

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



Agenda of: August 17, 2016
Item No.: 4.a.
Staff: Rob Peters

TENTATIVE PARCEL MAP

FILE NUMBER: P16-0005/Wilkes Parcel Map
APPLICANT: Michael R. Wilkes Construction, Inc.
AGENT: Gates Engineering, Garry Gates
REQUEST: Tentative parcel map creating four residential lots ranging in size from 3.0 acres to 3.15 acres from the 12.16 acre site.

The following design waivers are being requested:

- A. Remove the requirement for inclusion of an eight-foot roadway shoulder along the subject property frontage on El Dorado Road.
- B. Allow creation of lots A and B, which exceed the 3:1 lot depth to width ratio.

Request for relief from the requirements for pedestrian paths (sidewalks) of General Plan Transportation and Circulation Element Policy TC-4i, which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible.

LOCATION: On the northwest side of El Dorado Road approximately 0.6 miles north of the intersection with Mother Lode Drive, in the El Dorado Area, Supervisorial District 3 (Exhibit A).
APN: 329-040-55 (Exhibit B)
PARCEL SIZE: 12.16 acre

GENERAL PLAN: Medium-Density Residential (MDR) (Exhibit C)

ZONING: Three-Acre Residential (R3A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Previously Adopted Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration, adopted by the Planning Commission on January 8, 2009, as described in the CEQA Findings;
2. Approve the following design waivers, as the required findings can be made:
 - A. Remove the requirement for inclusion of an eight-foot roadway shoulder along the subject property frontage on El Dorado Road.
 - B. Allow creation of lots A and B, which exceed the 3:1 lot depth to width ratio
3. Approve relief from the requirements for pedestrian paths (sidewalks) of General Plan Transportation and Circulation Element Policy TC-4i; and
4. Approve Tentative Parcel Map P16-0005, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY:

This Tentative Parcel Map would create four residential lots ranging in size from approximately 3.0 acres to 3.15 acres from a 12.16 acre site in the El Dorado/Diamond Springs Community Region, on the northwest side of El Dorado Road. With the incorporation of the recommended conditions of approval, staff recommends approval of this tentative parcel map. The tentative parcel map is required by the Subdivision Ordinance for land divisions of four or fewer lots. The existing residential dwelling and second dwelling unit would ultimately be located on lots A and B respectively, and new residential dwellings could be constructed in the future on lots C and D. As discussed in the Findings, staff has determined that the proposed project is consistent with the MDR land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the R3A zone and other Zoning Ordinance requirements.

BACKGROUND:

On January 8, 2009, the Planning Commission approved tentative parcel map P07-0027/Wilkes Parcel Map for the site allowing creation of four residential lots ranging in size from 3.0 acres to 3.15 acres from a 12.16 acre site. Design waivers were requested for: 1) to not require inclusion of an eight-foot roadway shoulder along the subject property frontage on El Dorado Road; 2) to allow creation of lots A and B exceeding the 3:1 lot depth to width ratio; and 3) to allow the use of Standard Plan 101C for the on-site roadway (18-foot travel surface, 1 foot shoulders). Design waivers 1 and 2 were approved; however, design waiver 3 was not approved and is no longer being pursued.

A grading permit (#231272-3) and encroachment permit (228944-3) have been issued for the required project access and the access improvements have been largely constructed, along with other required infrastructure improvements. P07-0027 had an original expiration date of January 8, 2012, which was automatically extended to January 8, 2016 as a result of recent state legislation including Subdivision Map Act (SMA) Sections 66452.23 (Assembly Bill AB 208) and 66452.24 (Assembly Bill AB 116). The parcel map was allowed to expire on January 8, 2016. Therefore, the applicant has applied for a new tentative parcel map to finalize creation of the lots as anticipated in the previous project approval in compliance with SMA Section 66452.6(d).

On March 17, 2015, a substantial conformance determination was approved by the Development Services Division Director for a revised tentative parcel map which allowed a minor reconfiguration of the project lots (Exhibit G). Tentative parcel map P16-0005 is a re-submittal of the previously approved tentative parcel map and is consistent with the March 17, 2015 approved revised tentative parcel map.

ANALYSIS:

Site Description: The 12.26 acre project site lies on the western slope of the central Sierra Nevada Mountains in the El Dorado area at an approximate elevation of 1,600 feet above mean sea level. The site is located on the northwest side of El Dorado Road approximately 0.6 miles north of the intersection with Mother Lode Drive. The site is bounded on all sides by residential uses or undeveloped residentially zoned lands (Exhibit E). The site contains slopes in excess of 40 percent. Biological communities on the site include mixed oak woodland, and an intermittent channel, seasonal wetland and seeps totaling approximately 0.10 acres. The soil types consist of Boomer gravelly loam, 15 to 30 percent slopes (BhD); Diamond Springs very fine sandy loam, nine to 15 percent slopes (DfC); and Diamond Springs very rocky sandy loam, 3 to 50 percent slopes. The parcel contains an existing single-family dwelling with septic system, and a new second dwelling unit currently under construction (Permit No. 230797-1). The primary access to project lots A, B, and D has been constructed.

Project Description: The tentative parcel map would create four residential lots ranging in size from approximately 3.0 acres to 3.15 acres from a 12.16 acre site (see Exhibit F). All lots will be served by individual water meters and septic systems. The project includes road improvements

consisting of the construction of proposed on-site Roads A and B serving lots A, B, and D to 20-foot roadway width without curb, gutter, and sidewalk (Modified Standard Plan 101B), with standard encroachment (Standard Plan 103D). Proposed Parcel C will take access off of El Dorado Road utilizing a 12-foot wide gravel driveway and standard encroachment (Standard Plan 103B-1).

The applicant is requesting two design waivers: A) Remove the requirement for the inclusion of an eight-foot shoulder along the subject property frontage on El Dorado Road; and B) Allow creation of lots A and B, which exceed the 3:1 lot depth to width ratio. Proposed design waivers are further discussed in the design waiver section below.

The applicant is also requesting relief from General Plan Transportation and Circulation Element Policy TC-4i, which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible.

Circulation: The proposed tentative parcel map is consistent with the June 7, 2016 voter-approved ballot Measure E, specifically General Plan Policies TC-Xa, TC-Xf, and TC-Xg, for the following reasons: the Transportation Division (TD) 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, creating an increase of 10 peak hour trips, or creating an increase of 100 average daily trips; the parcel map itself will not cause traffic to reach Level of Service (LOS) F during peak hours; the required access improvements to accommodate the proposed tentative parcel map, as proposed, have already been constructed; and Measure E applies to residential development projects of five or more units or parcels, this request is for a tentative parcel map to create four lots.

Design Waiver: Two 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. Remove the requirement for the inclusion of an eight-foot shoulder along the subject property frontage on El Dorado Road.

Discussion: The TD takes no exception to the design waiver. The TD supports removal of the requirement for frontage improvements to El Dorado Road to include the widening of El Dorado Road consisting of curb, gutter, and sidewalks with an eight-foot shoulder (pursuant to General Plan Policy TC-4i and Standard Plan 101A). The TD also supports the applicant’s request for relief from the requirements for pedestrian paths (sidewalks) of General Plan Transportation and Circulation Element Policy TC-4i, which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. These requirements would result in additional 6,500 cubic yards of grading, 6,000 cubic yards of which would need to be removed from the site, and removal of 1.05 acres of additional oak

tree removal (Exhibit H). Planning Services and TD have reviewed the Design Waiver request and have recommended approval.

- B. Allow creation of lots A and B, which exceed the 3:1 lot depth to width ratio.

Discussion: Proposed lots A and B would be irregular shaped parcels in that the proposed parcels would exceed the 3:1 depth to width ratio required by the DISM. The applicant submitted supporting documentation for the proposed design waivers (see Exhibit H) and has demonstrated that the proposed lots would comply with the required 150-foot lot width, the required 30-foot setback requirements, and would provide for adequate buildable areas on the site. Also, project design has included a building restriction line with a no build area on lots A and B in the areas furthest from each lot frontage. The proposed lots would meet all the Development Standard requirements of the R3A zone district. Parcel configuration would be consistent with other residential parcels in the project vicinity. Planning Services and TD have reviewed the Design Waiver request and have recommended approval.

ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration were prepared and a Mitigation Monitoring Program was adopted by the Planning Commission on January 8, 2009 for the original Wilkes Parcel Map project (P07-0027) in accordance with CEQA Guidelines Section 15074(d). One mitigation measure was identified and is included as Condition of Approval Number 2 of the tentative map approval. The mitigation measure required a preconstruction survey for active nests of birds of prey or Migratory Bird Treaty Act birds if construction was to begin between February 1 and August 31.

As discussed previously in the staff report, most of the required improvements for the proposed tentative parcel map have already been constructed based on the previous approval. A letter from Sycamore Environmental Consultants, Inc. dated April 20, 2015 identifies that the required preconstruction bird survey was conducted on prior to the start of construction, thereby fully implementing the mitigation measure.

Pursuant to CEQA Section 15162(b), it has been determined that no subsequent mitigated negative declaration is required because there is no substantial evidence that the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project has been undertaken which would require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects; or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous mitigated negative declaration was adopted, shows the project will (a) have one or more significant effects not discussed in the previous mitigated negative declaration.

Pursuant to CEQA Section 15164(b) it has been determined that there is no substantial evidence requiring an addendum to the adopted mitigated negative declaration because no minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent mitigated negative declaration have occurred.

SUPPORT INFORMATION

Attachments to Staff Report:

- Findings
- Conditions of Approval

- Exhibit A.....Vicinity Map
- Exhibit B.....Assessor’s Map
- Exhibit C.....General Plan Land Use Map
- Exhibit D.....Zoning Map
- Exhibit E.....Aerial Map
- Exhibit F.....Tentative Parcel Map
- Exhibit G.....March 17, 2015, Development Services Director
Substantial Conformance Determination
- Exhibit H.....Exhibits to P07-0027 Staff Report (23 Pages)

FINDINGS

Tentative Parcel Map P16-0005/Wilkes Parcel Map Zoning Administrator/August 17, 2016

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 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent mitigated negative declaration is required because there is no substantial evidence that the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project has been undertaken which would require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects; or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous mitigated negative declaration was adopted, shows the project will (a) have one or more significant effects not discussed in the previous mitigated negative declaration.
- 1.2 Pursuant to CEQA Section 15164(b) it has been determined that there is no substantial evidence requiring an addendum to the adopted mitigated negative declaration because no minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent mitigated negative declaration have occurred.
- 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 - Planning Services 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 Medium-Density Residential (MDR) land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. The designation is applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure does not justify higher densities, where the topography poses a constraint to

higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density is one dwelling unit per 1.0 acres with parcel sizes ranging from 1.0 to 5.0 acres. This designation is considered appropriate within Community Regions.

Rationale: The project proposes to split a 12.16-acre lot into four lots ranging in size from approximately 3.0- to 3.15-acres in size. The site is located within the Diamond Springs-El Dorado Community Region and the existing and proposed land use at the site is residential. 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 located in an area of existing residential development. The proposed lot sizes are similar to those surrounding the site, and use is consistent and compatible with the residential development pattern in the project vicinity.

2.3 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: The project will utilize public water services provided by El Dorado Irrigation District, and a meter award letter will be required for the project prior to filing the parcel map. The Diamond Springs-El Dorado Fire Protection District has conditioned the project to ensure that the water supply would be adequate for the purposes of fire protection and the project has been conditioned to require an approved Wildfire Fire Safe Plan to address the wildland fire hazards for the project site prior to filing the parcel map. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate quantity and quality of water for all uses.

2.4 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1, Fire Protection in Community Regions, requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Diamond Springs-El Dorado Fire Protection District has conditioned the project to ensure that the water supply would be adequate for the purposes of fire protection and the project has been conditioned to require an approved Wildfire Fire Safe Plan to address the wildland fire hazards for the project site prior to filing the parcel map. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate 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 project is located in an area of high wildland fire hazards. The Diamond Springs-El Dorado Fire Protection District has conditioned the project and the project has been conditioned to require an approved Wildfire Fire Safe Plan to address wildland fire hazards for the project site prior to filing the parcel map. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to development in high wildland fire hazard areas.

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 on-site road improvements and entitlements for use of the off-site roads and public utility easements. The Diamond Springs-El Dorado Fire Protection District has conditioned the project and the project has been conditioned to require an approved Wildfire Fire Safe Plan to address wildland fire hazards for the project site prior to filing the parcel map. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate access for emergencies.

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. The existing structures are built on areas of the property that avoid slopes exceeding 30 percent. The area proposed for new development avoids steep slopes of 30 percent. Disturbance of small areas of 30 percent slopes resulted from construction of the project access. The project is in compliance with the policy related to steep slopes.

2.8 This project is consistent with General Plan Policy 7.3.3.4.

General Plan Policy 7.3.3.4 required that the zoning ordinance be amended to provide buffers and setbacks for the protection of riparian areas and wetlands. Until the setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet for all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands would be used. The recent Zoning Ordinance Update, adopted on December 15, 2015, identifies ministerial development setbacks of 25 feet from intermittent stream, wetland, or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. Discretionary development that has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level.

Rationale: The project site contains approximately 0.01 acres of seasonal wetland, 0.03 acres of seep, and approximately 0.06 acres (553 feet by 5 feet) of intermittent channel. The existing intermittent channel is located within a 16-foot wide drainage easement identified on Parcel Map 40-77. A Biological Resources Evaluation and Preliminary Jurisdictional Delineation were conducted for the project. The project avoids impacts to the intermittent channel and wetlands and preserves a 50-foot setback.

2.9 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.

Rationale: Oak canopy impacts for the project were mitigated utilizing General Plan Policy 7.4.4.4 Option B, which was available at the time the initial parcel map was approved, and allowed the applicant to mitigate the impacts to oak woodlands by complying with the conservation in-lieu fee. The oak canopy mitigation fee was received by Planning Services on Jun 10, 2014. Oak canopy covered an estimated 7.25 acres, or 60 percent of the 12.16 acre site based on April 1, 2004 aerial photo which was used for project analysis. The

project would retain 53.1 percent of the oak tree canopy. Since the project resulted in oak canopy removal in excess of the required retention provisions of General Plan Policy 7.4.4.4 Option A, Option B was utilized consistent with the requirements of General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan at the time. Project improvements have been constructed, and no additional oak canopy would be impacted with the approval of this parcel map.

2.9 This project is consistent with June 7, 2016 voter-approved ballot Measure E.

On June 7, 2016, voter-approved ballot Measure E modified General Plan Policies TC-Xa, TC-Xf, and TC-Xg, and identified implementation measures for said policies.

Rationale: This proposed project has been determined to be consistent with Measure E, specifically 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, creating an increase of 10 peak hour trips, or creating 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, this is a parcel map creating four lots. Further, the required access improvements to accommodate the proposed tentative parcel map, as proposed, have already been constructed.

2.10 This project is consistent with General Plan Policy TC-4i.

General Plan Policy TC-4i requires that development in Community Regions and Rural Centers include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible.

Rationale: General Plan Transportation and Circulation Policy TC-4i seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. Application of Policy TC-4i has been determined to be infeasible based on the application submittal materials and the analysis presented in the staff report. This determination has been found to be consistent with the General Plan policy identified above.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Three-acre Residential (R3A). The project has been analyzed in accordance with Zoning Ordinance Section 130.24.020 (Matrix of Allowed Uses) and Section 130.24.030 (Residential Zone Development Standards) for minimum lot size, lot widths, and building setbacks.

Rationale: The proposed single-unit detached residential land uses are allowed uses within the R3A zone in accordance with Section 130.24.020. The lots have been designed to comply with the R3A development standards, including minimum lot size and width standards, as provided within Section 130.24.030 of the County Code. The project, as proposed and conditioned, is consistent 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's zoning regulations and Minor Land Division Ordinance.

Rationale: As discussed in Finding 3.0 above, the tentative parcel map conforms to the allowed uses and development standards within the R3A Zone. As proposed and conditioned, the parcel map conforms the Subsection II of 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. The proposed project is consistent with the density allowed within the MDR land use designation, as well as the development standards of the R3A zone. The project was designed in a manner that avoids significant disturbances of slopes in excess of 30 percent and wetlands/intermittent streams.

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

Rationale: The proposed parcel map is not likely to cause substantial environmental damage as determined in the previously adopted Mitigated Negative Declaration.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To allow creation of parcels exceeding the 3:1 lot depth to width ratio.

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

Rationale: The subject site is unique in that there is an existing residence in the approximate middle of the parcel, and the existing parcel is irregularly shaped. The site is constrained by slopes in excess of 40 percent, wetlands and an intermittent stream, and oak woodlands and future development sites are limited. The proposed design waiver allows creation of three additional parcels consistent with the minimum lot size requirements and development standards of the underlying R3A zoning and consistent with the MDR General Plan designation which allows 1 to 5 acre parcels. The applicant has submitted "Design Waiver Request and Findings" attached to this staff report in Exhibit H.

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

Rationale: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from denial of the division of the subject parcel creating three additional parcels consistent with the minimum lot size requirements and development standards of the underlying R3A zoning designation and consistent with the MDR General Plan designation which allows 1 to 5 acre parcels. The subject site is heavily sloped and future development areas are limited. The project design includes a building restriction line with a no-build area on parcels A and B in the areas furthest from each lot frontage.

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.

Rationale: The lot width to depth ratio Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public.

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.

Rationale: 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. The greater than 3:1 lot depth to width ratio will create parcels that will be consistent with the development standards of the R3A zone district and other applicable requirements of the County Zoning Ordinance.

5.2 To not require the inclusion of an eight-foot shoulder along the project frontage on El Dorado Road.

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

Rationale: The existing 12 plus acre property is to be divided into 4 parcels of at least 3 acres each. There is a significant cut slope along the property frontage at El Dorado Road. This bank ranges from just a few feet in height to well over 10 feet in height. The bank slope that is steeper than a 2:1 horizontal to vertical ratio. To cut back this slope for a sidewalk and additional 8-10' of shoulder would require extensive grading into the slope and the removal of a significant number of oak trees.

In addition, Policy TC-1w in the adopted General Plan supports maintaining the existing rural character of a roadway as follows: *“New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on-street parking, and vehicular and pedestrian safety.”* The project area is rural in nature with properties in the area ranging from one or more acres. The project area has a General Plan Land Use designation of MDR, which acknowledges and accepts a reduced level of infrastructure. The MDR description states that *“This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County.”* Infrastructure would include not only roads and public utilities (water, sewer) but also sidewalks, curbs, streetlights and signals. Requiring sidewalks will erode the rural nature of the project area while sidewalks and additional shoulder will

ignore the “where feasible” provisions of Policy TC-4i as well as the perspective of the MDR land use designation.

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

Rationale: The existing parent parcel’s frontage along El Dorado Road is approximately 1,113 feet in length. General Plan Policy TC-1a includes Table TC-1 that specifies in Note #3 that *“The County may deviate from the adopted standards in circumstances where conditions warrant special treatment of the road. Typical circumstances where exceptions may be warranted include:*

- a) Extraordinary construction costs due to terrain, roadside development, or unusual right-of-way needs; or*
- b) Environmental constraints that may otherwise entirely preclude road improvements to the adopted standards, as long as environmental impacts are mitigated to the extent feasible.*

To require sidewalks and an additional 8-10’ of shoulder would not only remove a significant number of oak trees, it would necessitate extraordinary construction costs. Thousands of yards of earth would have to be excavated and relocated. A utility structure located at the top of the bank at about midpoint of the property would have to be relocated. Along with these expenses the sidewalk would have to be constructed. These costs would be imposed to provide improvements that do not exist along any residential frontage on the entire length of El Dorado Road from Green Valley Road on the North to Pleasant Valley Road to the South.

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.

Rationale: Sidewalks and an additional 8-10’ of shoulder along this property will not stimulate pedestrian traffic in this areas to the types of destinations anticipated in General Plan Policy TC-4i. Sidewalks to such destinations as businesses, schools, parks and adjacent development are essentially non-existent in the area, as are the listed destinations.

Commercial zoning between the subject property and Highway 50 is over 700 feet away on the West Side of El Dorado Road. Commercial zoning is over 700 feet away on the East side of El Dorado Road between the subject property and Highway 50.

Sidewalks are over 800 feet away on the West side of El Dorado Road toward Highway 50. The first sidewalk encountered is the 400 feet ± of sidewalk in

front of El Dorado Savings. Next, there is a sidewalk over the West side of the Highway 50 overpass. The next business is a vehicle storage/mini storage (without sidewalks) immediately north of the freeway. Beyond that, there are no sidewalks except on the four corners of the newly remodeled intersection (traffic lights) at El Dorado Road and Missouri Flat Road. There are no sidewalks present on the East side of El Dorado Road between the property and Missouri Flat Road. There are no sidewalks present south of the property to the end of El Dorado Road at Pleasant Valley Road.

Parks in the greater area include Bennett Park to the northeast at El Dorado High School in Placerville (4.4± miles by car utilizing Highway 50) and the City Park to the east in Placerville (4.4± miles by car utilizing Highway 50). Sidewalks are not relevant to reaching these destinations from the subject property area due to even greater distances involved in walking around Highway 50. Walking to Bradford Park to the southwest in Shingle Springs would involve walking 4.9± miles along both El Dorado Road and Mother Lode Drive with no sidewalks anywhere between the subject property and Bradford Park.

The subject property is in the Mother Lode Union School District. The nearest schools in the Mother Lode Union School District are Indian Creek School to the north (3.4± miles), Charles Brown School to the southeast (3.9± miles) and Herbert Green School to the east (2.2± miles). Busing is available to all of these schools. Sidewalks are not relevant with regard to walking to schools in the school district from anywhere in the project area.

No adjacent development has sidewalks and/or 8-10' shoulders. A sidewalk installed at this property would be isolate. Not requiring sidewalks on this project will not be detrimental to adjacent properties nor to public health, safety, convenience or welfare. Sidewalks are not a part of the lifestyle typical of rural areas.

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.

Rationale: Waiving the requirement for sidewalks along the property frontage of El Dorado Road will not have the effect of nullifying the objectives of any law or ordinance applicable to the project, including the Subdivision Map Act, the El Dorado County Subdivision Ordinance (Subpart II, Minor Land Divisions), the Zoning Ordinance (County Code, Title 120), or the El Dorado County Design and Improvement Standard Manual and the County General Plan.

CONDITIONS OF APPROVAL

Tentative Parcel Map P167-0005/Wilkes Parcel Map Zoning Administrator/August 17, 2016

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

Exhibit FTentative Parcel Map

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 tentative parcel map would create four lots ranging in size from 3.0 acres to 3.15 acres from a 12.16 acre site. All lots will be served by individual water meters and septic systems. The project includes road improvements consisting of the construction of proposed on-site Roads A and B serving lots A, B, and D to a 20-foot roadway width without curb, gutter, and sidewalk (Modified Standard Plan 101B), with standard encroachment (Standard Plan 103D). Proposed Parcel C will take access off of El Dorado Road utilizing a 12-foot wide gravel driveway and standard encroachment (Standard Plan 103B-1). Design waivers to: A) Remove the required inclusion of an eight-foot roadway shoulder along the subject property frontage on El Dorado Road; and B) Allow creation of lots A and B, which exceed the 3:1 lot depth to width ratio.

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.

Development Services Division

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
3. **Notice of Determination:** The applicant shall submit to Planning Services a \$50.00 recording fee for 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.

4. **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.

5. **Tree Preservation:** In the event that residential or other structures are proposed for construction outside of the previously analyzed areas identified on the Tentative Parcel Map, a tree preservation plan shall be submitted to Planning Services for review and approval prior to Building Permit issuance.

6. **Meter Award Letter:** A meter award letter or similar documentation showing water service shall be provided to Planning Services by EID prior to filing the parcel map.

7. **Archeological Resources:** In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

8. **Human Remains:** In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a

Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

9. **Wildfire Fire Safe Plan:** The applicant shall submit an approved Wildfire Fire Safe Plan prepared by a Registered Professional Forester (RFP) and approved by the Diamond Springs/ El Dorado Fire Protection District and/or California Department of Forestry and Fire Protection.

Transportation Division (Project-Specific Conditions)

10. **On-Site Road Improvements:** The on-site roadways shall be constructed to County Standard Plan Modified 101B. The access road shall be 20-foot in width without curb, gutter, and sidewalk. The improvements shall be substantially completed to the approval of the Transportation Division (TD) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
11. **Driveway Approaches:** The applicant shall construct driveway encroachments onto the proposed roadway to the provisions of El Dorado County Design Improvements Standard Manual (DISM) 103B-1. The improvements shall be substantially completed to the approval of the TD or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
12. **Turnaround (On-Site):** A turn around shall be constructed pursuant to DISM 114 or an approved equivalent to the satisfaction of TD and the Fire Department shall be provided at the end of the roadway serving the parcels prior to the recordation of the parcel map.
13. **Signs:** The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” as required by the TD prior to filing of the parcel map.

14. **Encroachment:** The applicant shall construct an encroachment onto El Dorado Road pursuant to County standard 103D. The improvements shall be completed to the satisfaction of the TD or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
15. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the on-site access roadway serving lots A, B, D, shown on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.

Transportation Division (Standard Conditions)

16. **Maintenance Entity:** The proposed project must form an entity for the maintenance of public and private roads 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 of the current project. TD shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
17. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision DISM (as may be modified by these Conditions of Approval or by approved Design Waivers) from the TD and pay all applicable fees prior to filing of the parcel map.

Additionally, the project improvement plans and grading plans shall conform to the County Grading, Erosion, and Sediment Control Ordinance, the Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Or. 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).

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

20. **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 the TD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

Diamond Springs - El Dorado Fire Protection District

21. The District has a fee structure. Fees shall be collected for review of all types of plans.
 - a. Subdivision minor fee, four lots or less \$328.00
22. Provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
23. The fire flow required for this parcel split is set forth in the California Fire Code Appendix "B." The required fire flow for >3600 square foot residential structure including garage, with an approved NFPA 13 D sprinkler is 1000 gallons per-minute, for 2 hours, at 20 psi residual. The required fire flow for <3600 square foot residential structure including garage, with an approved NFPA 13 D sprinkler system is 1500 gallons per-minute, for 2 hours, at 20 psi residual.
24. The applicant shall enter into a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of water storage for each parcel. This deed restriction shall be reviewed and approved by the Fire District prior to final recording.
25. Additional hydrants may be required for this project. The Fire District will determine hydrant locations.
26. All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
27. Driveway grades exceeding 16 percent shall be of an all-weather surface (pavement or asphalt).
28. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval shall include a deed restriction for a NFPA 13D residential sprinkler system.
29. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

30. All roadways shall be to El Dorado County TD Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width; parking on both sides of the road will require 40 feet minimum road width.
31. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead “T”, a modified “T” or a modified “Y” in lieu of a circular type turnaround, per El Dorado County TD Standards.
32. Any gates will require Fire District approval and meet current El Dorado County Standards.
33. All roadways and driveways shall adhere to El Dorado County TD requirements.
34. PUBLIC RESOURCES CODE 4291: A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

Air Quality Management District

35. Prior to grading permit issuance, an Asbestos Dust Mitigation Plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
36. 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.
37. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
38. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
39. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
40. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
 - Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.

- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Surveyor's Office

41. All survey monuments shall be set prior to filing the Parcel Map.
42. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Parcel Map.
43. 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 the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.