

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



Agenda of: October 21, 2009
Item No.: 4.a.
Staff: Tom Dougherty

TENTATIVE PARCEL MAP

FILE NUMBER: P09-0005/Haar

APPLICANT: James and Sheryl Haar

ENGINEER: Bob Olson

REQUEST: Tentative Parcel Map creating four parcels from 0.77 to 0.98 acre in size, from a 3.54-acre site. Design Waivers have been requested for the following:

- 1) Reduce the on-site road reduction in width from 28 feet to 20 feet with one-foot shoulders;
- 2) Remove the curb, gutter and sidewalk requirement;
- 3) Permit the existing 25-foot driveway easement for access to the parcel identified by Assessor's Parcel Number 009-330-11 to remain a driveway easement; and
- 4) Allow the existing encroachment onto Forebay Road to remain in the current location.

LOCATION: East side of Forebay Road approximately 0.5 mile north of the intersection with Pony Express Trail in the Pollock Pines area, Supervisorial District II. (Exhibit A).

APN: 009-260-05 (Exhibit B1)

PARCEL SIZE: 3.54 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit C1)

ZONING: One Family Residential (R1) (Exhibit D)

ENVIRONMENTAL DOCUMENT:

Negative Declaration

RECOMMENDATION:

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Tentative Parcel Map P09-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
3. Approve the following Design Waivers as the required findings have been made as noted in Attachment 3:
 - a) Allow an on-site road reduction in width from 28 feet to 20 feet with one-foot shoulders;
 - b) Allow the removal of the curb, gutter and sidewalk requirement;
 - c) Allow the existing 25-foot driveway easement for access to the parcel identified by Assessor's Parcel Number 009-330-11 to remain a driveway easement; and
 - d) Allow the existing encroachment onto Forebay Road to remain in the current location.

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 four parcels, two 0.98 acre and two 0.77 acre in size from a 3.54-acre site (see Exhibit E). Four Design Waivers have been requested for the following: a) Allow reduction in on-site road width from 28 feet to 20 feet; b) Allow the removal of the curb, gutter and sidewalk requirement; c) Allow the existing 25-foot driveway easement for access to the parcel identified by Assessor's Parcel Number 009-330-11 to remain a driveway easement; and d) Allow the existing encroachment onto Forebay Road to remain in the current location. The existing 1,700 square-foot residence and detached garage would remain on proposed Parcel 3.

Site Description: The project site consists of 3.54 acres and is located in the Camino area at an approximate elevation of 3,920 feet above mean sea level. The parcel contains an existing single family residence with associated hardscape and landscape features. The existing residence is accessed off of Forebay Road and shares a driveway with a parcel to the south. The on-site biological communities include annual grasses, ponderosa pine, and montaine hardwood conifer. An existing driveway bisects the property east to west. Project site soils consist of MhE, McCarthy Cobbly Loam, with 9 to 15 percent slopes.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	HDR	Single-Family Residential/single family dwelling.
North	R1A	HDR	Single-Family Residential/one vacant parcel of 3.9 acres, one single family dwelling on a 0.64-acre parcel.
South	R1	HDR	Single-Family Residential/seven parcels 0.25 to 0.33 acre, one parcel 2.0 acres. All eight have single family dwellings.
East	RA-20	NR	Vacant, one 6.45-acre parcel.
West	R1	HDR	Single-Family Residential/single family dwelling on a 0.5 acre parcel across Forebay Road.

Discussion: The project vicinity is primarily residentially zoned land with smaller lot sizes (see Exhibits B1, B2 and B3). All lands in the project vicinity are designated by the General Plan as HDR or NR (see Exhibit C1). The project parcel is bounded on the north, south and west by residential land uses on residentially zoned lands (R1 or R1A). The land to the east is very steeply sloped. (see Exhibits J1 and J2).

Access: The four parcels would have shared access from a currently unnamed road that would encroach onto Forebay Road. The encroachment would be conditioned to be improved for safe line-of-sight and proper drainage. The access road would be conditioned to be improved to a 20-foot width with 1-foot shoulders within a 50-foot easement to include a hammerhead turn-around where it enters proposed Parcel 1. The hammerhead turn-around would be located approximately 625 feet east of the encroachment onto Forebay Road. Secondary access is not required as Fire Safe requirements have been met. All encumbered driveway and road easements would remain to provide access to adjoining parcels. The 50-foot right-of-way would allow expansion of the 20-foot road upon future demands. As conditioned, and with compliance with the Wildland Fire Safe Plan, approved by Cal Fire and El Dorado Fire Protection District in April of 2009, the interior access roads would meet County Code standards.

General Plan: the General Plan designates the subject site as High Density Residential (HDR) and **Policy 2.2.1.2** directs that HDR identify *those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre*. The project would create four parcels on 3.54 acres with a density of 1.1 units per acre and therefore would be consistent with this policy.

Community Regions: **Policy 2.1.1.1** established the Camino/Pollock Pines Community Region boundary. The subject parcel is located within that boundary. **Policy 2.1.1.2** defines Community Regions as those areas *which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries*.

Consistent: As conditioned, the project would meet the intent of these policies by providing urban type development having sufficient infrastructure, utilities and travel available within the Community Region Boundary.

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.

Wastewater: Policy 5.3.1.1 states that *high-density and multifamily residential, commercial, and industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval...In the Community Region of Camino/Pollock Pines...development projects will not be required to connect to wastewater facilities where such connection is infeasible, based on the scale of the project.* **Policy 5.3.1.7** states that *in Community Regions, all new development shall connect to public wastewater facilities. In Community Regions where public wastewater facilities do not exist, applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.*

Consistent: There are no public wastewater services available to the site. Public water is available to the site for domestic use. The Environmental Health Division has reviewed and approved the submitted onsite sewage disposal feasibility report. As proposed, the project would be consistent with these policies.

Fire Protection: 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 in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection, and **Policy 6.2.3.2, Adequate Access for Emergencies**, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Consistent: El Dorado Irrigation District would serve the site for domestic water and fire-flow from an existing six-inch waterline located in Forebay Road. On-site road improvements to the existing driveway are required for general and emergency access to the project. The Department of Transportation has reviewed the project and supports the proposed Parcel Map provided that the project meet the minimum standards for the County Design and Improvement Standards Manual (DISM) Standard Plan 101C with 20-foot roadway with one - foot shoulders for the on-site portion of the access road and improved encroachment from the proposed road onto Forebay Road to Standard Plan 103D. El Dorado County Fire Protection District and the California Department of Forestry and Fire Prevention (Cal Fire) have requested Conditions of Approval addressing the emergency access issues for the project site. These conditions have been incorporated into the project. As conditioned, the project would conform to the General Plan policies.

Setbacks from timber harvest lands: Policy 8.4.1.2 requires setbacks to be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource. These setbacks are to be delineated on newly recorded parcel or subdivision maps. Projects located within a Community Region or Rural Center planning concept area are directed to maintain a minimum setback of 50 feet which shall only apply to incompatible uses including residential structures. All setbacks are measured from the property line.

Consistent: The project was circulated to the Agricultural Commissioner who responded that the soil on the parcel to the east, classified as MhE (McCarthy Cobbly Loam 9 to 15% slope), is considered "Choice" with a site class II and a site index of 93 to 113 (per the California Forestry Handbook, 1978) above 2,500 feet for timber (this site appears to be around 3,800 to 3,900 feet). That soil type is considered as being very good for timber. The Commissioner determined the project would not need to be heard by the Agricultural Commission but recommended that the 50-foot setback required by Policy 8.4.1.2 be recorded on the subject Parcel Map. The intent of the setback is to protect the ability to harvest timber in the future on the RA-20 zoned parcel to the east. Interim Interpretive Guidelines for Policy 8.4.1.2 adopted June 22, 2006 and amended September 28, 2006 require a 50-foot setback by policy. The proposed parcels have demonstrated that sufficient area exists such that the parcels may be developed and be compliant with the 50-foot timber land setback.

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

Zoning: The project site is located within the One Family Residential (R1) zone district. The proposed Parcel Map would create four parcels which would be consistent with the development criteria identified within Section 17.28.040 of the Zoning Ordinance. The existing and proposed residential uses would be permitted by right under Section 17.28.060 of the Zoning Code. The existing structures would meet the 20-foot front, five-foot sides and 15-foot rear setbacks required by Section 17.28.040 (D) of the Zoning Code. Findings for Approval are provided in Attachment 2.

Design Waivers: Four Design Waivers from the DISM have been requested for the proposed project. *The County can only approve Design Waivers when each of the following conditions exist:*

- 1. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver;*
- 2. Strict application of the design or improvement requirement of the Minor Land Division Ordinance or Design and Improvements Manual would cause extraordinary and unnecessary hardship in developing the property;*
- 3. The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public; and*
- 4. The adjustment or waiver would not have the effect of nullifying the objectives of the Ordinance and Manual noted above or any other law or ordinance applicable to the division.*

Forebay Road is a County maintained roadway. The project is located in the Camino/Pollock Pines Community Region. Pursuant to Section 3.A.12 of the Design and Improvements

Standards Manual (DISM), a minor land division may have a dead end road exceeding 500 feet (but less than 2,640 feet) if the road will serve less than 24 lots and 10-foot wide shoulders are provided on either side for a total roadway width of 40 feet.

Since the proposed project is located within the Camino/Pollock Pines Community Region, the required roadway width would be DISM Std Plan 101B with a 28-foot wide asphalt-paving (3-inches AC over 8" AB) with curb, gutter, and sidewalk, with a 6-foot shoulder on either side (for a total roadway width of 40 feet to comply with DISM Sec. 3.A.12.a).

The applicant has requested Design Waivers from said requirements as follows:

1. A request to reduce the on-site road width from 28 feet to 20 feet with one-foot shoulders.

Discussion: Reducing the required width to 20 feet can be found to be adequate within a rural area as it would preserve the natural features, and would comply with the 2007 California Fire Code requirements. The Wildland Fire Safe Plan, approved by Cal Fire and El Dorado Fire Protection District in April of 2009, would require a ten-foot wide fuel treatment zone to be maintained on both sides of the interior access road. Neither the El Dorado County Fire Protection District nor Cal Fire has objected to the Design Waiver request.

DOT Response: DOT is in support of this design waiver. The project is located in the Camino/Pollock Pines Community Region requiring the road to be constructed in accordance with DISM Standard Plan 101C. However, because this area is in a rural/semi-rural area, and would be in a rural zone in the future, the road width would be permitted to be reduced to 20 feet to 101C standards.

2. A request to remove the curb, gutter and sidewalk requirement.

Discussion: DOT has determined that the interior access roadway and associated roadside ditches, as conditioned, would adequately transport storm runoff waters. It has been determined that allowing this Design Waiver would prevent unnecessary impacts to the existing natural features and structures. Neither the El Dorado County Fire Protection District nor Cal Fire objected to this Design Waiver.

DOT Response: Given the rural/semi-rural area, DOT is in support of the Design Waiver.

3. Permit the existing 25-foot driveway easement for access to the 2.0-acre parcel identified by Assessor's Parcel Number 009-330-11 to remain a driveway easement.

Discussion: The subject driveway is currently used by the parcel to the south and would be improved to Fire Code standards. The parcel has a land use designation of HDR and could be subdivided in the future. The project has been examined in light of General Plan Policy 2.2.5.16 which requires that the *level of planning will*

at a minimum demonstrate that the project will not preclude the ultimate potential density and it has been found the approval of the Design Waiver would not. Alternative access could be provided on Dobson Road which would be analyzed in the future should a split occur. Requiring a 20-foot road and 50-foot right-of-way for a limited number of parcels is unnecessary and would negatively impact the site's natural features and cause excessive grading. Neither the El Dorado County Fire Protection District nor Cal Fire objects to this Design Waiver.

DOT Response: DOT is in support of this design waiver.

4. Allow the existing encroachment onto Forebay Road to remain in the current location.

Discussion: Neither the El Dorado County Fire Protection District nor Cal Fire object to this Design Waiver.

DOT Response: DOT is in support of this Design Waiver. In order to realign, the road encroachment would be on the neighboring parcel. The existing configuration is adequate.

Conclusion: Granting of the Design Waivers 1 through 4 would not be injurious to any of the affected property owners as they are all in agreement with the proposal. Upon fulfillment of the recommended Conditions of Approval, neither the El Dorado County Fire Protection District, Cal Fire, nor DOT have any outstanding concerns therefore, Design Waivers 1 through 4 could be approved as proposed. Findings of Consistency for the proposed Design Waivers which would be approved with the project are provided in Attachment 2.

Tentative Parcel Map: The Tentative Parcel Map would create four parcels, two 0.98 acre and two 0.77 acre in size from a 3.54-acre acre site (see Exhibit E). An account of the proposed parcel details is included in the table below:

Parcel Number	Gross Area	Existing Improvements
1	0.98 acre	No improvements.
2	0.77 acre	No improvements.
3	0.77 acre	1,718 sq. ft. single family residence, 900 sq. ft. garage
4	0.98 acre	No improvements.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (see Exhibit K) to assess project-related environmental impacts. Based on the Initial Study, it has been determined that there is not substantial evidence that the proposed project would have a significant effect on the environment. Therefore, a Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings of Approval
Exhibit A	Location map
Exhibits B1, B2, B3	Assessor's Parcel Map
Exhibit C1	General Plan Land Use map
Exhibit C2	Camino/Pollock Pines Community Region
Exhibit D	Zoning map
Exhibit E	Proposed Tentative Parcel Map, dated April 20, 2009.
Exhibit F	<i>Preliminary Grading</i> map, dated April 22, 2009
Exhibit G	<i>Suitable Disposal Area</i> map, dated June 17, 2008
Exhibit H	Soils map
Exhibit I	Pollock Pines Quadrangle map
Exhibits J1, J2	Aerial maps showing vicinity
Exhibit K	Initial Study Environmental Checklist (CEQA)

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P009-0005/Haar Tentative Parcel Map

October 21, 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 K 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 four parcels, two 0.98, acre and two 0.77 acre, from a 3.54-acre acre site. All four parcels shall be served by domestic water service meters and onsite septic wastewater systems. Access improvements shall include construction of the on-site roadway and the encroachment from the proposed road onto Forebay Road. Parcel 3 will include the existing single family dwelling and detached garage. Design Waivers shall be granted for a) allow an on-site road width of 20 feet with one-foot shoulders; b) allow the removal of the curb, gutter and sidewalk requirement; c) allow the existing 25-foot driveway easement for access to the parcel identified by Assessor's Parcel Number 009-330-11 to remain a driveway easement; and d) allow the existing encroachment onto Forebay Road to remain in the current location.

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. A meter award letter or similar document to provide water service to each parcel by the El Dorado Irrigation District shall be submitted to Planning Services for review and approval prior to filing the Parcel Map.
3. 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.

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 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. 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.
7. The applicant shall implement the approved *Haar Parcel Split Wildland Fire Safe Plan*, dated September March 30, 2009, as approved by the El Dorado County Fire Protection District and California Department of Forestry and Fire Protection (Cal Fire).
8. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing the parcel map.
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 parcel map, which action is brought within the time period provided for in *Section 66499.37*.

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

El Dorado County Department of Transportation

10. **Road Design Standards:** 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)

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Proposed Roadway	Modified Std Plan 101C	20ft / 1 ft	10 ft	25 mph	No sidewalk, curb and gutter

* 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

11. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site roadways, prior to the filing of the Parcel Map. The roadway and public utility easement shall extend to the easterly property line for future access of the easterly lot. Slope easements shall be included as necessary. This offer will be rejected by the County.
12. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 30- foot right-of-way along the entire frontage of Forebay Road, in fee, as determined by EDC DOT, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be accepted by the County.
13. **Snow Removal / Storage Area & Curbing:** The applicant shall provide a snow removal and storage area easily accessible to snow removal equipment.
14. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed Road onto Forebay Road to the provisions of County Design Std 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.
15. **Turnaround:** The applicant shall provide a turn around on the proposed 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 with security, prior to the filing of the Parcel Map.

16. **Off-site Easements:** Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
17. **Sight Distance:** The sight distance from a vehicle parked at the edge of traveled way of proposed road with the driver's eye no more than 15 feet from the edge of pavement, shall be a minimum of 550 feet in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to approval of improvement plans.
18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
19. **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.
20. **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.
21. **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.
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. **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.
25. **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.
26. **Signage:** 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).
27. **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.
28. **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.

29. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
30. **Electronic Documentation:** Upon completion of any 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.
31. **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

32. The applicant shall submit a review fee to the District of \$150.00 prior to filing the Parcel Map.
33. Fire flow for this project shall be 1,000 gpm @ 20 psi for two hours. The applicant shall provide documentation to the District from the El Dorado Irrigation District (EID), that the water system will meet fire flow requirements, prior to filing the Parcel Map.
34. A fire hydrant shall be required for this project. The hydrant must be within 500 feet of each new parcel. Final location of the hydrant shall be approved by the District prior to issuance of a grading permit for the improvements.
35. In the event a fire hydrant cannot provide the minimum fire flow of 1,000 gallons per minute at 20 lbs. for 2 hours, a NFPA 13D home sprinkler systems shall be required for each newly constructed residence on each parcel. This shall appear in the form of a deed restriction that shall be reviewed and approved by the District prior filing the Parcel Map. The deed restriction shall be recorded concurrently with the Parcel Map.
36. El Dorado County DOT standards shall be met at a minimum and will supersede Fire District minimum requirements.
37. The *Haar Parcel Split APN 009-260-05 Wildland Fire Safe Plan* dated March 30, 2009 is approved and shall be attached to the filed Parcel Map. Documentation shall be provided to the District that this requirement has been met, prior to filing the Parcel Map.
38. Pursuant to the *Haar Parcel Split APN 009-260-05 Wildland Fire Safe Plan* dated March 30, 2009, a Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants Codes and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
 - a. Implementation of all provisions of the *Haar Parcel Split APN 009-260-05 Wildland Fire Safe Plan* dated March 30, 2009.

- b. Ongoing maintenance and monitoring of the shared roads.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to El Dorado County Fire Protection District for review, and subsequent approval, prior to filing of the Parcel Map. Any future changes in the aforementioned provisions of the final District approved version of the CC&Rs shall require further District approval.

El Dorado County Agriculture Department

39. The Parcel Map shall have a 50-foot non-building setback shown along the eastern parcel boundary, measured from the property line west into the subject parcel, with a note that explains it shall apply to incompatible uses including residential structures. The Department shall review and approve the inclusion of this requirement on the map prior to filing the Parcel Map.

County Surveyor's Office

40. All survey monuments shall be set prior to filing the Parcel Map.
41. 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.
42. 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 P09-0005 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 P09-0005/Haar Tentative Parcel Map

October 21, 2009 Zoning Administrator Hearing

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

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the High-Density Residential (HDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the HDR land use designation allows a maximum density of one to five dwelling units per one acre and the project proposes 1.1 units per acre.
- 2.2 The proposal is consistent with General Plan policies, including 2.1.1.1 (community regions, 2.2.1.2 (land use category definitions), 2.2.5.21 (land use compatibility), 5.3.1.1 and 5.3.1.7 (public wastewater facilities in Community Regions), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 8.4.1.2 (setbacks from timber harvest areas). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned One Family Residential (R1) which permits the proposed parcel sizes of 0.98 acre and 0.77 acre under Section 17.28.040(A).

- 3.2 The existing and proposed residential uses at the subject site are permitted by right under Section 17.28.020(A). As proposed, the project meets all applicable development standards contained within Section 17.28.040 of the *El Dorado County Zoning Ordinance*.

4.0 PARCEL MAP FINDINGS

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

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

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

As proposed and conditioned, the tentative Parcel Map conforms to the development standards within the One Family Residential (R1) zone district and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which allows suitable emergency water, emergency access, and septic disposal area, considers timber lands, 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 HDR General Plan land use designation and conforms to the minimum parcel size and development standards of the R1 zone district. Future development would require consistency with applicable General Plan policies and Zoning Ordinance requirements.

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

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

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To allow an on-site road width of 20 feet with one-foot shoulders.

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

It can be found that the reduction is justified because of the rural/semi-rural surroundings and for the utmost protection of the natural features. Neither DOT, El Dorado County Fire Protection District, nor Cal Fire objected to the Design Waiver request. The

proposed right of way currently accommodates the proposed roadway and any future widening of the road.

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

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

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

Permitting a 20-foot access road to the parcels would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The project has been conditioned to include this roadway widening to meet DISM and California Fire Code requirements. All property owners affected are in agreement with the easement width and location.

- 5.1.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

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

5.2 Allow the removal of the curb, gutter and sidewalk requirement.

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

It can be found that, as conditioned, the interior access roadways and associated roadside ditches would adequately transport stormwater runoff. It has been determined that allowing this Design Waiver would prevent unnecessary impacts to the existing natural features and structures and preserve the rural nature of the parcels, consistent with the surrounding parcels.

- 5.2.2 *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 excessive improvements to the natural environment that are not considered by either DOT or the El Dorado County Fire protection District to be essential components of the final map requirements.

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

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

- 5.2.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The granting of the Design Waiver will create parcels that will be consistent with the Development Standards of the R1 zone district and applicable policies of Chapter 17 of the County Code.

5.3 Allow the existing 25-foot driveway easement for access to the parcel identified by Assessor's Parcel Number 009-330-11 to remain a driveway easement.

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

Reducing the required width to 20 feet can be found to be adequate within a rural area as it would preserve the natural features, and would comply with the 2007 California Fire Code requirements. The Wildland Fire Safe Plan, approved by Cal Fire and El Dorado Fire Protection District in April of 2009, would require a ten-foot wide fuel treatment zone to be maintained on both sides of the interior access road. Neither the El Dorado County Fire Protection District nor Cal Fire has objected to the Design Waiver request.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from widening the roadway unnecessarily, pursuant to DOT, El Dorado County Fire Protection District, and Cal Fire review and determinations.

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

The allowance for the existing access driveway to remain as such will not result in a situation that would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The required driveway and easement would be sufficient to meet fire safe standards for access and has been reviewed and conditionally approved by the El Dorado County Fire Protection District, Cal Fire, and the Department of Transportation.

- 5.3.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The granting of the Design Waiver will create parcels that will be consistent with the Development Standards of the R1 zone district and applicable policies of Chapter 17 of the County Code. The approval will not preclude the ultimate potential density of the surrounding parcels designated for High Density land use as alternative primary accesses to those parcels exist.

5.4 Allow the existing encroachment onto Forebay road to remain in the current location.

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

In order to realign the encroachment to match the existing encroachment across the street, it would be necessary to move it into a neighboring parcel. DOT found the existing encroachment to be adequate. Neither DOT, El Dorado County Fire Protection District, nor Cal Fire had any other objection to this Design Waiver request. Approval would permit approval of the creation of four parcels consistent with both the General Plan and Zoning Ordinance with minimal environmental effects.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from realigning the roadway unnecessarily, pursuant to DOT, El Dorado County Fire Protection District, and Cal Fire review and determinations.

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

The allowance for the proposed encroachment to remain where it exists today will not result in a situation that would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. As conditioned, the required roadway encroachment would be sufficient to meet fire safe standards for access and has been reviewed and conditionally approved by the El Dorado County Fire Protection District, Cal Fire, and the Department of Transportation.

5.4.4 This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The granting of the design waiver will create parcels that will be consistent with the Development Standards of the R1 zone district and applicable policies of Chapter 17 of the County Code.