

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



**Agenda of:** September 21, 2016

**Item No:** 4.a.

**Staff:** Rob Peters

**TENTATIVE PARCEL MAP REVISION**

**FILE NUMBER:** P09-0004-R/Raney Parcel Map Revision

**APPLICANT:** Daniel T. Raney

**OWNER:** Michael E. Raney

**ENGINEER:** Auerback Engineering Corp.; Tahoe Basin Land Surveying

**REQUEST:** Revision to a previously approved four lot tentative parcel map resulting in creation of two residential lots of approximately 2.65 LO/2.40 HI acres and 2.78 LO/2.34 HI acres (LO = Low Water Line, HI = High Water Line) from the 4.75 acre project site.

The following design waivers from the El Dorado County Design and Improvement Standards Manual (DISM) standards have been requested:

- a. Modification of Standard Plan 101C allowing construction of the roadway within the proposed 50-foot Right of Way (ROW) not centered along the proposed centerline;
- b. Modification of Standard Plan 101C allowing construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B; and
- c. Modification of Standard Plan 101C allowing reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on the eastern portion of Lot A to the Lot B lot line.

**LOCATION:** On the southeast side of State Route (SR) 89, approximately 200 feet northeast of the intersection of Glenridge Parkway with SR 89 in the Meeks Bay area of Lake Tahoe, Supervisorial District 5 (Exhibit A).

**APN:** 016-300-38 (Exhibit B)

**ACREAGE:** 4.75 acres

**GENERAL PLAN:** Adopted Plan (AP) Tahoe Regional Planning Agency (TRPA) Tahoe Regional Plan - Plan Area Statements 151 (Glenridge) (Exhibit C and D)

**ZONING:** Single-unit Residential - Tahoe Basin (R1-T) (Exhibit E)

**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 Revision P09-0004-R, based on the Findings and subject to the Conditions of Approval as presented; and
3. Approve the following Design Waivers:
  - a. Modification of Standard Plan 101C allowing construction of the roadway within the proposed 50-foot ROW not centered along the proposed centerline.
  - b. Modification of Standard Plan 101C allowing construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B.
  - c. Modification of Standard Plan 101C allowing reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on eastern portion of Lot A to the Lot B lot line.

**EXECUTIVE SUMMARY:**

This tentative parcel map revision would create two residential lots of approximately 2.65 LO/2.40 HI acres and 2.78 LO/2.34 HI acres (LO = Low Water Line, HI = High Water Line) in the Meeks Bay Area of Lake Tahoe, southeast of SR 89 (Exhibit F and G). With the incorporation of the recommended conditions of approval, staff recommends approval of this parcel map and the adoption of the Negative Declaration. The tentative parcel map is required by the Subdivision Ordinance for land divisions of four or fewer lots. Both proposed lots are currently developed with residential land uses and no additional development would occur as a result of the project. On- and off-site access improvements to existing access roads would be required and the applicant has requested three design waivers related to those access improvements. The access improvements would result in the removal of approximately 15 pine, fir and cedar trees. As discussed in the Findings, staff has determined that the proposed project is consistent with the TRPA - Plan Area Statement 151 (Glenridge), the Adopted Plan land use designation and other applicable policies in the El Dorado County General Plan. Staff has also determined that the project conforms to the provisions of the R1 zone and -T combining zone, and other Zoning Ordinance requirements.

**BACKGROUND:**

The El Dorado County Zoning Administrator approved P09-0004 on June 2, 2010, allowing a tentative parcel map creating four lots from the project site (Exhibit H). Concerns were raised by the Meeks Bay Fire Protection District (Fire Department) regarding the slopes of the proposed access and emergency vehicle access. The applicant has worked closely with the Fire

Department and the County Transportation Division (TD) to redesign the project, resulting in a two-lot tentative parcel map with the proposed access improvements as presented in this staff report and the associated exhibits.

## **ANALYSIS:**

**Site Description:** The project site consists of 4.75 acres and is located on the western shore of Lake Tahoe at Meeks Bay at an elevation of approximately 6,240 feet above mean sea level (Exhibit F). It extends from the lakeshore upslope and westward to SR 89. The parcel varies from gently sloping to moderately steep, with an overstory of Ponderosa Pine, White Fir, and Cedar, and an understory of shrubs and seasonal grasses. Site improvements include four cabins, a boat house with tracked access to the lake, paved access road, a paved tennis court, and other associated residential improvements. One of the cabins was built in approximately 1934 while the remaining cabins were built within the past 30 to 40 years. Much of the site has been previously disturbed by construction of the cabins, boathouse, tennis court, grading and paving of the main access road, and installation of an underground sewer line. The project site is served by a private water system with an intake line in Lake Tahoe and public sewer service provided by Tahoe City Public Utility District. The site is bordered by single-unit residential land uses to the west, Sugar Pine Point State Park to the north and east, the Glenridge pump station to the east, and Lake Tahoe to the south.

**Project Description:** The tentative parcel map revision would create two residential lots of approximately 2.65 LO/2.40 HI acres and 2.78 LO/2.34 HI acres from the 4.75 acre project site. Proposed Lot A would contain an existing residential dwelling unit, second dwelling unit, a guest house, and associated residential improvements (Exhibit G). Proposed Lot B would contain an existing two-story residence, a two-story boat house, a paved tennis court, and associated residential improvements. No additional residential development is proposed with the tentative parcel map revision. The project site would continue to be served by a private water system with an intake line in Lake Tahoe and public sewer service would be provided by Tahoe City Public Utility District. Access and utility easements are provided for the Glenridge pump station on the neighboring parcel to the east.

Access to the proposed lots would be provided by a relocated encroachment onto SR 89, expansion of the existing off-site and on-site portions of the roadway on Lot A to meet Standard Plan 101C, a hammer-head turnaround on Lot A, a 12-foot roadway with 1-foot shoulders serving proposed Lot B (Exhibit I and J). The relocation of the encroachment onto SR 89 would require an encroachment permit from Caltrans. A residential driveway will be constructed on Lot B to serve the existing residence. The project would require three design waivers to the DISM, including: a) modification of Standard Plan 101C allowing construction of the roadway within the proposed 50-foot ROW not centered along the proposed centerline; b) modification of Standard Plan 101C allowing construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B; and c) modification of Standard Plan 101C allowing reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on eastern portion of Lot A to the Lot B lot line (Exhibit K). The access improvements will result in the removal of approximately 15 pine, fir and cedar trees.

**Design Waiver:** Three design waivers from the Design and Improvement Standards Manual (DISM) are requested for the proposed project. Findings of consistency for the proposed design

waivers are provided in the Findings section of the staff report below. The requested design waivers are as follows:

- a. Modification of Standard Plan 101C allowing construction of the roadway within the proposed 50-foot ROW not centered along the proposed centerline.

Discussion: The TD takes no exception to the design waiver. The northern limit of the proposed ROW has been located along and parallel to the property line and the southern limit has been offset 50 feet to the south. This would allow the road to meander slightly to reduce impacts to existing natural site features including slopes, trees, and low vegetation, which promote the scenic quality of the SR 89 Scenic Corridor. Planning Services and TD have reviewed the Design Waiver request and have recommended approval.

- b. Modification of Standard Plan 101C allowing construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B.

Discussion: The TD takes no exception to the design waiver. The 12-foot roadway would provide driveway access to proposed Lot B, connecting to the proposed hammerhead turnaround and expanded roadway on Lot A. This would reduce the overall grading, required paving, and tree and vegetation removal required to provide access to proposed Lot B and helps to ensure the minimum amount of impacts to the SR 89 Scenic Corridor, while providing adequate emergency vehicle and residential vehicle access. Planning Services and TD have reviewed the Design Waiver request and have recommended approval.

- c. Modification of Standard Plan 101C allowing reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on eastern portion of Lot A to the Lot B lot line.

Discussion: The TD takes no exception to the design waiver. As discussed in section b. above, Planning Services and TD support the request for the reduced roadway width for the access roadway to proposed Lot B. The proposed 25-foot ROW easement is sufficient to accommodate the proposed 12-foot roadway to proposed Lot B. Planning Services and TD have reviewed the Design Waiver request and have recommended approval.

**Consistency:** As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the TRPA - Plan Area Statement 151 (Glenridge), the Adopted Plan land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the R1 zone and -TR combining zone and other Zoning Ordinance requirements.

This project is consistent with the June 7, 2016 voter-approved ballot Measure E because the implementation items of the measure identify that the measure is not applicable within the jurisdictions of the TRPA. Also, the project is consistent with General Plan Policies TC-Xa, TC-Xf, and TC-Xg, because: 1) The TD has reviewed the proposed project and determined it would not trip the traffic impact threshold within the General Plan, and does not “worsen” traffic as

defined by General Plan Policy TC-Xe by increasing peak traffic by 2 percent, an increase of 10 peak hour trips, or an increase of 100 average daily trips; 2) the Parcel Map itself will not cause traffic to reach LOS F during peak hours; and 3) Measure E applies to residential development projects of five or more units or parcels.

**ENVIRONMENTAL REVIEW:**

Staff has prepared an Initial Study (Exhibit L). Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Negative Declaration has been prepared.

**SUPPORT INFORMATION**

Findings  
Conditions of Approval

Exhibit A.....Location Map  
Exhibit B.....Assessors Map  
Exhibit C.....General Plan Land Use Map  
Exhibit D.....TRPA PAS Statement 151 (Glenridge) Map  
Exhibit E.....Zoning Map  
Exhibit F.....Aerial Photo  
Exhibit G.....Revised Tentative Parcel Map  
Exhibit H.....Original Approved Tentative Parcel Map  
Exhibit I.....Preliminary Grading and Drainage Plan  
Exhibit J.....Slope Map  
Exhibit K.....Design Waiver Requests  
Exhibit L.....Proposed Negative Declaration and Initial Study

## FINDINGS

### **Tentative Parcel Map Revision P09-0004-R/Raney Parcel Map Revision Zoning Administrator/September 21, 2016**

#### **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 proposal.
- 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 Division, Community Development Agency, at 2850 Fairlane Court, Placerville, CA, 95667.

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

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

Policy 2.2.1.2 identifies that the Adopted Plan (AP) land use designation recognizes areas for which specific land use plans have been prepared or adopted. These plans are accepted and incorporated by this reference, and the respective land use map associated with each such plan is adopted as the General Plan map for each area. The adopted plan for the Tahoe Basin is the *Regional Plan for the Tahoe Basin* and the Plan Area Statements, both adopted by the Tahoe Regional Planning Agency (TRPA), and the Meyers Community Plan, Adopted by El Dorado County and TRPA.

Rationale: The project site is located in the Meeks Bay area of the Tahoe Basin within the TRPA – Plan Area Statement 151 (Glenridge) (PAS 151). The project is consistent with the PAS 151 residential land use classification and would require subsequent review from TRPA. The proposed project is compatible with the land use designation.

##### **2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is adjacent to single-unit residential land uses to the west, Sugar Pine Point State Park to the north and east, and Lake Tahoe to the south. The proposed parcels would not be incompatible in size to the surrounding parcels, and there would be no change in use, which is

currently compatible with the adjoining existing development in the surrounding area.

**2.3 The project is consistent with General Plan Policy 2.6.1.2.**

General Plan Policy 2.6.1.2 requires that until such time as a Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria.

Rationale: The project site is located within the State Route (SR) 89 Scenic Corridor. The project was reviewed against State criteria, and the project was routed to Caltrans for review. Caltrans took no objections to the project based on a potential impact to the SR 89 Scenic Corridor. The project, as proposed and conditioned, is consistent with this policy.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: Each lot would continue to be served by a private water system with an intake line in Lake Tahoe. Any future residential development, including second dwelling units, would be required to provide a safe and reliable water source at the time of building permit application. The Meeks Bay Fire Protection District has approved the Fire Protection Plan for the proposed project and has determined that as conditioned the water supply would be adequate for the purposes of fire protection.

**2.5 The project is consistent with General Plan Policy 6.2.2.2.**

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas 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.

Rationale: The property is located in a High Fire Hazard Zone. The Meeks Bay Fire Protection District reviewed the application, approved the Fire Protection Plan, and recommended conditions of approval to address adequate protection from wildland fire hazards.

**2.6 The project is consistent with General Plan Policy 6.2.3.2.**

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.

Rationale: The Transportation Division reviewed the application and has required both off- and on-site road improvements and entitlements for use of the access and public utility easements. The Meeks Bay Fire Protection District reviewed the application materials and has determined that adequate access can be provided for emergencies. The project is in compliance with this policy.

**2.7 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The project site includes slopes that are 30 percent or greater; however, the project only disturbs 30 percent slopes for required access. Disturbance of areas of 30 percent slopes would result both on- and off-site from construction of the project access. The existing structures are built on areas of the property that avoid slopes exceeding 30 percent. The project is in compliance with the policy related to steep slopes.

**2.8 This project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires that for all new development projects that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, that the project applicant shall adhere to the tree canopy retention and replacement standards described in Option A.

Rationale: The project site does not contain oak canopy cover as outlined in Policy 7.4.4.4 and is therefore exempt from the requirements of the policy. The project would not result in the removal of oak canopy cover. The project is in compliance with this policy.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.**

The parcel is zoned Single-unit Residential with a Tahoe Basin combining zone (R1-T). The project has been analyzed for compliance with Chapter 130.24 (Residential Zones) and Section 130.27.120 of the County Zoning Ordinance.

Rationale: The existing single-unit detached residential uses are allowed within the R1 zone. The project has been analyzed in accordance with development standards as provided within Section 130.24.030 (Residential Zone Development Standards), Section 130.27.120 (Tahoe Basin (-T)

Combining Zone), and other applicable sections of Title 130 and has been determined to be in compliance with the County Zoning Ordinance.

#### **4.0 PARCEL MAP FINDINGS**

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

Rationale: The proposed Parcel Map is consistent with the General Plan as set forth in Finding 2.0.

##### **4.2 The proposed tentative map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.**

Rationale: As discussed in Finding 3.0 above, the tentative map conforms to the allowed uses and development standards within the R1-T zone. As proposed and conditioned, the parcel map conforms to Subsection II of the County Subdivision Ordinance (Minor Land Divisions).

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

Rationale: The site is physically suitable for the proposed type and density of development. As discussed in Finding 3.0 above, the tentative map conforms to the allowed uses and development standards within the R1-T zone. The site contains existing single-unit residential land uses, and proposes no new development as a part of the tentative parcel map. The proposed development meets the density requirements of TRPA PAS 151.

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

Rationale: The project impacts have been analyzed in the Initial Study, which resulted in a Negative Declaration. Based on this analysis, the project has been determined to not cause substantial environmental damage.

#### **5.0 DESIGN WAIVER APPROVAL FINDINGS**

##### **5.1 Modification of Standard Plan 101C allowing construction of the roadway within the proposed 50-foot ROW not centered along the proposed centerline.**

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

The project site is unique in that it is located between SR 89 and Lake Tahoe within the State Highway 89 Scenic Corridor. There are existing residential dwellings and accessory structures on each of the resulting lots so no further residential development would occur as a result of the project. The northern limit of the proposed ROW has been

located along and parallel to the northern property line and the southern limit has been offset 50 feet to the south. This would allow the road to meander slightly to reduce impacts to existing natural site features including slopes, trees, and low vegetation, helping to preserve the scenic quality of the SR 89 Scenic Corridor.

- 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 additional grading on steep slopes, required paving widths, tree removal, and vegetation removal in an existing scenic corridor to serve two parcels with existing residential dwellings.

- 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.*

The construction of the roadway within the proposed 50-foot ROW not centered along the proposed centerline will not result in future development that will pose a hazard to the health, safety and welfare of the public. The project has been reviewed by the Meeks Bay Fire Protection District, CALFIRE, and the TD, and with incorporation of recommended conditions of approval would ensure adequate emergency vehicle and residential vehicle access.

- 5.1.4 *This waiver(s) would not have the effect of nullifying the objectives of Subpart II of Title 120 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 Subpart II of Title 120 of County Code (Minor Land Divisions) or any of the other applicable ordinances discussed within the staff report.

**5.2 Modification of Standard Plan 101C allowing construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B.**

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

The project site is unique in that it is located between SR 89 and Lake Tahoe within the SR 89 Scenic Corridor. There are existing residential dwellings and accessory structures on each of the resulting lots so no further residential development would occur as a result of the project. The reduction in the required width of the proposed roadway to Lot B will reduce impacts to existing natural site features including slopes, trees, and low vegetation, helping to preserve the scenic quality of the SR 89 Scenic Corridor while providing adequate emergency vehicle and residential vehicle access to proposed Lot B.

- 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 additional grading on steep slopes, required paving widths, tree removal, and vegetation removal in an existing scenic corridor to serve two parcels with existing residential dwellings.

- 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 construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B will not result in future development that will pose a hazard to the health, safety and welfare of the public. The project has been reviewed by the Meeks Bay Fire Protection District, CALFIRE, and the TD, and with incorporation of recommended conditions of approval would ensure adequate emergency vehicle and residential vehicle access.

- 5.2.4 *This waiver(s) would not have the effect of nullifying the objectives of Subpart II of Title 120 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 Subpart II of Title 120 of County Code (Minor Land Divisions) or any of the other applicable ordinances discussed within the staff report.

**5.3 Modification of Standard Plan 101C allowing reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on eastern portion of Lot A to the Lot B lot line.**

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

The project site is unique in that it is located between SR 89 and Lake Tahoe within the SR 89 Scenic Corridor. There are existing residential dwellings and accessory structures on each of the resulting lots so no further residential development would occur as a result of the project. As discussed in Section 5.2 above, the project as proposed and conditioned would allow a reduced roadway width for the proposed access to Lot B. Allowing reduction in ROW easement width from 50 feet to 25 feet would create consistency between the required width of the roadway and the required width of the proposed ROW.

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

Requiring a 50-foot ROW easement for the proposed 12-foot paved roadway with one-foot shoulders for access to proposed Lot B would cause extraordinary and unnecessary

hardship by requiring far more ROW than is needed for the proposed roadway. This results in a reduction of the overall usable area of the site. The ROW, as proposed and conditioned, would be of adequate size to contain the proposed roadway serving one residential lot.

- 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 reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on the eastern portion of Lot A to the Lot B lot line will not result in future development that will pose a hazard to the health, safety and welfare of the public. The project has been reviewed by the Meeks Bay Fire Protection District, CALFIRE, and the TD, and with incorporation of recommended conditions of approval would ensure adequate emergency vehicle and residential vehicle access.

- 5.3.4 *This waiver(s) would not have the effect of nullifying the objectives of Subpart II of Title 120 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 Subpart II of Title 120 of County Code (Minor Land Divisions) or any of the other applicable ordinances discussed within the staff report.

# CONDITIONS OF APPROVAL

## Tentative Parcel Map Revision P09-0004-R/Raney Parcel Map Revision Zoning Administrator/September 21, 2016

### I. ~~PROJECT DESCRIPTION~~

- ~~1. This tentative parcel map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A – I, 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 will constitute a violation of permit approval.~~

~~The project description is as follows:~~

~~Tentative parcel map creating four parcels, comprising 1.09, 1.15, 1.24, and 1.25 acres on a 4.73-acre site. Water will be provided by a private water system with an intake line in Lake Tahoe and public sewer service will be provided by the Tahoe City Public Utility District. Primary site access will be provided via an unnamed northern access roadway to State Route 89.~~

~~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 (tentative parcel map and preliminary grading and drainage plan) must be submitted for review and approval and shall be implemented as approved by the County.~~

1. This Tentative Parcel Map Revision is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit F.....Revised Tentative Parcel Map

Exhibit H.....Preliminary Grading and Drainage Plan

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 allows the creation of two residential lots of approximately 2.65 LO/2.40 HI acres and 2.78 LO/2.34 HI acres (LO = Low Water Line, HI = High Water Line) from the 4.75 acre site identified by Assessor's Parcel Number 016-300-38. The project site would continue to be served by a private water system with an intake line in Lake Tahoe and public sewer service would be provided by Tahoe City Public Utility District.

Off-site access improvements include a relocation of the encroachment onto State Route 89, and widening the off-site roadway to 18-foot wide with one-foot shoulders. On-site access improvements include widening the existing on-site roadway to proposed Lot A to 18-foot wide roadway with one-foot shoulders, a hammer-head turn-around, and a 12-foot wide roadway with one-foot shoulders for the access to proposed Lot B. A residential driveway will be constructed on Lot B to serve the existing residence. Off- and on-site access improvements will incorporate the following design waivers from the El Dorado County Design and Improvement Standards Manual (DISM) standards:

- (a) Modification of Standard Plan 101C allowing construction of the roadway within the proposed 50-foot ROW not centered along the proposed centerline.
- (b) Modification of Standard Plan 101C allowing construction of the roadway with a 12-foot paved roadway with one-foot shoulders for access to proposed Lot B.
- (c) Modification of Standard Plan 101C allowing reduction in ROW easement width from 50 feet to 25 feet to accommodate the reduction in roadway width on eastern portion of Lot A to the Lot B lot line.

The development, use, and maintenance of the property, the size, shape 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.

## ~~H. PROJECT CONDITIONS OF APPROVAL~~

### Planning Services/Development Services Division

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
3. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County

Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

4. The applicant shall provide a meter award letter or similar document by the sewer service purveyor to Planning Services prior to filing the parcel map.
5. The applicant shall submit ~~a request for the \$150.00 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 Division.~~ A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing of the parcel map.
6. ~~This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.~~
7. ~~All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.~~
6. Fish and Wildlife Fee: The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.
87. 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~~ 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 ~~subdivision, which action is brought within the time period provided for in Section 66499.37~~ Parcel Map.

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

### **Air Quality Management District**

8. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release

of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)

- ~~9. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
  - ~~a. Application of water on disturbed soils and unpaved roadways a minimum of three times per day~~
  - ~~b. Using track out prevention devices at construction site access points~~
  - ~~c. Stabilizing construction area exit points~~
  - ~~d. Covering haul vehicles~~
  - ~~e. Restricting vehicle speeds on unpaved roads to 15 miles per hour~~
  - ~~f. Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust~~~~
9. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
- ~~10. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.~~
10. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
- ~~11. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.~~
11. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
- ~~12. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.~~
12. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here:

[http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf) Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

13. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

### **California Department of Forestry and Fire Protection (CAL FIRE)**

1314. A street sign meeting El Dorado County design standards needs to be placed at the intersection of State Route 89 and the access road. The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the parcel map.
1415. Prior to filing the parcel map, a sign identifying the dead-end road shall be placed at the intersection preceding the traffic access limitation (Article 3. Signing and Building Numbering, Section 1274.06 of the Fire Safe Regulations).
1516. All parcels one acre or larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and road easements.
1617. Vegetation clearance along the access road shall consist of a fuel modification zone created for a distance of 20 feet from each side of the access road from State Route 89 to the end of the access road. A letter of compliance with this condition shall be submitted by the Meeks Bay Fire Protection District and CAL FIRE to Planning Services prior to filing the map.
1718. Vegetation clearance along the access road shall consist of a fuel modification zone created for a distance of 15 feet from each side of the driveway. A letter of compliance with this condition shall be submitted by the Meeks Bay Fire Protection District and CAL FIRE to Planning Services prior to filing the map.
1819. A fire safe management plan, acceptable to the Meeks Bay Fire Protection District and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire District and CAL FIRE to Planning Services prior to filing the map.

### **California Department of Transportation (Caltrans)**

1920. Prior to the filing of the parcel map, an encroachment permit shall be obtained from Caltrans for the roadway encroachment on State Highway.

**Department of Transportation (DOT) Transportation Division**

20. ~~**On-site Access Improvements:** The applicant shall widen the northern access roadway to a roadway standard, a 20-ft wide in accordance to the El Dorado County Design and Improvements Standard Manual (DISM) Standard Plan 101C capable of supporting 75,000 pounds of weight, consistent with the 2007 CA Fire Code. 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.~~
21. ~~**Off-site Access Improvements:** The applicant shall widen the off site portion of the northern access roadway to a roadway standard, a 20-ft wide in accordance to the El Dorado County Design and Improvements Standard Manual (DISM) Standard Plan 101C capable of supporting 75,000 pounds of weight, consistent with the 2007 CA Fire Code. 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.~~
21. **On-Site Road Improvements:** The applicant shall construct a road going across Parcel A. The road shall be constructed per modified County Standard Plan 101C as shown on the tentative map. The applicant shall construct a Hammerhead Turnaround on Parcel A at the location shown on the tentative map. The location of the Hammerhead Turnaround may be adjusted with approval of both the local Fire Department and Transportation Division.
- The road on Parcel A between the Hammerhead Turnaround and the lot line located between Parcels A and B, shall be 12-feet wide with 1-foot shoulder on both sides, and the Right of Way shall be 25-feet wide offset from the road centerline, as shown on the tentative map.
- This project is above 3000-feet in elevation. In accordance with Standard Plan 101C. The roadway structural section shall be a minimum 2.5" of Hot Mix Asphalt over 6" of Class 2 Aggregate Base.
22. ~~**Turnaround:** The applicant shall provide a turn around at the end of the 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.~~
22. **Off-site Road Improvements:** The applicant shall construct the off-site road improvements per modified County Standard Plan 101C, as shown on the tentative map. The road shall be 18-feet wide with 1-foot shoulder on each side, and the Right of Way shall be 50-foot wide off-set from the road center line. The road shall connect up to the Hammerhead Turnaround on Parcel A.

- ~~23. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.~~
23. **Driveway:** The applicant shall construct a driveway connecting the proposed road to the existing structures on parcel B as shown on the tentative map. The length of the driveway shall be approximately 380-feet. The driveway shall be 12-feet wide with a 1-foot shoulder on one side. The driveway shall be paved with a minimum of 2.5" of Hot Mix Asphalt on 6" of Class 2 Aggregate Base.
- ~~24. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map.~~
24. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement on the Off-site roadway and a 25-foot wide road and public utility easement for the On-site road on parcel A, shown on the tentative map. The hammerhead turnaround shall be contained within the road and public utility easement, and slope easements shall be included as necessary. This offer will be rejected by the County.
25. **Proof of Offsite Road Entitlements:** The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.
2526. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any public and 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~~The Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
- ~~26. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map, 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 map. This condition shall appear as a note on the recorded parcel map.~~
27. **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 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.~~

27. **Consistency with County Codes and Standards:** 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 Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

28. **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 Transportation Division. 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.

2829. **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~~the Transportation Division with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

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

30. **Regulatory Permits and Documents:** All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the Transportation Division with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.

### **Environmental Management Department Division (EMD)**

30. Prior to filing the parcel map, a water treatment system or device that would provide safe

~~potable water to the dwellings shall be installed to the satisfaction of the EMD. Plans and specifications for the selected treatment method shall be submitted to the EMD for review prior to installation.~~

- ~~31. The water treatment system shall be maintained and operated per the manufacturer's instructions as determined by the EMD.~~
- ~~3231.~~ Prior to filing the parcel map, documentation verifying this property's surface water rights shall be submitted to the EMD for review. The Grant Deed Exhibit "A" that indicates water rights was filed for record on 3/6/1924, which would be a "Post-1914" water right appropriation. Owner may need to provide a permit from the State Water Resources Control Board showing the type of water right held. It is noted that no water storage is allowed under riparian water rights, and this customer shows an existing water storage tank for domestic use and for fire water use.
32. Water will be provided by a private water system with an intake line in Lake Tahoe. A public permit will be required if the number of service connections exceeds four (4), and/or if the number of persons served equals 25 people per day at least 60 days per year.

### **Surveyor's Office**

33. All survey monuments must be set prior to filing the parcel map.
34. ~~Prior to filing the parcel map, the applicant shall p~~Provide a parcel map guarantee, issued by a title company, showing proof of access to a State or County maintained road as defined in 16.44.120(B)(2) ~~with referenced and retraced deeds clearly noted on the parcel map.~~
35. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's Office prior to filing the parcel map.
36. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map stating that "all conditions placed on P09-0004-R by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and applicant.

### **Tahoe Regional Planning Agency**

37. Prior to filing the parcel map, a letter shall be submitted to the County Surveyor's Office from the Tahoe Regional Planning Agency (TRPA) confirming that all TRPA requirements have been satisfied.

**Tahoe City Public Utilities District**

38. Connection fees must be current for each structure, and quarterly sewer service charges must be adjusted, if necessary, to reflect the actual service(s) provided.
39. The owner must install a separate sewer service from the District sewer main to each structure and the owner must prepare and record easements or restrictive covenants to provide easements where any of those services will cross through another parcel.
40. Those existing house service sewer facilities that may not be replaced must be pressure tested to ensure their integrity.
41. The property must obtain all permits from the District and pay associated fees.
42. The District was granted easements through this parcel as well as adjacent parcels for installing, constructing, operating, and maintaining sewer facilities as well as for access to and from District facilities on an adjacent parcel. Any easements for District facilities must not be impacted as a result of the subdivision.