

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

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MEMORANDUM

DATE: April 12, 2007
TO: Zoning Administrator
FROM: Michael C. Baron
SUBJECT: P06-0032-Thorne Parcel Map

Prior to the scheduled Zoning Administrator hearing some changes to the project were requested by the applicant and staff. Changes are as follows:

1. Design waiver #1 is a request to allow an 18 foot on-site road width for access from Jayhawk Drive to all 3 parcels. However, the applicant has redesigned the project so only parcels 1 and 3 would be served by the on-site road, which would be considered a driveway only serving 2 parcels as noted in Section 15.04.090(J) of the County Code.
2. Design waiver #2 is a request to allow a reduction of offsite road width from the encroachment to Deer Valley road to 18 feet without shoulder improvements. The applicant will provide a 24 foot wide road with 2 foot shoulders.
3. Design waiver #3 is a request to make no road improvements to the portion of Jayhawk Drive along the northern property frontage. The applicant will develop the Road to a minimum of 18 feet wide with 2-foot shoulders.

Staff proposes changes to Conditions of Approval and Findings that reflect the applicant's new proposal. There is also an error in the staff report regarding the California Fish and Game Code Section 711.4 fee. The correct amount is \$1,850, including the processing fee.

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER P06-0032

CONDITIONS OF APPROVAL

Planning Services

1. This Tentative Parcel Map approval is based upon and limited to compliance with the project description, dated December 20, 2006, 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:

A Tentative Parcel Map creating three lots, ranging from 10 acres to 11.5 acres, from a 31.5 acre site. The project includes design waiver requests to reduce road improvements both on and off-site along Jayhawk Drive. The first request is to reduce on-site road improvements from a 24-foot wide roadway to an 18 foot roadway with 2-foot shoulders per State Responsibility Area Fire Safe Regulations. A second design waiver request is to reduce road improvements to an 18-foot wide roadway without 2-foot shoulder improvements from the encroachment onto Jayhawk Drive extending to Deer Valley Road. A third design waiver request to do no improvements to Jayhawk Drive along the northern frontage of proposed parcel 3.

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

2. The applicant shall be required to pay the Park in-lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
3. The tentative parcel map shall remain valid for a period of three years from the date of approval unless prior to expiration of the map, the applicant files for a time extension.
4. All fees associated with the parcel map shall be paid prior to recording the parcel map.
5. 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.

Department of Transportation

6. The applicant shall widen the on-site access roadway from Jayhawk Drive to the turn around and the on-site portion of Jayhawk Drive to a width of ~~18~~ 24 feet with 2-foot wide shoulders on each side per El Dorado County Standard Plan 101C, ~~and State Responsibility Area Fire Safe Regulations~~. The improvements shall be substantially completed, to the approval of the Department of Transportation or with an approved improvement agreement with security prior to the recordation of filing the parcel map, or with an approved improvement agreement with security.
7. The applicant shall improve the off-site portion of Jayhawk Drive from the project boundary to Deer Valley Road to a width of 18 feet with 2-foot shoulders as specified in the El Dorado County Standard Plan 101C and Section 3 A) 2)c) ii, of the Design and Improvement Standards Manual. 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. per State Responsibility Area Fire Safe Regulations prior to filing the parcel map or with an approved improvement agreement with security.
8. The applicant shall provide or verify a turn around at the end of the on-site roadway that complies with the provisions of County Standard Plan 114. 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. or Fire Safe Standards prior to filing the parcel map or with an approved improvement agreement with security.
9. The applicant shall designate a 50-foot wide road and public utilities easement for the required on-site access roadway as well as a road and public utilities easement for the turn around, prior to recordation of filing the parcel map.
10. The applicant shall irrevocably offer to dedicate all on-site road and public utility easements for the roadways and turn around, prior to recordation of filing the parcel map. This offer will be rejected by the County.

11. A vehicular access restriction shall be established on Parcel 2 along the entire on-site frontage of ~~the on-site access roadway Jayhawk Drive along the northern boundary of Parcel two,~~ prior to the recordation filing of the parcel map.
12. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, ~~which is required for access to Deer Valley Road~~ prior to the recordation of filing the parcel map.
13. 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 recording the parcel map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to the filing of 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.
- ~~13~~ 14. 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 recording the parcel map.
- ~~14~~ 15. 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.
- ~~15~~ 16. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
- ~~16~~ 17. 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.

- 17 18. 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.

Rescue Fire Protection District

- 18 19. A Fuel Modification and Wildland Fire Safety Plan by a registered forester shall be submitted to and approved by the Rescue Fire Protection District prior to filing the parcel map.

County Surveyor

- 19 20. All survey monuments shall be set prior to filing the parcel map.
- 20 21. The applicant shall 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 the legal right to improve that access as required by the County Design Manual.
- ~~21. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Parcel Map.~~
22. Prior to filing the parcel map, 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 the agency have been met.

ATTACHMENT 2

FINDINGS

April 18, 2007 Zoning Administrator Hearing
File Number P06-0032 – Thorne

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 can be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a negative declaration has been filed. Any impacts from the project on biological resources, traffic, and mineral resources will be less than significant due to existing standards and requirements imposed in the conditioning of the project.
- 1.2 The project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game.
- 1.3 The documents and other materials which constitute the record of the proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Ct, Placerville, CA 95667.

2.0 PARCEL MAP FINDINGS

2.1 The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District.

2.2 The site is physically suitable for the proposed type and density of development.

The project site has been determined suitable for residential development by the Environmental Management Department and Planning Services based on the information provided by the applicant. There are numerous building sites on the proposed parcels that would not be constrained by excessive slope, tree canopy, streams or wetlands.

2.3 The proposed parcel map is not likely to cause substantial environmental damage.

A negative declaration was prepared for the proposed parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.

2.4 The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.

The project has been designed in compliance with the Rural Residential Land Use Designation requiring a minimum of ten (10) acre parcel sizes. County regulations, addressing environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff report.

3.0 DESIGN WAIVERS

Findings for Denial of Design Waiver 1

~~3.1 Design waiver request one is for a reduction of the existing on-site road width to 18 feet with 2 foot shoulders per State Responsibility Area Fire Safe Regulations as it encroaches onto Jayhawk Drive.~~

~~3.1.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.~~

~~The existing on site road is 18 feet wide with a turn around that is consistent with California State Responsibility Area State Fire Safe Regulations. However, per direction from the El Dorado County Board of Supervisors, no design waiver for road width reduction shall be approved.~~

~~3.1.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.~~

~~The increased improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. There are drainage ditches, fences, and utilities along both sides of the on site roadway. However, per direction from the El Dorado County Board of Supervisors, no design waiver for road width reduction shall be approved.~~

~~3.1.3. 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 design waiver request reduces the road improvements to 18 feet with two foot (2') shoulders, which is consistent with State Responsibility Area Fire Safe Regulations. The Rescue Fire Protection District has required that the project meet all the requirements of the State Responsibility Area Fire Safe Regulations. However, per direction from the El Dorado County Board of Supervisors, no design waiver for road width reduction shall be approved.~~

~~3.1.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.~~

~~A reduction in road width is consistent with Title 17 of the Zoning Ordinance, General Plan, California State Responsibility Area Fire Safe Regulations, however, findings have~~

~~not been made to approve the design waiver request per direction from the El Dorado County Board of Supervisors.~~

~~Findings for Denial of Design Waiver 2~~

~~3.3 — Request for a reduction of on-site road width from the encroachment to deer valley road to 18 feet without shoulder improvements.~~

~~3.3.1 — There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.~~

~~The current off-site portion of Jayhawk Drive from the encroachment to Deer Valley Road is an 18-foot wide roadway without two-foot (2') shoulder improvements, which is not consistent with State Responsibility Area Fire Safe Regulations~~

~~3.3.2. — Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.~~

~~The increased improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. There are drainage ditches, fences, and utilities along both sides of the on-site roadway. However, there are no provisions to allow for the creation of residential parcels on a road that is already sub-standard.~~

~~3.3.3. — The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.~~

~~Jayhawk Drive does not meet minimum California State Responsibility Area Fire Safe Regulations and could pose a threat to public health safety and welfare in the event of a wild fire.~~

~~3.3.4. — This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.~~

~~A reduction in road improvements is not consistent with Title 17 of the Zoning Ordinance, General Plan, California State Responsibility Area Fire Safe Regulations, as findings have not been made to approve the design waiver request.~~

~~Findings for Denial of Design Waiver 3~~

~~3.3 — Request to make no road improvements to the portion of Jayhawk Drive along the northern property frontage.~~

~~3.3.1 — There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.~~

~~Jayhawk Drive runs along the northern frontage of the property. DOT recommends that all on-site roads be improved to a minimum of 18 feet with two-foot (2') shoulders per California State Responsibility Area Fire Safe Regulations and Department of Transportation Design and Improvement Standards Manual.~~

~~**3.3.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**~~

~~The improvements would benefit the proposed parcel by providing another means of access.~~

~~**3.3.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**~~

~~Jayhawk Drive along the northern property line does not meet minimum California State Responsibility Area Fire Safe Regulations and could pose a threat to public health safety and welfare in the event of a wild fire.~~

~~**3.3.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**~~

~~The reduction in road improvements is not consistent with *Title 17 of the Zoning Ordinance, General Plan, California State Responsibility Area Fire Safe Regulations*, as findings have not been made to approve the design waiver request.~~