

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** December 13, 2007  
**Item No.:** 8.b.  
**Staff:** Michael C. Baron

**REZONE/TENTATIVE PARCEL MAP**

**FILE NUMBER:** Z06-0045/P06-0046

**APPLICANT:** Mark and Natalie Patterson

**REQUEST:** Rezone from Estate Residential Five-acre (RE-5) to Single-family One-acre Residential (R1A), and a tentative parcel map creating four parcels ranging in size from one to two acres (Exhibit B).

A design waiver has been requested to allow driveway access to both Parcel 2 and 3 without frontage on a public street

**LOCATION:** On the north side of Meder Road, 150 feet west of the intersection with Rosebud Drive, in the Shingle Springs area, Supervisorial District IV. (Exhibit A)

**APN:** 070-180-20

**ACREAGE:** 5 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit B)

**ZONING:** Estate Residential Five-acre (RE-5) Shingle Springs Community Region (SS) (Exhibit C & G)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the permit requests and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** The project is a rezone request to convert the parcel from Estate Residential 5-acre (RE-5) to Single-family 1-acre Residential (R1A) and parcel map creating four parcels ranging in size from one to two acres. The Department of Transportation has recommended that road improvements be required along the project frontage on both Joy Lane and Meder Road. Joy Lane would be widened to 18 feet with 2 foot shoulders pursuant to Standard Plan 101 C. Meder Road improvements would include widening to a half width of 16 feet pursuant to Standard Plan 101B. Individual driveways would be constructed to provide access to the parcels from both Joy Lane and Meder Road. Access to Parcel 2 will be from a driveway encroachment extending along the eastern side of Parcel 1 onto Meder Road with a vehicular access restriction placed on Parcel 1 for the entire length of any new driveway that will allow access to Parcel 2. Access to Parcel 3 will be from an encroachment onto Joy Lane extending along the eastern boundary of Parcel 4 with a vehicular access restriction placed on Parcel 4 for the entire length of any new driveway that will allow access to Parcel 3.

**Site Description:** The 5 acre parcel is located within the Shingle Springs Community Region. The project site is located about 1,500 feet above mean sea level with gentle rolling slopes with 37 percent from 0-10 percent slopes, 56 percent from 11-20 percent slopes, and 7 percent in the 21-29 percent slope range. The soil type is predominantly a mix of rescue very stony sandy loam and rescue extremely sandy stony loam (RfE & RgE2) which can both be characterized by well-drained soils that are underlain by gabbrodiorite rocks at a depth of more than 40 inches. A Biological Survey was performed on the project parcel on August 4, 2006 by Environmental Science Associates. None of the Pine Hill rare plant species were identified on the project site however the Biological site assessment identifies two species of plants closely monitored by the California Native Plant Society (El Dorado County Mule-Ears, Red Hills Soaproot). Existing trees on the site are identified as a mix of Pine, Manzanita, and Oak. There are two separate intermittent streams one on parcel two and the other on parcel three. Parcel one is currently developed with a single family dwelling, horse arena (also on parcel three), and garage.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	MDR	Improved Single Family Residential
<b>North</b>	RE-5	MDR	Improved Single Family Residential
<b>South</b>	R1A	MDR	Improved Single Family Residential
<b>East</b>	R1A/RE-5	MDR	Improved Single Family Residential
<b>West</b>	RE-5	MDR	Vacant Residential

The project parcel is bounded on all sides by residential development. The project would create four residential parcels in a residential setting, and the project would not create conflicts with the surrounding land uses.

**General Plan:** The project site located within the Shingle Springs Community Region and as required under General Plan *Policy 2.2.1.2* the Medium Density Residential (MDR) Land Use Designation requires parcel sizes to range from 1 to 5 acres. The proposed parcels would create four lots that are a minimum of 1 acre and are appropriate for the Community Region therefore, conforming to General Plan *Policy 2.2.1.2*.

The proposed parcel map would result in building permits for single family dwellings. General Plan *Policy 7.1.2.1* does not allow development on slopes greater than 30 percent. As shown on the slope map (Exhibit F), there are no slopes in excess of 30%.

Through analysis of the proposed project by the Department of Transportation it has been concluded that the proposed parcel map does not exceed any of the minimum requirements listed under *Policy TC-X*.

The proposed parcel map would provide public water and individual septic systems for each of the proposed lots. General Plan *Policies 5.2.1.9* and *5.3.1.7* can allow for individual septic systems within community regions served by public water. This project has been conditioned by the Environmental Management Department to provide data to prove that adequate septic systems should be provided for the eventual construction of single family dwellings prior to the recordation of the parcel map. The applicant has shown development envelopes and possible septic locations on the parcel map for each proposed lot that would allow for a minimum 50 foot setback from the intermittent streams that exists on the site in order to ensure consistency with General Plan *Policy 7.3.3.4*.

Based on a tree canopy exhibit, provided by the applicant, it should be concluded that any oak canopy removal required for building residential structures and driveway improvements on the site would not exceed the retention standards required under *Policy 7.4.4.4*.

General Plan *Policy 2.2.5.3* requires future rezoning to be evaluated based on the General Plan's direction as to minimum parcel size or maximum density and to assess whether changes in conditions would support a higher density. Specific criteria to be considered include but are not limited to the following:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*
2. *Availability and capacity of public treated water system; and,*

A six and ten inch water line exists under Meder Road capable of providing water to the proposed residential parcels. The applicant would have to construct a water line extension

from the property line to the proposed parcels in order to sustain the required water pressure to serve the proposed residential parcels.

3. *Availability and capacity of public waste water treatment system.*

The proposed parcel map would provide individual septic systems for each parcel. See #8 below.

4. *Distance to and capacity of the serving elementary and high schools;*

The project site is located within the Buckeye Union School District and El Dorado Union High School District. Adequate capacity exists and future development would be subject to school impact fees.

5. *Response time from nearest fire station handling structure fires;*

The project site is located within the El Dorado County Fire Protection District. Response times within urban areas of the County are eight minutes 90 percent of the time. The District has reviewed the project and has determined that adherence to the proposed conditions of approval would provide adequate fire protection. The Fire District conditions include the requirement to prepare a Wildland Fire Plan, adequate fire flow for water systems, and adherence to State Fire Safe Regulations for all future structures.

6. *Distance to nearest Community Region or Rural Center;*

The project site is located within the Shingle Springs Community Region.

7. *Erosion hazard;*

The project site contains Rescue Series soil types which are characterized by moderate to high erosion hazard. Road improvements would be required as conditions of approval for the project. The Department of Transportation would require a site improvement/grading plan prior to issuance of a grading permit. The site improvement/grading plan would be in conformance with the Erosion and Sediment Control Ordinance which would reduce any erosion hazards to a less than significant level. The project site contains only moderate slopes, reducing the potential for erosion.

8. *Septic and leach field capability;*

The applicant provided a percolation rate test dated November 17, 2006 done by Sonde Geological Services indicating each of the proposed parcels could support individual septic systems.

9. *Groundwater capability to support wells;*

The project would be served by the EID public water system.

10. *Critical flora and fauna habitat areas;*

The project site is located outside of the Important Biological Corridors, but is located within Rare Plant Mitigation Area 1. A Biological Survey performed on the project site on August 15, 2006, did not find any listed rare or endangered species on the project site. However the biological report did identify two species of plants closely monitored by the California Native Plant Society (El Dorado County Mule-Ears, Red Hills Soaproot). Any disturbance to these plant types is mitigated through the County's rare plant mitigation fees which are assessed through the building permit process.

A site evaluation determined that a total of 16 percent of oak canopy is located on the entire 5 acre site. The 16 percent canopy coverage requires 90 percent retention pursuant to General Plan Policy 7.4.4.4. Of the 90 percent requirement only 3 percent is proposed to be removed for access to parcel 2. Ninety-seven percent of the existing oak canopy would be retained which is consistent with the retention provisions of the policy.

11. *Important timber production areas;*

12. *Important agricultural areas;*

13. *Important mineral resource areas;*

The project parcel is not located in or near important timber production areas, agricultural areas, or important mineral resource areas.

14. *Capacity of the transportation system serving the area;*

The Department of Transportation has reviewed the project and has determined that, with the required road improvements, the project would not significantly affect the transportation system.

15. *Existing land use pattern;*

The project parcel is surrounded by existing single-family development. With the exception of the adjacent 30 acre lot, the surrounding lots in the area are between 1 and 2 acres and also have a Medium Density General Plan Land Use Designation. The proposed project would be consistent within the existing land use pattern.

16. *Proximity to perennial water course;*

The project site is not located immediately adjacent to any perennial water courses. There are two existing seasonal streams on the proposed lots which any future development would be able to provide the required 50 foot setback.

17. *Important historical/ archeological sites;*

The cultural resource study performed on the project site on October 18, 2006 Peak & Associates, Inc. concluded that no evidence could be found of pre-historic or historic cultural resources within the project site.

18. *Seismic hazards and present active faults;*

The project site would not be subject to significant seismic hazards or active faults.

19. *Consistency with existing Conditions, Covenants, and Restrictions;*

The existing parcel is not bound by any CC&Rs. There is however a road maintenance association in which each property owner pays for improvements for roads. Any future parcels using road maintenance association roads would be conditioned to join, if applicable.

**Conclusion:** The parcel map and rezone would create four residential parcels. The proposed parcel sizes are consistent within the MDR land use designation. As discussed above, adequate public services, infrastructure, and fire protection exist to support the additional residential density. Staff finds the project is consistent with the General Plan.

**Zoning:** The project would rezone the current parcel from Estate Residential 5-acre (RE-5) to Single-family 1-acre Residential (R1A) and create four residential parcels ranging in size from one to two acres.

As shown on the parcel map (Exhibit E), building envelopes have been proposed with corresponding septic sites. As proposed, the parcels would be consistent with the minimum parcel size and development standards of the R1A Zone District.

**Conclusion:** Staff finds the project is consistent with the proposed R1A Zone District.

### **Design Waiver Request**

A design waiver has been requested to allow driveway access to both Parcel 4 and 1 without frontage on a public street because alternative access to proposed Parcels 2 and 3 from Joy Lane or Meder Road would involve introducing a twenty-four foot wide road to parcel 2 and 3 which would allow unwanted public access. Requiring parcels 2 and 3 front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code would require construction of a twenty-four foot wide road from either Joy Lane or Meder

Road. Allowing the creation of Parcels 2 and 3 using a driveway standard would reduce impacts to oak canopy unwanted public access and will only require an encroachment permit onto Joy Lane for parcel 3 and an encroachment onto Meder Road for Parcel 2 as well. These Design Waivers have been supported by the Department of Transportation due to the low average daily trips associated with the creation of four residential Parcels. Section 16.08.020(A) (2) of the El Dorado County Sub-division Ordinance requires that four specific findings must be made in order to approve a design waiver. These four findings are noted in Attachment 2.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, 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.

**NOTE:** This project is not located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,800.<sup>00</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.<sup>00</sup> processing fee, shall be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## **RECOMMENDATION**

Staff recommends the Planning commission forward a recommendation to the Board of Supervisors to:

1. Adopt the Negative Declaration based on the Initial Study; and
2. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
  - a. Allow driveway access to both Parcel 2 and 3 without frontage on a public street.
3. Approve Z06-0045/P06-0046 as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the conditions itemized in Attachment 1.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Assessor's Map
Exhibit E .....	Tentative Parcel Map
Exhibit F .....	Slope Map
Exhibit G .....	Community Region
Exhibit H .....	Environmental Checklist and Discussion of Impacts



# ATTACHMENT 1

## CONDITIONS OF APPROVAL

FILE NUMBER Z06-0045/P06-0046  
December 13, 2007

### Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (Tentative Parcel Map) dated April, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

A rezone of the property will allow approval of the parcel map to create three new lots. The parcel sizes are as follows: Parcels 1, 3, and 4 are proposed as 1 acre parcels and parcel 2 is proposed as a 2 acre parcel. The proposed parcels 3 and 4 would access private driveways from Joy Lane and parcels 1 and 2 would access private driveways off Meder Road.

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

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

3. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to the County Recorder processing the final map.
4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
5. The applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
6. This tentative parcel map shall expire within 36 months from date of approval unless a time extension has been filed.

#### **Department of Transportation**

7. The applicant shall improve the property frontage along Meder Road to a total half width of 16 feet from the existing roadway centerline according to the El Dorado County Design and Improvement Standards Manual (DISM), Standard 101B (without curb and gutter and sidewalk). The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to recordation of the parcel map.
8. The applicant shall improve the on-site access driveways along the eastern boundary of Parcel 1 & Parcel 4 for access to Parcel 2 & Parcel 3, respectfully, to a driveway width of 12 feet and according to the design criteria of DISM, Standard Plan 101C. The improvements shall be substantially complete, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
9. The applicant shall improve Joy lane, from the project boundary to Sierrama Drive, to the provisions of the DISM Standard Plan 101C with an 18 foot road width with 2 foot shoulders on each side of the roadway, as required by Section 3A)2)c)ii, of the DISM. These off-site improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
10. The two central encroachments that serve this existing parcel off Meder Road are substandard and the applicant shall remove and block off these two access points, to the satisfaction of DOT. In addition, the applicant shall construct the driveway encroachment for the proposed driveway access to Lot #2 to Meder Road to the provisions of County Standard Plan 103B-1. An encroachment permit, as approved by DOT, shall be obtained by

the applicant for these improvements. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.

11. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right-of-way for the on-site portion of Meder Road along the entire property frontage, prior to the recordation of the map. This offer will be accepted by the County.
12. The applicant shall provide a 25 foot wide road and public utility easement as well as a vehicular access restriction for the proposed on-site driveways along the eastern boundary of parcel 1 & Parcel 4 for access to Parcel 2 & Parcel 3, respectfully, prior to the recordation of the parcel map.
13. The applicant shall construct the driveway encroachment from Joy Lane onto Sierrama Drive to the provisions of County Standard Plan 103C. In addition, the applicant shall construct the driveway encroachment for the proposed driveway access to Parcel 3 to Joy lane to the provisions of County Standard Plan 103B-1. These off-site improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
14. The applicant shall install all necessary signage such as stop signs, street name signs, and/or “not a County maintained road” road sign as required by the Department of Transportation prior to the recordation of the parcel map.
15. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider’s expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction, surveying, construction management and a 20% contingency.
  - a. A legal description and plat, of the land necessary to be acquired to complete the off-site improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

16. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the parcel map.
17. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainage facilities not maintained by the County.
18. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.
19. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, 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.
20. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
21. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
22. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to Dot with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format
23. The applicant shall pay the traffic impact fees in effect at the time a building permit application is deemed complete.

### **El Dorado County Fire**

24. Applicant shall submit plan review fee of \$120.00 to the El Dorado County Fire Protection District, prior to recording the parcel map.
25. Fire flow for the proposed parcel map shall be 1000 gpm at 20 psi for two hours.

26. Hydrant locations, as shown on the parcel map shall be installed prior to recording the parcel map.
27. Applicant shall provide documentation from EID (FIL) and the Fire District to show that the system would meet the required fire flow for the project.
28. A CDF approved Fire Safe Plan shall be prepared for each parcel.
29. Any future gates not shown on plans shall require Fire District approval.

**County Surveyors Office**

30. All survey monuments shall be set prior to recording the parcel map.
31. A letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met, prior to recording the parcel map.



# **ATTACHMENT 2 FINDINGS**

**FILE NUMBER Z06-0045/P06-0046  
December 13, 2007**

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

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA Findings**

**1.1** El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project. No significant impacts to the environment as a result of this project were identified in the initial study.

**1.2** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

### **2.0 General Plan Finding**

**2.1 The proposed parcel map conforms to the El Dorado County General Plan;**

The project site is designated as Medium Density Residential (MDR). The parcel map would create parcels which are consistent with the density requirements and minimum parcel size requirements within the MDR land use designation.

### **3.0 Zoning Finding**

**3.1 The parcel map conforms to the El Dorado County Zoning Ordinance;**

The project site is zoned One-Acre Residential (R1A). The parcel map would create parcels which would be consistent with the minimum parcel size requirements and the development standards of the R1A zone district.

### **4.0 Tentative Map Findings**

**4.1 That the proposed tentative map and rezone is consistent with applicable general and specific plans;**

The proposed rezone from Estate Residential 5-acre (RE-5) to Single-family 1-acre Residential (R1A) is consistent with the General Plan which designates the parcel as Medium Density Residential (MDR) which allows for the proposed parcel sizes. The proposed R1A zoning is consistent within the Shingle Springs Community Region.

**4.2 The proposal conforms to the County’s zoning regulations and Minor Land Division Ordinance;**

The Department of Transportation and the El Dorado County Fire Protection District have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. Adequate public services exist that would be sufficient to serve the project. Based on percolation rate test, septic would also provide adequate service for each parcel.

The proposed parcels provide adequate area to meet the development standards of the R1A Zone District.

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

As determined through a Cultural Resource Study, Biological Survey, and analysis by staff the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the site.

**4.4 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;**

The required site improvements would not cause significant impacts to the environment or wildlife. As determined by the analysis by staff and Biological Survey, the project would not result in significant environmental impacts.

**5.0 Design Waiver Findings**

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

Alternative access to proposed Parcels 2 and 3 from Joy Lane or Meder Road would involve introducing a twenty-four foot wide- road to parcel 2 and 3 which would allow unwanted public access, which is not desirable to the applicant. Requiring parcels 2 and 3 front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code would require construction of a twenty-four foot wide road from either Joy Lane or Meder Road. Allowing the creation of Parcels 2 and 3 using a driveway standard would reduce impacts to oak canopy unwanted public access and will only require an encroachment permit onto Joy Lane for parcel 3 and also an encroachment onto Meder Road for Parcel 2.



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

Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would introduce new public access and road improvements and removal of additional oak canopy for access to only two parcels.

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

Allowing parcels 2 and 3 to use a driveway standard for exclusive access across parcels 1 and 4 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

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

The approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.