a small valley, the blue oak-foothill pine woodland is dominated by blue oaks. In this area there are two very large oaks with diameters exceeding 40 inches. The parcel is currently undeveloped, though the intention of the applicant is to develop each of the four parcels residentially.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-PL	Residential/Undeveloped
North	RE-10	LDR-PL	Residential/Single-family residences
East	RE-10	LDR-PL	Residential/Undeveloped, single-family residences
South	RE-5/R1A	MDR-PL	Residential/Single-family residences
West	RE-10/RE-5	LDR-PL	Residential/Single-family residences

General Plan: The County General Plan designates the subject parcel as Low Density Residential-Platted Lands Overlay (LDR-PL). The base land use designation establishes areas for single-family residential development in a rural setting as a transition from Community Regions and Rural Centers into the agricultural, timber and more rural areas of the County. **Policy 2.2.2.3** makes provisions for those parcels located within the Platted Lands Overlay (-PL). This overlay identifies isolated areas where the existing density of the parcels would otherwise be inappropriate given capability restraints and/or the existence of important natural resources. **Policy 2.2.2.3.A** further states that parcels within the -PL overlay designation shall not be permitted to subdivide to a size smaller than the minimum parcel size allowed by the base land use designation.

Discussion: At a minimum of five acres each, the proposed parcels created by this project would be consistent with the underlying land use designation.

The following General Plan policies also apply to this project:

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: Other parcels in the vicinity are similarly developed with larger parcel sizes and single-family residences. The proposed four parcels and their intended residential use with a limited agricultural element would be consistent with the intended development pattern of the General Plan.

Policies 5.2.3.5 and **5.3.1.2** prohibit the creation of parcels less than five acres when the parcels rely on both onsite sewage disposal systems and water wells.

Discussion: The proposed parcels would be served by on-site septic system as well as public water from the El Dorado Irrigation District. The El Dorado County Environmental Management Department has reviewed the current application requests and determined that the requirements for demonstrating adequate sewage disposal for each of the proposed parcels have been satisfied. As such, Environmental Management offered no comments or conditions.

The proposed project would be required to connect to public water via the El Dorado Irrigation District. El Dorado County Irrigation District, Policy AR 9024 provides unique provisions for parcels connected to agricultural service meters. Pursuant to correspondence with the District, all parcels under common ownership will be allowed to “split” an agricultural meter into separate services for a family farm venture. A Facilities Improvement Letter (FIL) from the Irrigation District dated June 28, 2007 points to a 27-inch water line in and along Emmerson Road as well as an 18-inch water line at the northeast corner of the subject parcel as possible connection points for the service. As a condition of project approval, the applicant would be required to provide Planning Services with proof of meter award or similar assurance of adequate service for all parcels, prior to recordation of the map. At a minimum of five acres each, the proposed parcels conform to all applicable waste disposal and on-site water production policies.

Policy 5.7.1.1 directs that applicants demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Discussion: The El Dorado County Fire Protection District has conditioned the project to assure the proposed access road would, at a minimum, meet current fire safe standards. Further, the Fire District is requiring the installation of a fire hydrant. In place of a hydrant, the Fire District is providing the applicant with the option of installing NFPA 13D home sprinkler systems in all structures built on each parcel. Should the applicant choose this option, deed restrictions would be required. The project has been conditioned accordingly.

Policy 6.2.3.2 directs that the applicant must demonstrate adequate access or ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: The Department of Transportation (DOT) reviewed the proposed project and determined it would not trip the traffic impact threshold of the General Plan. Proposed project access would come from State Highway 49 to the southern boundary of the parcel inside an existing

access easement. Macbeth Road is currently a named road easement and shall be constructed as a privately maintained roadway. The proposed access road shall be improved to the El Dorado County Design and Improvements Standards Manual (DISM) Standard Plan 101C, with a minimum road width of 20-feet. The project would also include the construction of a roadway encroachment from the access roadway onto State Highway 49, after obtaining an encroachment permit from CalTrans.

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require projects that “worsen” traffic by two percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT has reviewed the proposed project and determined that it would not trigger the threshold described above because of its limited size. DOT has conditioned the project to address this General Plan consistency issue by requiring payment of traffic impact mitigation fees with each building permit.

Both the California Department of Forestry and Fire Prevention (CalFire) and the El Dorado County Fire Protection District have reviewed the project and have conditioned it to comply with “Fire Safe” requirements. As such, the project would not result in inadequate emergency access. The conditions of approval required by the Department of Transportation, CalFire, and the El Dorado County Fire Protection District address the potential access problems related to public safety and would require that all improvements meet their respective specifications prior to filing the parcel map. Finally, the project has been conditioned such that the proposed electric gate will meet with the approval of these respective agencies prior to permit issuance.

Policy 7.4.4.4 establishes native oak three canopy retention and replacement standards.

Discussion: As part of application submittal, the applicant was required to submit a tree canopy exhibit which has been confirmed with aerial photography. This exhibit identifies total oak canopy coverage of 17 percent over the entire 20.17 acre site. As shown in Table 1, this 17 percent of existing oak canopy coverage requires 90 percent retention pursuant to General Plan Policy 7.4.4.4. At 95 percent, overall canopy retention after development of the proposed building sites and access roads is shown in Table 1. This retention exceeds the provisions of Policy 7.4.4.4, and is consistent with the El Dorado County Oak Woodland Management Plan, adopted May 2008. The applicants have the choice to use either Option A or B of Policy 7.4.4.4, as prescribed by the Oak Woodland Management Plan to mitigate the impacts of any tree canopy removed. The project has been conditioned accordingly.

Proposed Parcel	Oak Canopy (%) Pre-Project	Oak Canopy (%) Post-Project	Proposed Project Retention (%)	7.4.4.4 Retention Standard (%)
Parent Parcel	17	16	95	90
Lot 1	14	12	80	90
Lot 2	34	34	100	85
Lot 3	0.5	0.5	100	90
Lot 4	20	19	98	85

Policy 7.5.1.3 requires that cultural resource studies be conducted prior to approval of discretionary projects.

Discussion: A pedestrian archeological survey for this parcel was completed by Peak and Associates, Inc. in September, 2007. This survey found no significant prehistoric or archaeological sites, features, or artifacts, nor any historic buildings, structures, or objects in the project area. From this survey, it was determined that no further archival or field study is required.

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

Zoning: The subject site is zoned Estate Residential Five-acre (RE-5), the purpose of which is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits, and to provide for protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated. This zone district allows a minimum parcel size of five acres.

The Estate Residential Five-acre (RE-5) Zone District allows by special use permit “other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16, and 17.18.” Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a special use permit must be obtained. The project has been conditioned such that the proposed gate meets with the approval of CalFire and the El Dorado County Fire Protection District prior to permit issuance.

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study (Exhibit G) to determine any project-related impacts on the environment. Based on the Initial Study, staff determined that this project would have a less than significant impact on the environment and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

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 processing fee, shall be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.⁰⁰ is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State’s fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

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

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P08 P08-0025/S08-0027 Hiroshima Parcel Map and Gate 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 four lots, ranging in size from 5.00 to 5.17 acres and served by public water and private on-site septic systems from an existing 20.17 acre parcel; and a special use permit allowing the installation of an electric gate across the access road serving the project.

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.

2. 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.
3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *California Government Code*.

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

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

4. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
6. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services for each parcel, prior to filing the parcel map.
7. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
8. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road, infrastructure, and site improvements. 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 applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.
9. Final designs, specifications, and plans for the electric gate shall be subject to written approval from both the El Dorado County Fire Protection District and the California Department of Forestry and Fire Prevention (CalFire) prior to building permit issuance for said gate.
10. The applicant shall pay a park-in-lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. The fee shall be submitted to the Facilities and Fleet Services Department, Park Recreation division. A receipt demonstrating compliance with this condition shall be submitted to Planning Services prior to filing of the parcel map.

11. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map: (the requirements outlined in Table 1 are minimums)

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Proposed Access Road (onsite and offsite)	Std Plan 101C	20ft / 1ft	50ft	25 mph	To be improved from Highway 49 to northerly property line
Shared roadway serving lots B&D and A&C	Std Plan 101C	20ft / 1ft	50ft	25 mph	

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

** Non-exclusive road and public utility easements included

12. **Encroachment Permit:** The applicant shall obtain an encroachment permit from CalTrans for the roadway encroachment onto Highway 49 prior to the filing of the map.
13. **Turnaround:** The applicant shall provide a turn around *on the proposed access roadway* to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement
14. **Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for required interceptor drains. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
15. **Fill Slopes:** Per the El Dorado County Grading Design Manual Section B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official

deems necessary to protect the adjoining property from damage as a result of such grading. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

16. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
17. **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.
18. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a twenty-percent (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 subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

DOT STANDARD CONDITIONS

19. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
20. **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.

21. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
22. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
23. **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.
24. **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.
25. **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.
26. **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.
27. **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.
28. **Grading Permit / Plan:** The applicant shall submit an on-site and off-site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of

improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

29. **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.
30. **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.
31. **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.
32. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

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

a hazard or public nuisance. 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.

33. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
34. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
35. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
36. **Off-site Improvements (Security):** Prior to the filing of 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.
37. **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.
38. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

California Department of Forestry and Fire Protection (CalFire)

39. The access road off of Hwy 49 to the project area shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D) prior to filing the parcel map.
40. Prior to filing the parcel map, The access road off of Hwy 49 to the project area shall be a minimum road width of 20 feet per the California Fire Code unless increased road width is required by DOT (2007 California Fire Code, Appendix D).
41. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway prior to filing the parcel map. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart (Article 2. Emergency Access, Section 1273.10(a) of the Fire Safe Regulations).
42. A street sign meeting El Dorado County design standards shall be placed at the beginning of Macbeth Road. The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained 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 California Manual Uniform Traffic Control Devices (MUTCD).
43. A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed at the intersection preceding the traffic access limitation (Article 3. Signing and Building Numbering, Section 1274.06 of the Fire Safe Regulations) prior to filing the parcel map.
44. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).
45. A fire safe management plan, acceptable to the EDC FPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.

County of El Dorado Office of the County Surveyor

46. All survey monuments shall be set prior to filing the parcel map.
47. Prior to filing the parcel map, the applicant shall 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).

48. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided prior to filing the parcel map.
49. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P08-0025 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and the applicant.

El Dorado County Fire Protection District

50. The applicant shall submit a review fee of \$ 120.00 prior to filing the parcel map.
51. Prior to filing the parcel map, fire flow for this project shall meet or exceed 1,000 gallons per minute at 20 psi for two hours with a hydrant within 500 feet of all parcels.
52. Prior to filing the parcel map, an additional hydrant shall be installed. The Fire District will approve the location of additional hydrants.
53. In place of the requirement for an additional hydrant, the new parcels may enter into a deed restriction for: a "Fire District approved NFPA 13D Fire Sprinkler System on each parcel for all new structures" prior to filing the parcel map.
54. A deed restriction for an El Dorado County Fire District and CDF approved Fire Safe Plan shall be recorded required prior to filing the parcel map.
55. Existing non-conforming access roads serving this TPM shall meet minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads prior to filing the parcel map.

Air Quality Management District

56. Prior to grading permit issuance, a Fugitive Dust Mitigation Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
57. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
58. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
59. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
60. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:

- 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 traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

ATTACHMENT 2

FINDINGS

File Number P08 P08-0025/S08-0027 Hiroshima Parcel Map and Gate 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** The parcel is designated Low Density Residential-Platted Lands Overlay (LDR-PL). The base land use designation establishes areas for single-family residential development in a rural setting as a transition from Community Regions and Rural centers into the agricultural, timber and more rural areas of the County. The Platted Lands Overlay (-PL) identifies isolated areas where the existing density of the parcels would otherwise be inappropriate given capability restraints and/or the existence of important natural resources. At a minimum of 5.0 acres each, the proposed parcels created by this project would be consistent with the underlying land use designation.
- 2.2** The proposal, as conditioned, is consistent with the applicable policies of the General Plan, including: 2.2.5.21 (compatibility with surrounding uses), 5.2.3.5 and 5.3.1.2 (parcel size and services), 5.7.1.1 (fire protection), 6.2.3.2 (emergency access), 7.4.4.4 (oak canopy protection), and 7.5.1.3 (cultural resources study) as the division would be compatible with the base land use designation, adequate access and emergency protection will be provided and the parcels have existing permitted wells and septic systems, any and all oak canopy removed will be mitigated consistent with the Oak Woodland Management Plan, and no important biological or cultural resources be disturbed as part of the project.

3.0 ZONING FINDINGS

3.1 The subject site is zoned Estate Residential five-acre (RE-5) which permits the proposed parcel sizes of 5.0 to 5.17 acres each. This zone district allows a minimum parcel size of five acres.

3.2 All future structures will be subject to the development standards of the zone district, found in Section 17.28.210 of the *El Dorado County Zoning Ordinance*.

4.0 ADMINISTRATIVE FINDINGS (PARCEL MAP)

4.1 *That the proposed parcel map is consistent with applicable general and specific plans;*

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative parcel map is consistent with the policies of the General Plan, as described on pages 2 through 5 of the staff report.

4.2 *The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;*

The Department of Transportation, the California Department of Forestry and Fire Prevention (CalFire), and the El Dorado County Fire Protection District have reviewed the existing access road and have determined that the proposed improvements would provide adequate access. Further, the project has been conditioned such that adequate public water will be provided to each parcel prior to filing the map, and a septic feasibility report has been analyzed to determine that each parcel has the capacity to be developed with permitted on-site septic systems. Finally, the proposed parcels meet the development standards of the RE-5 Zone District.

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

While each of the four proposed parcels contains some combination of oak canopy and slope, they are of sufficient size to allow development consistent with the intent of the General Plan and Zoning Ordinance, namely single family residential with limited accessory agricultural uses. Potential building sites have been tentatively shown on the parcel map exhibit and any oaks slated for removal will be mitigated pursuant to the adopted Oak Woodlands Management Plan.

4.4 *The design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;*

The required road improvements and parcel development would not result in significant impacts to the environment or wildlife. No riparian features would be affected as a part of the project and no sensitive species would be impacted as determined by the Negative Declaration prepared by staff.

5.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)

5.1 The issuance of the permit is consistent with the General Plan;

It can be found that the special use permit allowing a gate is consistent with Policies 2.2.5.21 (compatibility with surrounding uses), 5.7.1.1 (fire protection), 6.2.3.2 (emergency access), , as discussed in the General Plan section of the staff report and in the General Plan Findings sections above.

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

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the support materials submitted by the applicant and the discussion and conclusions contained in the staff report.

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

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