

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



<b>Agenda of:</b>	May 20, 2009
<b>Item No.:</b>	4.a.
<b>Staff:</b>	Tom Dougherty

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P08-0042/Malone

**APPLICANT:** Colleen and Roy Malone

**REQUEST:** Tentative Parcel Map creating two parcels, 4.4 acres and 5 acres in size, from a 9.41 acre site.

One Design Waiver has been requested to allow the creation of a parcel with a length in excess of three times the parcel frontage width.

**LOCATION:** Southeast corner of Hancock Road and Johntown Creek Road in the Garden Valley area, Supervisorial District IV. (Exhibit A).

**APN:** 088-050-27 (Exhibit B)

**PARCEL SIZE:** 9.41 acres

**GENERAL PLAN:** Low Density Residential – Important Biological Corridor (LDR/IBC) (Exhibits C1 and C2)

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

**ENVIRONMENTAL DOCUMENT:** Exempt from CEQA review pursuant to Section 15061 (b) (3) of the CEQA Guidelines

**RECOMMENDATION:**

Staff recommends the Zoning Administrator take the following actions:

1. Certify that the project is Exempt from CEQA pursuant to Section 15061 (b) (3);
2. Approve Tentative Parcel Map P08-0042 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and

3. Approve the following Design Waiver as the required findings have been made as noted in Attachment 3:
  - a) Allow Parcel 2 to exceed the 3 to 1 parcel length to parcel frontage width ratio.

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

**Project Description:** The Tentative Parcel Map would create two parcels, 4.4 acres and 5.0 acres in size, from a 9.4 acre site (see Exhibit E). Two residential units exist on the property. The map would create a parcel for each residential unit. The garage would be located on Parcel 1. A Design Waiver has been requested to allow Parcel 2 to exceed the 3 to 1 parcel length to parcel frontage width ratio.

**Site Description:** The project site is located in the Garden Valley area at an approximate elevation of 1,790 to 1,870 feet above mean sea level. The parcel contains a primary and secondary single family residence including hardscape, landscape features and a 1,216 square-foot garage. The primary on-site biological communities include annual grasses, ponderosa pine, and montaine hardwood conifer. Project site soils consist of Mariposa very rocky silt loam with 3 to 50 percent slopes (MbE), Mariposa gravelly silt loam, 3 to 30 percent slopes (MaD), and Boomer-Sites loams, 15 to 30 percent slopes (BpD). The majority of the site contains slopes in the 0 to 30 percent range.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE-5	LDR/IBC	Residential. Primary and secondary single-family residence
<b>North</b>	RE-5	LDR/IBC	Residential. Single-Family Residence. One 3.9-acre parcel.
<b>South</b>	RE-5	LDR/IBC	Residential. Single-Family Residence. One 22-acre parcel.
<b>East</b>	RE-5	LDR/IBC	Residential. Single-Family Residence. One 3.3-acre parcel.
<b>West</b>	RE-5	LDR/IBC	Residential. Single-Family Residence. One 5.7-acre parcel.

Discussion: The project vicinity is representative of residential zoned lands with larger lot sizes (see Exhibit B). All lands in the project vicinity are designated by the General Plan as Low Density Residential (LDR) with Important Biological Corridor (IBC) Land Use Overlay (see Exhibits C1 and C2).

**Access:** The primary residence would be located on Parcel 2 and would be accessed from Johntown Creek Road by an existing graveled driveway. The secondary residential unit would be located on Parcel 1 and would be accessed from Hancock Road by an existing graveled driveway. Johntown Creek Road is paved and varies between 20 and 22 feet in width from Hancock Road to Mt. Murphy Road. There is a gated emergency only secondary road access at

the east end of Hancock Road that enters into the Garden Valley Ranch Estates subdivision. The maintenance of the shared roads is the responsibility of the Garden Valley Ranch Estates Community Service District. The subject parcel owners have previously joined that District for maintenance purposes. The project has been conditioned by DOT for the new parcels to be required to join the District prior to filing the Parcel Map.

**Building Permit History:** The 1,664 square-foot primary dwelling was approved by Building Permit 126081 on September 22, 2000. The 1,194 square-foot secondary residential dwelling was approved by Building Permit 160765 on May 5, 2005. The 1,216 square-foot garage was approved by Building Permit 153071 on May 5, 2005.

**General Plan:** The project site is designated Low Density Residential (LDR) with an Important Biological Corridor (IBC) Land Use Overlay.

**Land Use Designation Definitions:** **Policy 2.2.2.8** directs that the Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9 which is discussed in detail below.

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

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

**Fire Protection Services:** **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. **Policy 6.2.2.2, Wildland Fire Hazards,** requires that the County preclude development in areas of high and very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated by a recommendation of approval by the local Fire Protection District. **Policy 6.2.3.2, Adequate Access for Emergencies,** requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

**Consistent:** Georgetown Divide Public Utility District (GDPUD) would serve Parcel 2 for domestic water and Parcel 1 has an existing well. Emergency water and fire-flow would be obtained from existing waterline facilities and fire hydrants located along both Johntown Creek and Hancock Roads. No additional on-site road improvements to the existing two driveways would be required by the Garden Valley Fire Protection District (Fire District) for general or emergency access to the project. The Department of Transportation has reviewed the project and has required the verification of road standard to a minimum standards for the County Design and Improvement Standards Manual (DISM) Standard Plan 101C with 20-foot roadway with one - foot shoulders for the off-site portion of Johntown Creek Road to Mt. Murphy Road. The Fire District has not placed conditions on project approval. The project as conditioned would conform to the General Plan policies referenced above.

**Biological Corridor:** **Policy 7.4.2.9** identifies the site with an Important Biological Corridor (IBC) overlay. This would be applied to lands identified as having high wildlife values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay

district would be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural Lands (AL) designation, the land use restrictions associated with the IBC policies would not apply to the extent that the agricultural practices do not interfere with the purposes of the IBC overlay. Lands located within the overlay district would be subject to the following provisions listed in the table below:

<b>Guideline</b>	<b>Project Design Feature</b>
Increased minimum parcel size	<b>Consistent:</b> As discussed below in the <i>Zoning</i> section, the project is consistent with the minimum parcel size of 5 acres designated by the RE-5 zone district, with Section 17.14.120 allowing the parcel size exception for the 4.4-acre parcel.
Higher canopy-retention standards and/or different mitigation standards for oak woodlands	<b>Consistent:</b> No trees are proposed to be removed as part of this project proposal.
Lower thresholds for grading permits	<b>Consistent:</b> No grading is anticipated to be required resultant of a project approval.
Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss	<b>Consistent:</b> No wetland/riparian habitat loss would occur as a result of the project.
Increased riparian corridor and wetland setbacks	<b>Consistent:</b> No riparian corridors exist on the site.
Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Dept. of Fish & Game).	<b>Consistent:</b> The proposed project is not located in an El Dorado County plant Mitigation Area or any Ecological Preserve overlay designation. The soils identified above in the <i>Project Description</i> do not support the rare plants known as <i>Pine Hill Endemics</i> in the General Plan or Nissenan Manzanita. No new grading would be required.
Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	<b>Consistent:</b> The project footprints exist and would not reduce the area of existing plant communities.
Building permits discretionary or some other type of “site review” to ensure that canopy is retained	<b>Consistent:</b> No new building permits have been applied for by the applicant. There are existing permitted primary and secondary residential units and the access roads, potable water facilities and septic systems exist. No trees would be removed as part of this application proposal however, should each new parcel add a second residential unit in the future, General Plan Policy 7.4.4.4 would apply to future building permits.
More stringent standards for lot coverage, floor area ratio (FAR) and building height	<b>Consistent:</b> Given the parcel size (9.41 acres), and relatively small project footprint, more stringent standards are not required for

	this project.
No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement)	<b>Consistent:</b> The submitted <i>Final Biological Resources Study and Important Habitat Mitigation Program</i> did not find evidence that the parcel was being used as a wildlife corridor. No fences are proposed as part of this project.

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

**Consistent:** The submitted *Final Biological Resources Study and Important Habitat Mitigation Program* dated June 19, 2007 reported that the oak woodland canopy currently covers approximately 60 percent of the project site. Under General Plan Policy 7.4.4.4, Option A, 70 percent of the existing canopy must be retained. As proposed, the project would retain 100 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A and the El Dorado County Oak Woodland Management Plan.

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

**Zoning:** The project site is located within the Estate Residential Five Acre (RE-5) zone district. The proposed Parcel Map would create two parcels which are consistent with the development criteria identified with Section 17.28.210 of the Zoning Ordinance. The existing residential uses at the subject site are permitted by right under Section 17.28.190. Both new parcels would meet the 100-foot lot width required of Section 17.28.210 (C). The existing structures would meet the 30-foot setbacks required of Section 17.20.210 (D).

Section 17.14.120 allows parcel size exceptions in the RE-5 zone district. Subsections (C) (1) and (2) would permit Parcel 2 to be 4.4 acres in size because the water source is metered water. Findings for Approval are provided in Attachment 2.

**Design Waiver:** One Design Waiver has been requested to allow the creation of a parcel with a length in excess of three times the width at the parcel frontage. The Parcel Map would create one 4.4-acre parcel with greater than a 3 to 1 depth to width ratio. The *Design and Improvement Standards Manual* establishes that a deep parcel (a lot that exceeds the 3 to 1 lot width ratio) requires a Design Waiver. The proposed parcel equally distributes the useable portions of the parcel. The applicant has demonstrated that the proposed lots would comply with the required 100-foot lot width and the required 30-foot setback requirements, and best preserve the natural features on the site. Neither the Fire District, nor DOT has outstanding concerns with the Design Waiver request. Therefore, based on the existing parcel design, staff recommends approval of the Design Waiver. Findings of Consistency for the proposed Design Waiver have been provided in Attachment 2.

## ENVIRONMENTAL REVIEW

CEQA does not apply to this project pursuant to Section 15061, "Review for Exemption," which states in subsections (b) and (3) that a project is exempt from CEQA if the activity is covered by

the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project site includes a primary and secondary residential unit with supporting access roadways, wastewater and potable water facilities. The project would result in creating two separate parcels with no additional supporting infrastructure improvements required. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings of Approval
Exhibit A .....	Vicinity map
Exhibit B .....	Assessor's Parcel Number (APN) map
Exhibit C1 .....	General Plan Land Use map
Exhibit C2 .....	General Plan IBC Land Use Overlay
Exhibit D .....	Zoning map
Exhibit E .....	Proposed Tentative Parcel Map, January 26, 2009.
Exhibit F .....	Map showing existing interior driveways
Exhibits G1 to G5 .....	Site visit photos
Exhibits H1, H2 .....	Aerial photos showing vicinity

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number P08-0042/Malone Tentative Parcel Map  
May 20, 2009 Zoning Administrator Hearing

### CONDITIONS OF APPROVAL

#### Project Description

1. This tentative Parcel Map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit A through H2 dated May 20, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The project would allow the creation of two parcels, 4.4 acres and 5.0 acres in size, from a 9.4-acre site. Parcel 1 will be served by the existing well. Parcel 2 will be served by a domestic water service meter. Both parcels will be served by existing on-site septic wastewater systems. Parcel 2 shall exceed the 3 to 1 parcel depth to frontage width ratio. Parcel 1 shall contain a residential unit and garage and shall be accessed from Hancock Road. Parcel 2 shall contain a residential unit and shall be accessed from Johntown Creek Road.

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

#### Planning Services Site Specific and Standard Conditions

2. Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.
3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to *Section 7050.5* of the *Health and Safety Code* and *Section 5097.98* of the *Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage

Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

4. The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
5. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to the Georgetown Divide Recreation District, 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 the Parcel Map.
6. The Notice of Restriction for the second dwelling unit subject of Building Permit 160765 shall be rescinded. Proof of said requirements shall be received by Planning Services prior to filing the Parcel Map.
7. 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.
8. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the appeal period of a final project decision.
9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *Government Code*.

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

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

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

10. Off-site Access Improvements: The applicant shall construct and /or verify that the off-site portions of Johntown Creek Road , from the project boundary to Mt. Murphy Road, meets the requirements of El Dorado County Standard Plan 101C, and the CA Fire Code, a 20-ft wide roadway capable of supporting 75,000 lbs. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows that Johntown Creek Road complies with the DISM and Fire Safe Regulations as well as a secondary access road or

acceptable alternative. 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. **Maintenance Entity:** The proposed project shall join the existing Garden Valley Ranch/Estates Community Service District (CSD) for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities as already defined in the CSD formation agreement. DOT shall review the document forming the CSD and the applicant shall provide sufficient proof of joining the CSD prior to filing of the parcel map.
12. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
13. **Parcel Map Improvement Agreement & Security:** If improvements are necessary, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. This condition shall appear as a note on the recorded parcel map.
14. **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.
15. **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.
16. **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.

17. Drainage, Cross-Lot: Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the map.
18. Drainage Easements: Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
19. 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.
20. Off-site Improvements (Security): Prior to the filing of a final map or 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.
21. Off-site Improvements (Acquisition): As specified in the Conditions of Approval, the applicant shall be 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 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 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.

22. **Electronic Documentation:** Upon completion of any improvements required, and prior to acceptance of the improvements by the County, the developer shall 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.
23. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

#### **Georgetown Divide Public Utility District**

24. Applicant shall set up on-site meeting with the GDPUD Cross-Connection Control Specialist to demonstrate compliance with the District's Ordinance 91-5, Cross-Connection Control, prior to filing the parcel map.
25. The current active domestic water service account for the parent parcel shall be transferred to the new parcel shown as Parcel 2 in Exhibit E.

#### **County Surveyor's Office**

26. All survey monuments shall be set prior to filing the Parcel Map.
27. The applicant shall provide a Parcel Map Guarantee to the County Surveyor, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120 (B)(2) prior to filing the Parcel Map.
28. 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 P08-0042 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

## **ATTACHMENT 2**

### **FINDINGS**

#### **File Number P08-0042/Malone Tentative Parcel Map**

June 3, 2009 Zoning Administrator Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 CEQA does not apply to this project pursuant to Section 15061, "Review for Exemption," which states in subsections (b) and (3) that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Zoning Administrator has found that the facts that the primary dwellings, access driveways, septic and water facilities exist for both parcels, all support the decision that the project complies with the General Rule category.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

##### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the 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 allows a maximum density of one dwelling unit per five acres and parcel sizes that range from 5.00 to 10.00 acres. One parcel is five-acres in size. The 4.4-acre parcel can be found to be consistent because it is permitted by Zoning Code Section 17.14.120 which allows parcel size exceptions in the RE-5 zone district. Subsections (C) (1) and (2) permit Parcel 2 to be 4.4 acres in size because the water source is metered water.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 2.2.5.3 (future rezoning), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 7.4.2.9 (biological corridors), 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan, because the project provides adequate access, adequate water supply for fire protection, would be compatible with the surroundings land uses, and would not impact Important Biological Resources.

### **3.0 ZONING FINDINGS**

- 3.1 The subject site is zoned Estate Residential Five Acre (RE-5) which permits the proposed parcel sizes of 4.4 and 5.0 acres under Sections 17.14.120 and subsections (C) (1) and (2), and 17.28.210 (A). The parcel size exception can be found to be consistent because it meets the requirement of said Section by providing metered domestic water source.
- 3.2 The existing and proposed residential uses at the subject site are permitted by right under Section 17.28.190 (A). As proposed, the project meets all applicable development standards contained within Section 17.28.210 of the *El Dorado County Zoning Ordinance*.

### **4.0 PARCEL MAP FINDINGS**

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

All necessary improvements have been considered by the reviewing 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 Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

As proposed and conditioned, the tentative Parcel Map conforms to the development standards within the 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 equally distributes the existing suitable emergency and potable water, emergency access, septic disposal areas, and natural feature features. The project avoids disturbances to slopes in excess of 30 percent, and fits within the context of the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the General Plan land use designation and conforms to the minimum parcel size and development standards of the RE-5 zone district.

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 it has been determined that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.. The project site includes residential units with existing supporting access roadways, electrical, septic and potable water facilities. The project would result in two separate parcels with no additional supporting infrastructure improvements required.

**5.0 DESIGN WAIVER APPROVAL FINDINGS**

**5.0 Design Waiver Findings**

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

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 relate to the shape and topography of the parent parcel. The subject site is unique in that there are existing residential units on-site which constrain how the parcel can be divided. In addition, the parcel is irregularly shaped. Dividing the project site will provide two parcels for the residential development which efficiently and equally distributes the useable land and existing supporting infrastructure. The proposed Design Waiver allows creation of one additional parcel consistent with the minimum lot size requirements and development standards of the underlying RE-5 zoning designation and consistent with the General Plan Designation of Low Density Residential (LDR).

5.1.2 *Strict application of the design or improvement requirements will cause extraordinary and unnecessary hardship in developing the property.* The property is developed. The Design Waiver will allow both units to be on their own parcel.

5.1.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The shape of the parcels will not be injurious to adjacent properties or detrimental to the public health, safety, convenience and welfare because the existing project site elements comply with all fire safety, environmental health, and access requirements.

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