

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



**Agenda of:** December 15, 2010  
**Item No.:** 5.a.  
**Staff:** Tom Dougherty

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P09-0009/DeAngelis

**APPLICANT:** Michael DeAngelis

**AGENT/ENGINEER:** Lebeck Young Engineering-Nicole Young

**REQUEST:** Tentative Parcel Map creating three parcels 6.16, 6.18 and 6.50 acres in size, from an 18.838-acre site. Design Waivers have been requested for the following:

- 1) Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcel 1 and the parcel identified by APN 109-340-67; and
- 2) Allow a private driveway easement to access Parcel 3; and
- 3) Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcels 2 and 3.

**LOCATION:** West side of South Shingle Road approximately 1.9 miles south of the intersection with Durock Road in the Shingle Springs area, Supervisorial District 2. (Exhibit A).

**APN:** 109-340-68 (Exhibit B)

**PARCEL SIZE:** 18.838 acres

**GENERAL PLAN:** Low Density Residential-Important Biological Corridor (LDR-IBC) (Exhibit D)

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

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

## **RECOMMENDATION:**

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1; and
3. Approve Tentative Parcel Map P09-0009 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
4. Approve the following Design Waivers as the required findings have been made as noted in Attachment 2:
  - a) Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcel 1 and the parcel identified by APN 109-340-67; and
  - 2) Allow a private driveway easement to access Parcel 3; and
  - 3) Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcels 2 and 3.

**BACKGROUND:** The 18.838-acre parcel was created by Parcel Map PM41-65 recorded in December of 1989. The existing primary single-family dwelling, two barns and water tower were constructed prior to 1956 and are considered legal non-conforming structures. The existing 840 square-foot hardship mobile home was approved originally by Temporary Mobile Home Application TMA91-0005 in March of 1993 for an agricultural caretaker. That permit was replaced by TMA10-0004 as a hardship mobile home for the mother-in-law in June of 2010.

**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:** Tentative Parcel Map creating three parcels 6.16, 6.18 and 6.50 acres in size, from an 18.838-acre site (Exhibit F). Design Waivers have been requested to 1) allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcel 1 and the parcel identified by APN 109-340-67; 2) allow a driveway to access Parcel 3; and 3) allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcels 2 and 3. The existing primary residence, hardship mobile home, two barns and water tower building, would remain on proposed Parcel 1. The three parcels would be served by wells and septic systems.

**Site Description:** The project site consists of 18.838 acres and is located at an approximate elevation of 1,340 feet above mean sea level. Proposed Parcel 1 contains one single family residence, a hardship mobile home, a barn, a barn/packing shed, and water tower building, with associated hardscape and landscape features. The existing residences are accessed from South Shingle Road and they share the driveway with a parcel to the north. The on-site biological

communities include annual grasses, riparian trees around the existing intermittent pond, as well as remnant orchard cherry trees. The site is a part of what was once a much larger ranch used for grazing and orchard crops. The majority of the site contains 0 to 10 percent slopes.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE-5	LDR-IBC	Residential/One 893 sq. ft. single family residence, an 840 square-foot hardship mobile home, a 115-foot by 65-foot barn, a 40-foot by 65-foot barn/packing shed, and a 15-foot by 15-foot by approximately 30-foot tall water tower building
<b>North</b>	RE-5	LDR-IBC	Residential/Single-Family dwellings, outbuildings
<b>South</b>	AE/RE-5	LDR-IBC	Residential/Single-Family dwellings, outbuildings
<b>East</b>	RE-5	LDR-IBC	Residential/Single-Family dwellings, outbuildings
<b>West</b>	RE-5	LDR-IBC	Residential/Single-Family dwellings, outbuildings

Discussion: The project vicinity is primarily residentially zoned land with larger lot sizes. All lands in the project vicinity are designated by the General Plan for low density residential (see Exhibit D). The project parcel is bounded on the north, south and west by residential land uses on residentially zoned lands. South Shingle Road adjoins the parcel along the east boundary and there are residentially zoned lands east of it. A portion of the south boundary adjoins a parcel zoned for agricultural uses, inconsistent with that parcel’s General Plan designation which is discussed in more detail below in the *Conflicts with Agriculture* section below.

**Project Issues:** Discussion items for this project include access, noise from transportation sources, sewage disposal and water supply.

**Access:** The parent parcel has shared access with the parcel to the north from a currently unnamed road that encroaches onto South Shingle Road. This access exists and no new impacts and vehicle trips would be anticipated. The encroachment onto South Shingle Road would be conditioned to be improved for safe line-of-sight and proper drainage. A Design Waiver has been requested to allow the existing 12-foot wide asphalted surface to be used by both parcels to include an improved hammerhead turn-around where it would split into two driveways to both proposed Parcel 1 and the parcel to the north. The westernmost portion of the proposed hammerhead turn-around would be located approximately 340 feet west of the existing road surface of South Shingle Road. With an approved Design Waiver, the existing 50-foot road and public utility easement would be reduced to a 30-foot width. DOT, Cal Fire and El Dorado County Fire Protection District have no outstanding concerns with the access as proposed because the project request would not significantly impact the existing access and the existing historical, legal non-conforming buildings (previously discussed in the Background section).

A new access to Parcels 2 and 3 is proposed to include an expansion of the existing encroachment onto South Shingle Road currently utilized by the parcel to the south. They are not proposed to share their driveway accesses outside of the encroachment. That encroachment

would lead to a 20-foot wide graveled road traveling west approximately 430 feet from the existing road surface of South Shingle Road to the westernmost portion of the proposed turnaround. Proposed Parcel 2 would then be restricted to use a driveway from the north finger of that turnaround for access, and proposed Parcel 3 would be restricted to use the western finger for their driveway access. The driveway easement to proposed Parcel 3 from the turnaround would include a vehicular access restriction for exclusive use by that parcel. Both accesses are proposed to be contained within a 30-foot road and public utility easement and both are subject to the approval of Design Waiver requests reducing the widths from 50 feet to 30 feet as discussed further below in the *Design Waiver* section. DOT, Cal Fire and El Dorado County Fire Protection District have no outstanding concerns with the parcel accesses as proposed.

**Noise from Transportation Sources:** Table 6-1 of the General Plan provides details for projects as being a use subject to maximum allowable noise exposures from transportation source. Table 5.10-3 of the General Plan Environmental Impact Report, May 2003, lists noise level specifications as contours from travel lanes for the portion of South Shingle Road between Brandon Road and north to Sunset Lane. In order to reduce the outdoor exposure to noise levels that would meet the 60dB level defined in Table 6.1, a 156-foot, non-building setback would be required measured from the centerline of the near-travel lane. This setback line has been shown on the submitted Tentative Parcel Map included as Exhibit F.

**Sewage Disposal:** Proposed Parcel 1 contains an existing County approved septic system currently in use. The Environmental Health Division has reviewed the submitted sewage disposal capability report for the other two proposed parcels and found that it demonstrates both parcels would be suitable for adequate sewage disposal.

**Water Supply:** The project proposes to use wells for the residential water supply. There are existing wells on proposed Parcels 1 and 2. The Environmental Health Division has reviewed the submitted well report for the well existing on proposed Parcel 1 and found it meets the requirements of Water Supply Policy 800-02. The existing well on proposed Parcel 2 is currently non-functioning and was not tested however, the project has been conditioned that both Parcels 2 and 3 have wells for their respective water supply that meet Policy 800-02 standards prior to filing the Parcel Map. Pursuant to Environmental Health staff, the capped, non-functioning well on Parcel 2 will be dealt with during the Section 800-02 review of all the wells, prior to filing the Parcel Map.

**General Plan:** The General Plan designates the subject site as Low Density Residential (LDR) with an Important Biological Corridor (IBC) Land Use Overlay and **Policy 2.2.1.2** directs that LDR identify *establishes areas for single-family residential development in a rural setting* with a maximum density of one dwelling unit per 5.0 acres with parcel size range of 5 to 10 acres. The project would create three parcels 6.16 to 6.50 acres in size and therefore would be consistent with this policy.

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

Consistent: The parcel sizes and residential uses would be consistent and compatible with the intended development pattern in the immediate neighborhood.

**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.

Discussion: El Dorado County Fire Protection District has requested Conditions of Approval addressing the emergency access and emergency water availability issues for the project site. One of those is a requirement for submittal of a Fire Safe Plan approved by the Fire District and by Cal Fire. These conditions have been incorporated into the project. As conditioned, the project would conform to the General Plan policies.

**Noise Impacts:** **Policy 6.5.1.8** directs that *new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise to the levels specified in Table 6-1.*

Discussion: As discussed above in the *Project Issues, Noise from Transportation Sources* section, a 156-foot non-building setback from the centerline of the near travel lane would be recommended to be included on the filed Parcel Map to meet the intent of this policy, and mitigate potential noise impacts.

**Wetland buffers:** **Policy 7.3.3.4** directs that *buffers and special setbacks of 50 feet from intermittent streams and wetlands.*

Discussion: The applicants submitted a *Final Biological Resources Study and Important Habitat Mitigation Program (Biology Report) for the DeAngelis Parcel Subdivision Project*, Sierra Ecosystem Associates, June 11, 2008 recommended setbacks from the intermittent, man-made pond on proposed Parcel 2, and from the intermittent streambed and perennial pond on the parcel to the south identified by Assessor's Parcel Number 109-340-69 and located as shown in Exhibit F. Mitigation Measure 3 would be recommended which, upon fulfillment, would mitigate the potential impacts to wetlands to a less than significant level. The full discussion of the project impacts in relation to Policy 7.3.3.4 is contained in Section IV in the attached Environmental Checklist.

**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> It is not recommended that minimum parcel size of 5 acres be increased because the project avoids the wetlands, has no woody vegetative corridors the new parcels share an existing and one new access. The submitted Biological study determined no significant biological corridors exist.
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. The wetland area would be avoided from development.
Lower thresholds for grading permits	<b>Consistent:</b> Grading for an improved encroachment onto South Shingle Road, access road and turnaround for Parcels 2 and 3, as well as the turnaround for Parcel 1 would be required resultant of a project approval. As the project parcel is relatively flat and devoid of trees and shrubs in these areas, the impacts would not be considered significant.
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 significant riparian corridors exist on the site. The project would require permanent non-building setbacks from wetlands as discussed above in the Policy 7.3.3.4 Section.
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 located El Dorado County plant Mitigation Area 1 but does not have any Ecological Preserve overlay designation. The soils identified to exist within the parcel boundaries by the submitted <i>Geologic Evaluation</i> do not support the rare plants known as <i>Pine Hill Endemics</i> in the General Plan. The submitted Biology Report found and mapped four elderberry shrubs on-site and which are shown in Figure 2 of the report. The project includes Mitigation Measure 2 which, upon implementation, would reduce potentially significant impacts to a less than significant level by protecting them from future development.

Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	<b>Consistent:</b> The project has very few oak trees on site and none are proposed to be removed. No improvements resultant of a project approval would be anticipated to reduce the area of existing plant communities other than the non-native grasses.
Building permits discretionary or some other type of “site review” to ensure that canopy is retained	<b>Consistent:</b> There are existing permitted primary and temporary residential units, access roads, potable water facilities and septic systems exist for proposed Parcel 1. 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 sizes (6.16 to 6.50 acres), and relatively small projected project footprints, 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 Biology Study did not find evidence that the parcel was being used as a wildlife corridor. No fences are proposed as part of this project and there are no continuous vegetative corridors present.

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

**Consistent:** The submitted Biology Report reported that the oak woodland canopy currently covers approximately 2.4 percent of the project site. Under General Plan Policy 7.4.4.4, Option A, 90 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.

Conflicts with Agriculture: **Policies 8.1.3.1** (ten-acre buffer for agriculturally zoned lands), **8.1.3.2** (200-foot setback buffer for agriculturally zoned lands):

**Consistent:** There is one 4.83-acre zoned Exclusive Agricultural (AE) that adjoins the southeast corner of the project parcel. That parcel is not in a current Williamson Act Contract, it does not have a current agricultural operation on it, and it has a land use designation of LDR. The project would not diminish or impair an existing or potential agricultural use, and would not create conflicts between residential and agricultural activities. Review of the General Plan land use map for the project area indicates that there are no areas designated as being within the Agricultural District (A) General Plan land use overlay designation within approximately eight miles of the project.

On January 13, 2010, the El Dorado County Agricultural Commission reviewed and discussed the subject application requests, as well as the County Agriculture staff's observations and recommendations. The full text of the Memo from the Agricultural Commissioners to Planning staff is included as Exhibit K. The Commission supported the applicant's project request.

Staff has found the proposed project would not cause significant conflicts with agriculturally-zoned lands because of the previously stated reasons, as well as the recommendation of approval by the Agricultural Commission, and could be approved as proposed.

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 Estate Residential Five Acre (RE-5) zone district requiring minimum five-acre parcel sizes. The proposed Parcel Map would create three parcels 6.16, 6.18 and 6.499 acres in size meeting the minimum parcel size requirement. The submitted maps shows the parcels would allow development consistent with the development criteria for 30-foot setbacks have 100-foot parcel widths required by Sections 17.28.210.D and C (Development Standards) of the Zoning Ordinance, with an approved Design Waiver to allow a driveway to access Parcel 3. The existing and ensuing residential and accessory uses are permitted by right under Section 17.28.190 (Uses permitted by right).

The existing hardship mobile home and 115-foot by 65-foot barn and 15-foot by 15-foot by approximately 30-foot tall water tower building structures on proposed Parcel 1 would meet the 30-foot and 50-foot setbacks required of Sections 17.28.210 (D&E). The existing 893 square-foot single family residence and 40-foot by 65-foot barn/packing shed would be located within the 30-foot front yard setback required from a road easement but were constructed prior to 1956 and are considered legal non-conforming in relation to setbacks. The Findings for Approval are provided in Attachment 2.

**Design Waiver:** The following three Design Waivers have been requested:

- 1) **Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcel 1 and the parcel identified by APN 109-340-67.**

Discussion: The previous Parcel Map PM41-65 established a 50-foot wide road and public utility easement that encumbers the current driveway access for approximately 170 feet west from South Shingle Road. The point where the two parcel's current driveways split is actually located is approximately 280 feet from South Shingle Road. In order to expand that easement to the westernmost point of the required Fire Safe turnaround (approximately 340 feet), the applicant would need to acquire an off-site easement which the neighbor to the north is not willing to grant. There can be no further splitting of the parcels so it has been determined that it would not be necessary to preserve the 50-foot wide easement for other future parcels to share. As conditioned, neither DOT, Cal Fire, nor El Dorado County Fire Protection District has any outstanding concerns with the project design allowing the requested Design Waiver. The proposed 30-foot wide

easement has therefore been found by Planning to be adequate to serve the project with the least amount of impacts possible to the existing natural and man-made environment.

2) **Allow a private driveway easement to access proposed Parcel 3:**

**Discussion:** The parent parcel has an irregular shape as approved by the previous parcel map that somewhat isolates the southwestern portion from easy access. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage for proposed Parcel 3 pursuant to Section 17.28.210.C of the Zoning Code which would then create a flag-shaped parcel. The new parcel with a driveway standard for a portion of the access roadway beyond the terminus of the required Fire Safe turnaround shown in Exhibit F, would allow the parcels to remain in standard rectangular shapes which would conform to the dominant pattern of the parcels surrounding them. Further, the two parcels would both be able to use an expanded existing encroachment for their portion of entry onto South Shingle Road. The proposed project appears to efficiently and equally distribute the useable portions of the existing parcel. As conditioned, neither DOT, Cal Fire, nor El Dorado County Fire Protection District has any outstanding concerns with the project design allowing the requested Design Waiver.

3) **Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcels 2 and 3.**

**Discussion:** Allowing a 30-foot wide easement containing a 20-foot wide graveled road and including a Fire Safe turnaround at the approximately 430-foot terminus, would allow minimal environmental impacts to occur to that area of the parcel which is constrained by the 50-foot non-building setback required from the intermittent pond. The parent parcel has an irregular shape as approved by the previous parcel map that somewhat isolates the southwestern portion from easy access. The access road would only serve the two proposed parcels and there would be no further opportunity to split any lands beyond the proposed easement terminus due to their sizes, zoning and land use designations. Further, all required improvements would fit into a 30-foot wide easement. As conditioned, neither DOT, Cal Fire, nor the Fire District has any outstanding concerns with the project design allowing the requested Design Waiver.

**Conclusion:** It has been determined that that the most efficient access to South Shingle Road, as well best way to preserve the natural features on the site, would be to allow all four Design Waiver requests. Granting of the Design Waivers would not be injurious to any of the affected property owners as they are all in agreement with the proposal. As conditioned, neither DOT, Cal Fire, nor the Fire District has any outstanding concerns with the project. Therefore, based on the existing parcel design, staff recommends approval of all four Design Waiver requests. Findings of Consistency for the proposed Design Waivers which would be approved with the project are provided in Attachment 2.

**ENVIRONMENTAL REVIEW:** Staff has prepared an Initial Study (Environmental Checklist with discussion provided in Exhibit L) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of biology, noise, and mandatory findings of significance. Staff has determined that

significant effects of the project on the environment have been mitigated; therefore a Mitigated 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.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,010.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 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
Exhibit B .....	Assessor's Parcel Number map
Exhibit C .....	Parcel Map 41-65
Exhibit D .....	General Plan Land Use map
Exhibit E .....	Zoning map
Exhibit F.....	Tentative Parcel Map, dated November 3, 2010
Exhibit G.....	Soils map
Exhibit H.....	Shingle Springs U.S.G.S. Quadrangle map
Exhibits I-1 to I-3.....	Site visit pictures
Exhibits J-1, J-2 .....	Aerial maps showing vicinity
Exhibit K.....	Agricultural Commission Memo to Planning Services dated January 27, 2010
Exhibit L .....	Initial Study-Environmental Checklist (CEQA)

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

**File Number P09-0009/DeAngelis Tentative Parcel Map**

December 15, 2010 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 hearing exhibit marked Exhibit F 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 three parcels 6.16, 6.18 and 6.499 acres in size, from an 18.838-acre site, as shown in Exhibit F. All three parcels shall be served by wells and onsite septic wastewater systems. Access improvements shall include construction of the encroachment from the access road shared by Parcels 2 and 3 onto South Shingle Road and portions of the access roads to all three parcels as conditioned below in the Department of Transportation section. The approval includes the following:

<b>Parcel Number</b>	<b>Gross Area</b>	<b>Existing Improvements</b>
1	6.18 acres	One 893 sq. ft. single family residence, one 840 sq. ft. hardship mobile home, one 115-ft. by 65-ft. barn, one 40-ft. by 65-ft. barn/packing shed, and one 15-ft. by 15-ft. by approximately 30-ft. tall water tower building.
2	6.16 acres	Man-made intermittent pond, existing non-functioning well.
3	6.49 acres	No improvements

Design Waivers shall include the following:

- a) Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcel 1 and the parcel identified by APN 109-340-67; and
- b) Allow a private driveway easement to access Parcel 3; and
- c) Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcels 2 and 3.

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.

### **Conditions from the Mitigated Negative Declaration**

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

2. **BIO-1: No Disturbance Buffer:** A 50-foot, no-disturbance buffer around the three elderberry shrubs as shown in Figure 2 of the *Final Biological Resources Study and Important Habitat Mitigation Program (Biology Report) for the DeAngelis Parcel Subdivision Project*, Sierra Ecosystem Associates, June 11, 2008 shall be marked by orange construction fencing prior to commencement of any grading or building permit on Parcels 2 and 3.. Said fencing shall have signs posted on them that read, "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be readable from a distance of 20 feet, and must be maintained for the duration of construction.

**Monitoring Responsibility:** Planning Services.

**Monitoring Requirement:** This requirement shall be placed on all future grading or building permit plans for Parcels 2 and 3. Planning Services shall review the submitted plans for inclusion of said mitigation prior to issuance of any future grading or building permit. The applicants shall provide Planning Services with proof that said fencing has been installed as described above, prior to initiation of any work allowed by an issued building and/or grading permit for Parcels 1 and 2.

3. **BIO-2: Wetland Setback Lines:** The following setback lines shall be shown on the Parcel Map. No development shall occur within the setback areas and a note shall be made on the Parcel Map identifying that said purpose for the line and for streambed protection purposes. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the Parcel Map, Site Plan Review, grading and building plans where applicable:
  - a) A 50-foot non-building/disturbance setback line shall be recorded on the Parcel Map within Parcel 2 that begins at the high-water marks or the outer boundary of the intermittent pond and located as shown in Exhibit F.
  - b) A 50-foot non-building/disturbance setback line shall be recorded on the Parcel Map within Parcel 3 that begins at the high-water marks or the outer boundary of the ephemeral stream that feeds the pond on the parcel to the south identified by Assessor's Parcel Number 109-340-69 and located as shown in Exhibit F.

- c) A 100-foot setback non-building/disturbance setback line shall be recorded on the Parcel Map within Parcel 3 that begins at the high-water marks or the outer boundary of the pond on the parcel to the south identified by Assessor's Parcel Number 109-340-69 and located as shown in Exhibit F.

**Monitoring Responsibility:** Planning Services.

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

4. **Noise-1: Transportation Noise From South Shingle Road:** A 156-foot non-building setback from the centerline of the near travel lane of South Shingle Road shall be shown on the final Parcel Map along the full length of Parcels 1 and 2. The final Parcel Map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise from South Shingle Road, pursuant to the adopted Mitigated Negative Declaration. A note shall also be made on the Parcel Map that this setback restriction shall include only noise sensitive structures such as dwellings, guest house, and pools.

**Monitoring Responsibility:** Planning Services.

**Monitoring Requirement:** Planning Services shall be responsible for assuring that the 156-foot non-building setback is shown on the final Parcel Map prior to filing.

#### **Planning Services Site Specific and Standard Conditions**

5. **Map Time Limits:** 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.
6. **Tentative Parcel Map Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
7. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Certificate of Compliance issued until said fees are paid.
8. **Park In-Lieu Fee:** 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. **Cultural and Historic Resources:** 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.

10. **Indemnity:** 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.

The developer and land owner 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.

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

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

11. **Access Roadway (for Parcels 2 and 3):** Because the southerly access will be serving more than one parcel (Parcels 2 and 3), it shall be considered a roadway. The shared roadway shall be constructed per El Dorado County Design and Improvements Manual (DISM) 101C with a minimum 20-foot road width (including shoulders) and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
12. **Access Roadway (for Parcels 1 and APN 109-340-67):** Because the access located between Parcel 1 and APN 109-340-64, serves two parcels, it shall be considered a roadway. The roadway shall be improved in accordance to the approved Fire Safe Plan. 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.
13. **Road & Public Utility Easements (for Parcels 2 and 3):** The applicant shall provide a 30-foot wide non-exclusive road and public utility easement for the on-site access

roadway serving Parcels 2 and 3 with the filing of the Parcel Map. Slope easements shall be included as necessary. This offer will be rejected by the County.

14. **Road & Public Utility Easement (for Parcel 1 and APN 109-340-67):** The applicant shall provide a 30-foot wide non-exclusive road and public utility easement for the on-site access roadway serving Parcel 1 and APN 109-340-67 with the filing of the Parcel Map. Slope easements shall be included as necessary. This offer will be rejected by the County.
15. **Turnaround:** The applicant shall provide a turn around on the access roadway to the provisions of County Standard Plan 114 or approved equivalent at the end of the roadway serving Parcels 2 and 3 and Parcel 1 and APN 10-340-67. 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. **Encroachment:** The applicant shall construct the roadway encroachments located on the north side of Parcel 1 and the south side of Parcel 2 onto South Shingle Road to the provisions of County Design Standard 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
17. **Sight Distance:** The sight distance from a vehicle stopped from the proposed roadway onto South Shingle Road, 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. **Vehicular Access Restriction:** The applicant shall provide a vehicular access restriction through Parcel 2 to serve Parcel 3 where the access is not shared by both parcels and shall remove the existing vehicular access restriction for the encroachments located on the south side of Parcel 2 as approved by DOT along South Shingle Road with the filing of the Parcel Map.
19. **Vehicular Access Restriction:** The applicant shall provide a vehicular access restriction through APN 10-340-67 to serve parcel 1 where the access is not shared by both parcels with the filing of the Parcel Map.
20. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
21. **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).

22. **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.
23. **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.
24. **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 Parcel Map.
25. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, 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 also provide a 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. The improvements shall be installed to the satisfaction of DOT prior to filing of the parcel map. This condition shall appear as a note on the filed Parcel Map.
26. **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.
27. **Grading Permit / Plan:** If more than 250 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 DOT 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 fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
28. **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.

29. **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.
30. **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.
31. **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:

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. 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 the applicant shall demonstrate that there are no downstream impacts.
- d. 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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first

submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the parcel map or the applicant shall obtain an approved improvement agreement with security.

32. **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 Parcel Map.
33. **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 Parcel Map.
34. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with "Attachment 4" of El Dorado County's NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004.

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Parcel Map.

35. **Off-site Improvements (Security):** Prior to the filing of a parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
36. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the

applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Parcel 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.

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 at issuance of building permit.

#### **El Dorado County Fire Protection District**

39. The applicant shall submit a review fee to the District of \$150.00 prior to filing the Parcel Map.
40. The applicant shall install a hydrant within 500 feet of each new parcel and submit documentation from the El Dorado Irrigation District that a fireflow of 1,000 gallons per minute at 20 pounds per square inch for two hours. Final location of the hydrant shall be approved by the District prior to issuance of a grading permit for the improvements.
41. If the previous condition cannot be met, an enforceable agreement with the Fire District indicating that no occupancy of any additional structures shall occur prior to the installation of a NFPA 13D home sprinkler system having a minimum of 4,250 gallons of water storage for all new structures built on each parcel would be required prior to the issuance of a building permit. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction (NOR) shall be recorded requiring that this condition be

satisfied. The NOR shall be reviewed and approved by the Fire District prior to recordation, and recordation shall occur prior to filing the Parcel Map.

42. The applicant shall submit a Fire Safe Management Plan, approved by the Fire District and Cal Fire, which is prepared by an approved Fire Safe Planner. The applicant shall record a Notice of Restriction (NOR) that states that all three parcels shall adhere to those conditions and have an attached copy of the approved Wildfire Safe Plan. The approved NOR shall then be recorded and a copy of the recorded document shall be received by Planning Services and the El Dorado County Fire Protection District prior to filing the Parcel Map.
43. Roadways that serve more than one parcel shall have a minimum 20-foot width of travel surface, to the split where the roadway shall serve one parcel. At that location the access will be considered a driveway with a minimum 12-foot width and meet Fire Safe specifications. All roadways shall be installed to the satisfaction of the District and Cal Fire prior to filing the Parcel Map.

#### **Environmental Management Department – Environmental Health Division**

44. Prior to filing the Parcel Map, each parcel shall have a safe and reliable water supply. If wells are used for the water supply to each parcel, each well shall meet the criteria of Water Supply Policy 800-02 standards. Proof of compliance with said condition shall be received by the Division prior to filing the Parcel Map.

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

45. All survey monuments shall be set prior to filing the Parcel Map.
46. 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.
47. 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 P09-0009 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 P09-0009/DeAngelis Tentative Parcel Map**

December 15, 2010 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 Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Zoning Administrator finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

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

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one dwelling unit per five acres and parcel sizes that range from 5.00 to 10.00 acres and the project allows three parcels 6.16, 6.18 and 6.50 acres in size.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 6.5.1.8 (noise impacts), 7.3.3.4 (wetland impacts), 7.4.2.9 (biological corridors), 7.4.4.4 (oak tree canopy retention and replacement), 8.1.3.1,

8.1.3.2 (buffers from agriculture). It has been determined that the project is consistent with the General Plan, because, as conditioned, the project provides adequate access, adequate water supply for fire protection, would be compatible with the surroundings land uses, considers the wetland and threatened species impacts, is mitigated for noise impacts to humans, and will not significantly 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 6.16, 6.18 and 6.499 acres under Section 17.28.210.A.
- 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 Zoning Ordinance.

### **4.0 PARCEL MAP FINDINGS**

- 4.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan** because all necessary improvements have been considered by the reviewing agencies to determine that this Tentative Parcel Map is consistent with the policies of the 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** because 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 because** 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, the intermittent pond area, 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 LDR 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** because the proposed Parcel Map is not anticipated to cause substantial environmental damage as after agency and staff review of the project, conditions and mitigations have been added which reduced the potential for the project to for causing significant effects on the environment to insignificant levels. The project site includes residential units with existing supporting access roadways, electrical, septic and potable water facilities on one parcel. The other two resultant parcels will have shared access improvements and typical residential infrastructure improvements in areas of 0 to 10 percent slopes and devoid of woody vegetation.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

### **5.1 Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcel 1 and the parcel identified by APN 109-340-67.**

**5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because there are existing historical, legal non-conforming structures other man-made and natural features along the existing shared road access which would be negatively and unnecessarily impacted.

**5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because in order to expand the existing easement to the westernmost point of the required Fire Safe turnaround shown on Exhibit F, the applicant would need to acquire an off-site easement which the neighbor to the north is not willing to grant. There can be no further splitting of the parcels so it has been determined that it would not be necessary to preserve the 50-foot wide easement for other future parcels to share. As conditioned, neither DOT, Cal Fire, nor El Dorado County Fire Protection District has any outstanding concerns with allowing the requested Design Waiver.

**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** because permitting a 30-foot access easement from South Shingle 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 turnarounds to meet DISM and California Fire Code requirements. Cal Fire, DOT and the El Dorado County Fire Protection District are in agreement with the easement width and location and it would work adequately with the existing shared driveway after the required improvements have been completed.

**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 a private driveway easement to access Parcel 3:**

**5.2.1 Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create irregular shaped parcels because they must remain 5 acres or more in size. The new parcel with a driveway standard would remain in standard rectangular shapes which would conform to the dominant pattern of the parcels surrounding them, and they would an encroachment

with Parcel 2 and not introduce any new undesirable impacts to the existing road system or to the existing neighbors.

- 5.2.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would create irregular shaped parcels and introduce new public access and road improvements that are not desired by any of the parcel owners involved for access from South Shingle Road.
- 5.2.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for access to Parcel 3 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.2.4 **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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.
- 5.3 **Allow a reduction from 50 feet to a 30-foot road and public utility easement width for the proposed access road shared by Parcels 2 and 3.**
- 5.3.1 **There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because there is no viable alternative access available to the applicant other than the one proposed. Any easement over 30 feet would impose unnecessary setback problems on future structures and natural features. Neither DOT, El Dorado County Fire Protection District, nor Cal Fire had any objection to this Design Waiver request. The proposed right of way will accommodate the proposed 20-foot wide, graveled roadway and any future widening of the road.
- 5.3.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** it would result in significant grading and infringement the 50-foot intermittent pond setback and other existing natural features. Because there currently is no ability to further split the parcels or the adjoining ones to the west, reserving a 50-foot easement has been determined to be unnecessary.
- 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** because permitting a 30-foot access easement from South Shingle 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 roadway widening to meet DISM and California Fire Code requirements. Cal Fire, DOT and the El dorado County Fire Protection District are in agreement with the easement width and location.

- 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** because 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.