

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

|                   |              |
|-------------------|--------------|
| <b>Agenda of:</b> | May 16, 2007 |
| <b>Item No.:</b>  | 5.a.         |
| <b>Staff:</b>     | Roman Anissi |

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P06-0040

**OWNER:** Roger Miller

**AGENT/ENGINEER:** Carlton Engineering

**REQUEST:** Tentative parcel map creating two (2) parcels ranging in size from 10.0 acres to 10.18 acres. (Exhibit A)

Design waiver has been requested for the following:

a. Reduce the required off-site and a portion of on-site road width improvements from 24 feet to 18 feet.

**LOCATION:** East side of Miners Valley Road approximately one-quarter mile east of the intersection with Salmon Falls Road in the Salmon Falls area, Supervisorial District IV. (Exhibit B)

**APN(s):** 104-500-11

**ACREAGE:** 20.18 acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit D)

**ZONING:** Estate Residential Ten-acre (RE-10) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

## **BACKGROUND:**

This property is Parcel 3 of four (4) parcels created by Tentative Parcel Map (P94-14) approved on August 8, 1995 by the County Surveyor. On September 9, 1996, the County Surveyor approved the Parcel Map (PM 45-143) which was recorded by the County Recorder on the same date. Each of the four (4) parcels created by Parcel Map (PM 45-143) is slightly above 20 acres in size.

## **STAFF ANALYSIS**

**Project Description:** The request is to process a tentative parcel map creating two parcels ranging in size from 10.0 acres to 10.18 acres from a 20.18 acre parcel. The existing residence would be located on the larger 10.18 acre, new Parcel B. The new 10.0-acre Parcel A would remain vacant for future development.

**Site Description:** The site elevation ranges between 900 and 1,100 feet on a lot that tapers from the high point near the northeast corner of the to a low point is near the Miners Valley Road easement on the west. About 27 percent of this property comprises of slopes 30 percent and steeper. The entire property is within an Important Biological Corridor (IBC) overlay and the Rare Plant Mitigation Area 1. Most of the property comprises of gabbro soils. Oak woodland tree canopy covers less than one percent (1%) of the property with only one valley and one interior live oak located on site. The site is mostly covered with open oak grasslands.

A dammed pond is located mostly off-site but touches a corner of the northwest property near Miners Valley Road. The pond is part of and is within Peacock Ravine. Two intermittent wetlands exist on this property. One is a formal drainage channel and enters the property midway on the eastern property line flowing in a westerly direction off site. This drainage passes under an existing culvert located beneath the driveway serving the existing residence. The second drainage is less significant and is classified as a swale located near the south property line flowing in a similar east to west direction off site.

**Adjacent Land Uses:** The property is in the Rural Region north of Salmon Falls where estate residential development already exists. Access to this and surrounding properties is obtained by a connection of Salmon Falls Road a Miners Valley Road on the west. This site and a few properties further south and west of this property must cross a dammed section of the year round pond for vehicular access.

The immediate area is predominantly zoned estate residential, which extends north and northwest towards Pilot Hill. The general area near the project site buffers the estate residential areas on the north from the agricultural and open space designations that exist further west, southwest, south, southeast and east of this property. Immediate and adjacent lots share the Estate Residential Ten-acre (RE-10) Zone District and Rural Residential (RR) General Plan land use designation as the project site. Although some of lots in the neighboring area have been developed with single-family residences, all adjacent parcels remain vacant. The following table identifies current zoning, land use designations, and uses of the adjacent parcels:

|              | Zoning | General Plan | Land Use/Improvements   |
|--------------|--------|--------------|-------------------------|
| <b>Site</b>  | RE-10  | RR           | Single-family residence |
| <b>North</b> | RE-10  | RR           | Vacant                  |
| <b>South</b> | RE-10  | RR           | Vacant                  |
| <b>East</b>  | RE-10  | RR           | Vacant                  |
| <b>West</b>  | RE-10  | RR           | Vacant                  |

**Project Issues:** Discussion items for this project include Important Biological Corridor (IBC) including wetlands and Rare Plants in Mitigation Area 1 discussions, protected 30 percent slopes and soil stability, road improvements and a request for a design waiver, well water and fire safety, septic disposal, future grading and improvements, cultural resources, and available public services.

Important Biological Corridor (IBC)/Wetlands/Rare Plant Mitigation Area 1

The property is located entirely within an Important Biological Corridor (IBC) system that originates near and just west of Pilot Hill extending in a southeasterly direction over this property and to the northern boundary of the Rescue Regional Center. This is one of the few narrow sections that exist within this Important Biological Corridor (IBC) system, which measures about 3,000 feet in width from the southeastern corner of the property west towards Salmon Falls Road. Other similarly narrow sections occur between Dear Valley Road and Rescue which are situated about three to four miles away from this property.

Because the project is subject to the policies of the Important Biological Corridor (IBC) overlay, comprehensive biological evaluations for special-status plant and animal species, including a wetland delineation study, was provided for review. Each study along with letter updates prepared by the qualified biologist identified potential habitats for special-status species on and adjacent to the property. However, based on the recommendations of the biological assessments certain design features have been implemented for this project in order to avoid impacts to such resources.

No rare plants were discovered in the areas where development would occur and no impacts to oak trees or oak woodland on- or off- the project site would be required. Very few oak trees exist in the immediate area. The biologist provided a higher level of analysis as it relates to Important Biological Corridor (IBC) sensitivities, including a discussion about sensitive habitats within the corridor and migration patterns for bird and/or animal species. The result of the analysis found that sensitive habitats near wetlands could support special-status species such as California tiger salamander, California red-legged frog, Little willow flycatcher, Stebbin's morning glory, and Layne's butterweed. However, the recommendation of the biologist include expanded buffers that were implemented into the tentative parcel map in order to avoid impacts altogether. The buffers are in excess of that which is typically required by the County for the protection of wetlands.

The plans illustrate a recommended 125 foot buffer to be maintained between the pond and the necessary improvements required for residential construction and driveway improvements on Parcel A. There is a small section on Miners Valley Road extending over the dam and just east of the dam that is within the 125 foot buffer. Since necessary road improvements would occur within this buffer, the applicant has requested a design waiver in order to avoid potential impacts to wetlands and/or sensitive habitats in this area. The biologist could not guarantee that with full road improvements, impacts would not occur to these sensitive resources. Such an assurance was made by the biologist should the design waiver reduce the required road improvements for a limited section of Miners Valley Road. This issue and the request for a design waiver are further discussed in the request for design waiver section of this report.

A 60 foot buffer was recommended between the formal drainage and development on both Parcels A and B. Since most of this drainage occurs on Parcel B, there would be no impacts because the residence, driveway, and culvert on Parcel B already exist. Parcel A provides adequate site area to allow development to remain outside of this 60 foot drainage buffer.

Because the wetland delineation identified the pond as being waters of the U.S. and the formal drainage channel having the potential to be a non-jurisdictional wetland, the applicant would be required to consult with the Army Corps of Engineers (ACOE) should any improvements on or near the dam or within non-jurisdictional waters trigger Army Corps of Engineers (ACOE) permits. This includes impacts based on the Department of Transportation (DOT) permit condition that would require structural tests for the dam to ensure proper design and stability.

Rare Plant Mitigation Area 1 in-lieu fees of \$885 will be assessed during the building permit review phase for Parcel A. A letter provided by the California Department of Fish and Game (CDF&G) supports the recommendation to pay the in-lieu mitigation fee for impacts within this mitigation area for this project. The Bureau of Land Management (BLM), Pine Hills Preserve Manager had no issues with the proposed project and payment of in-lieu fees.

#### Protected Slopes/Soil Stability

A total of 5.46 acres, or 27 percent, of the 20.18 acre site is classified as protected slopes 30 percent and steeper. These slopes mostly occur on the new Parcel A. Based on General Plan *Policy 7.1.2.1* and Interim Interpretive Guidelines adopted June 22, 2006 and modified August 10, 2006 addressing slope preservation, this project is consistent with the policy because the creation of each new parcel provides enough areas on the property where residential structural improvements could occur without impacting such slopes. The policy allows road and driveway improvements on such slopes in order to access the home site under certain conditions.

There would be 15,000 to 20,000 square feet of protected slopes that would be disturbed for road and driveway improvements for this project. In order to qualify for this request, the project on Parcel A must meet all other required County standards in the design and construction phase. It is anticipated that such County standards would be addressed during the final design stages. In the

event that such standards could not be met, there is adequate site area on both new parcels to develop without the need to impact sensitive slopes.

The tentative parcel map shows a preliminary driveway that leads to a home site and a septic disposal area that is located near the top of the hillside on Parcel A. This area is rather level with the slopes averaging between 11 and 20 percent (11-20%). This is the preferred location of the home site not only because of view opportunities, but because a more stable Auburn very rocky silt loam, 2 to 30 percent slopes (AxD) soil exists at this location. There is no other area on the property where similar soil exists. Although other soil types exist on the property that could accommodate structural improvements necessary for a new home, it is recommended that such improvements occur on the more stable AxD soil. Septic areas would occur on slopes less than 30 percent and on the appropriate Rescue very stony sandy loam, 30 to 50 percent (30-50%) slopes (RfE) soil.

#### Road Improvements/Request for Design Waiver

Specific findings in support of the design waiver to reduce the required road improvement from 24 feet to 18 feet plus 4 feet of shoulder to Standard Plan 101C are included in Attachment 2. On- and off-site constraints and existing conditions make improving the Miners Valley Road section that exists on a portion of the property and over the dam extremely difficult. The combined effect of the dam, the pond and wetland, the steeper topography along both sides of Miners Valley Road on the east and southeast of the dam, and the location of an existing above ground utility vault create a special circumstance that needs to be considered with the request for the design waiver. Staff agrees with the applicant that these special circumstances create a hardship in processing this project.

This property is located about 1,400 feet along a dead-end road that begins at where Salmon Falls Road and Miner's Valley Road meet. Based on the *Design and Improvements Standards Manual (DISM)* this two-parcel subdivision of land could be considered.

#### Well Water and Fire Safety

The El Dorado Irrigation District (EID) has a water line located in the Salmon Falls Road easement. The distance to the water line and sensitive resources that exist near and adjacent to the dam would make that connection difficult and costly. Instead of an EID water line extension, a water capability report was provided for review and the County Environmental Management Department found adjacent properties to have adequate and availability of water production capabilities. Prior to the recording of the final parcel map, a new well must be installed for the new Parcel A to accommodate residential development. This, in conjunction with the requirements of El Dorado County Fire Prevention District for fire safety, would require that any future new residential development on Parcel A or B install a fire sprinkler system with a 3,000-gallon water storage tank.

Conditions have been added to address these issues, including one that would require that a Notice of Restriction (NOR) be placed on the final map in order to ensure that future residential development on either Parcel A or B install a fire sprinkler system and a 3,000-gallon water storage tank.

### Septic Disposal

Percolation data was provided for this project. In coordination with the County's Environmental Management Department, there are adequate and suitable soils to allow for septic disposal for any new single-family residence on the new Parcel A. Parcel B already has a septic system. As noted in the 30 percent slope discussion above, septic disposal areas are not allowed on slopes 30 percent and steeper or within the 125 foot pond and 60 foot drainage channel setback. A permit condition is added that would require further consultation and evaluation by Environmental Management Department in order to adjust the final design of the septic system so that impacts to protected slopes would not occur.

### Future Grading and Improvements

The exact level of grading is not yet known and staff believes that there is adequate area on the new property that would allow a new residence with driveway access to be constructed on the new Parcel A that meet the objectives of the General Plan, Zoning Ordinance, and subdivision policies. Overall, the preparation and design of a new residence on new Parcel A would require review and input from the Department of Transportation, El Dorado County Fire Prevention District, Building Services, Planning Services, and Environmental Management in order to ensure conformity with County standards. Specifically those required for grading, improvements, drainage, and building permits necessary to developing a new residence on Parcel A, improve on and off-site road, a driveway on Parcel A, a well and septic disposal area on Parcel A, and in order to meet Fire Safe Standards.

Permit conditions have been added that would require sensitive landform grading to be implemented into the final grading design for the driveways, roads, and building pad areas. A separate condition would require that the retaining walls necessary to hold cutbacks not exceed 10 feet in total height in order to promote and preserve an aesthetic balance between graded and natural slope features of the property. The drainage plans designed for any future development must be done to County standards to include pre- and post-construction Best Management Practices (BMPs) to limit and/or divert surface run-off and to reduce the potential for siltation downstream of this property.

### Cultural Resources

A cultural resources study was submitted for this project. The study found that cultural resources were discovered around this property and between this property and to areas half of a mile away. No such discoveries have been made on-site. Therefore, no further investigations for such resources were recommended by the study because of the low likelihood of finding any such resources on the property. In addition, the study identified a Nineteenth Century earthen mining ditch about one-quarter mile long, which partially bisects this property. The ditch was formally evaluated in the past and a recording with the State of California Office of Historic Preservation, Department of Parks and Recreation was made. However, because of the low integrity of the ditch, no further preservation or evaluation of the ditch was recommended. Typical permit conditions have been added that would

require discovery procedures be implemented should accidental subsurface discoveries of cultural resources occur during any grading and improvement activity.

### Public Services

There are a number of public amenities in the form of public parks and recreational opportunities near this property, including access to Folsom Lake from Salmon Falls Road located about one mile to the south. The Georgetown Divide Recreational District (GDRD) would require that the section of trail along the property frontage be dedicated concurrent with the recording of the final map should one not exist. The District supports the payment of Quimby fees for the acquisition of parklands for the creation of one new parcel. Project conditions have been placed into the permit to address these issues.

For school services, the Black Oak Mine Unified School District provides K-12<sup>th</sup> grades for are students. School impact fees shall be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

**General Plan:** This project is consistent with the policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The Rural Residential (RR) General Plan land use designation allows for one dwelling unit on properties ranging in size between 10 and 160 acres. The creation of a 10 acre and 10.18 acre parcel from a 20.18-acre site meets the density and parcel size requirements of the General Plan. Other policies that affect this project are discussed below.

A slope analysis provided for the project identified that nearly 27 percent or 5.46 acres of the site comprises of slopes 30 percent and steeper. A majority of these slopes are located on the new Parcel A. Based on the Interim Interpretive Guidelines established for the preservation of qualifying slopes and Policy 7.1.2.1, the creation of new parcels would require that adequate site area be available for development without impacting the protected slopes. This project is consistent with the slope preservation policy. The home site is located in an area that is comprises of slopes ranging between 11 and 20 percent and the guidelines allow road and access improvements to disturb such slopes should all other County standards be met.

The project would be required to illustrate conformance with all other County standards for grading, improvements, drainage, and building permit activities during the permits review phase. It is anticipated that future development would be designed to meet the required standards. In the event that the standards could not be met, there continues to be adequate site area on both Parcels A and B to accommodate an alternate location for development. Because septic areas cannot be located on protected slopes, a permit condition is included that would require the future design of the septic system to be located outside of protected slopes.

Based on the biological and wetland delineation assessment provided for this project assessing impacts based on the design of this project, General Plan consistency can be established with *Policies 7.3.3.4* for wetland protection, *7.4.1.1* for rare plant preservation, and *7.4.2.9* for

sensitivity within the Important Biological Corridor (IBC). The implementation of enhanced wetland buffers for the pond and drainage channel would prevent impacts to existing or potential sensitive site resources. The design waiver and biologist comments about no impacts should the design waiver be approved would protect sensitive on- and off-site resources. Although no rare plants were found in the areas that are to be disturbed, Mitigation Area 1 in-lieu fees shall be assessed during the building permit review phase to address impacts within the rare plant mitigation area.

Because this property is located within the Important Biological Corridor (IBC) overlay and the biological assessment and wetland investigations that were conducted for this project discussed the potential of habitats with a higher value near the pond. However, with the design of the project, any impacts to potential sensitive resources would be avoided. Although the assessments did not discover migration patterns for birds and/or animals in this Important Biological Corridor (IBC), the biologists recommendations for future fencing is included in the project permit. The conditions would limit future fencing on either new parcel to the greatest extent feasible and the design of required fencing would be open fencing in order to facilitate and promote the migration patterns of bird and/or animal that may exist in the area.

Only two oak trees exist on the property. Neither would be removed and no off-site impacts to oak trees would be required based on the improvements necessary to process the parcel map. The project is consistent with *Policy 7.4.4.4* for oak woodland preservation.

A cultural resources study was prepared in June 2006 for this project in order to address *Policy 7.5.1.3*. The study identified two main issues. The first issue related to archaeological resources. Although the report discussed that nearby archaeological sites have been discovered within Peacock Ravine and around the property, the chances of discovering such resources on the property were highly unlikely. The second issue was the section of a Nineteenth Century earthen ditch was recorded with the Office of Historic Preservation that partially bisects this property in a north-south direction. Because the study found the ditch to be of poor quality, no further protection or assessment of the ditch was recommended. Typical permit conditions have been added to the permit in order to address accidental subsurface discovery.

**Zoning:** As designed, this project meets the regulations established by the Zoning Ordinance and requests no deviations from the development standards established for the Estate Residential Ten-acre (RE-10) Zone District. Each new parcel provides adequate site area for future development. The standard for the required minimum 150 foot lot width and road frontage are met under this proposal. Any future development on either Parcel A or B would be established in conformance with the development standards. This includes, but not limited to, those required for 30 foot front, side and rear yard setbacks, minimum agricultural structural setbacks of 50 feet on all yards, maximum 45 foot building height, and the minimum 600 square feet of living areas required for dwelling units.

Future projects would also need to be designed for compatibility with surrounding land uses. There are currently no agricultural uses directly adjacent to this property. However, should any be

established prior to the approval of building permits, agricultural protection would need to be considered during the process of the building permit review phase.

**Agency and Public Comments:** Appropriate conditions from each reviewing agency are included in the project permit. The following agencies provided a comment and/or conditions for this project:

El Dorado County Fire Prevention District  
El Dorado County Department of Transportation  
El Dorado County Environmental Management  
El Dorado County Air Quality Management District  
Office of the County Surveyor  
Bureau of Land Management, Pine Hill Preserve Manager  
California Department of Fish and Game  
Georgetown Divide Recreation District  
Cool/Pilot Hill Advisory Committee  
El Dorado Transit

## **ENVIRONMENTAL REVIEW**

Staff prepared an Initial Study (Exhibit N) to determine any project-related impacts on the environment. Based on the Initial Study, staff determined that this project would have a less than significant impact on the environment and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

**NOTE:** This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was forwarded to the California Department of Fish and Game (CDF&G) for review and comments. In accordance with State Legislation (*California Department of Fish and Game Code Section 711.4 and Senate Bill 1535*), 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, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is used to help defray the cost of managing and protecting the State's fish and wildlife resources and will be forwarded to the California Department of Fish and Game (CDF&G) via the County Recorder's Office.

## **RECOMMENDATION**

The Zoning Administrator take the following action:

1. Adopt the findings, including CEQA (Attachment 2);
2. Adopt the Negative Declaration based on the Initial Study (Exhibit N) prepared by staff;

3. Approve P06-0040 subject to the Conditions in Attachment 1; and
4. Approve the request to reduce the required off-site and a portion of on-site road width improvements from 24 feet to 18 feet.

## **SUPPORT INFORMATION**

### **Attachments To Staff Report:**

|                    |   |
|--------------------|---|
| Attachment 1 ..... | Conditions of Approval                          |
| Attachment 2 ..... | Findings  |
| Exhibit A .....    | Request for Design Waiver with Road Section     |
| Exhibit B .....    | Plan Set  |
| Exhibit C .....    | Vicinity Map                                    |
| Exhibit D .....    | Aerial Map                                      |
| Exhibit E .....    | General Plan Land Use Map                       |
| Exhibit F .....    | Zone Map  |
| Exhibit G .....    | Half- and One-Mile General Plan and Zone Map    |
| Exhibit H .....    | Important Biological Corridor (IBC) Overlay Map |
| Exhibit I .....    | 1995 USFWS National Wetlands Inventory Map      |
| Exhibit J .....    | Fault Line and Fault Buffer Map                 |
| Exhibit K .....    | Soils Map                                       |
| Exhibit L .....    | Parcel Map (45-143)                             |
| Exhibit M .....    | Assessor's Map                                  |
| Exhibit N .....    | Initial Study (CEQA)                            |

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**File Number P06-0040 – Miller  
May 16, 2007 Zoning Administrator Hearing**

### **CONDITIONS OF APPROVAL**

#### **Project Description**

1. This tentative parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-N dated May 16, 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 will constitute a violation of permit approval.

The project description is as follows:

Approval of this project allows only the following: A tentative parcel map for a 22.18-acre lot referenced as Assessor's Parcel Number (APN) 104-500-11 to subdivide the property into a 10.0-acre (Parcel A) and a 10.18-acre (Parcel B). The existing residential single-family structure with an access driveway will be located on the new Parcel B. Parcel A will remain vacant for future single-family residential development.

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

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. All on-site and off-site oak trees shall be retained in place and shall not be removed due to any future development.
5. Prior to the approval of the final map, the applicant shall make a payment of Quimby in-lieu fees to Planning Services for one additional unit. The Quimby fee shall be based on a recent assessed per acre land value as provided by an independent appraiser or by the El Dorado County Assessor's Office. The formula that Planning Services will use to determine the in-lieu fee shall be as follows:  
$$[ 5 \text{ acres} \times \frac{(1 \text{ unit} \times \# \text{ persons per unit})}{1000 \text{ persons per acre}} ] \times \$ \text{assessed valuation per acre} = \$ \text{in-lieu fee}$$
6. Prior to the approval of the final map, the applicant shall provide a trail easement to meet County standards along the property frontage or shall provide evidence that a trail easement exists along the Miners Valley Road frontage.
7. Grading and structural improvements necessary for residential and accessory buildings shall not occur on slopes 30 percent and steeper on either Parcel A or B, at any time.
8. Prior to the approval of grading and/or building permits, the applicant shall design and locate all septic system and septic disposal areas outside of any areas comprising 30 percent slopes and steeper.
9. Improvements for roads and driveways can occur on slopes 30 percent and steeper if all other standards of the General Plan, Zoning Ordinance, and/or subdivisions policies are met.
10. All future development must observe the required development standards of the Estate Residential Ten-acre (RE-10) Zone District, including but not limited to the required 30 foot front, side and rear yard setbacks.
11. Any new residence, driveways and septic areas on Parcels A and B shall be located no closer than 60 feet from the formal channelized drainage on-site and no closer than 125 feet from the pond.
12. On- and off-site road improvements on Miners Valley Road can occur within the 125 foot pond buffer based on the approval and findings developed for the requested design waiver.

13. Prior to the issuance of grading permits, the applicant shall implement sensitive and landform grading concepts into the final grading design for roads, driveways, and building pads. Grading quantities and cuts required for roads and driveways shall be minimized to the greatest extent feasible.
14. Retaining walls shall be minimized and shall be designed to fit with the contours of graded areas and cutbacks. Retaining walls necessary to hold cut slopes shall be designed to integrate with both the natural contours of the adjacent hillside where such cutbacks are made and the rounded edges of each cutback. At no time shall retaining walls exceed a combined total height of ten feet, as measured from grade and/or plum line on either Parcel A or B, or along the off-site section of Miners Valley Road required for road improvements.
15. Site fencing on Parcels A and B shall be minimized to the greatest extent feasible in order to promote the free movement and migration of birds and/or animals on the property and within the Important Biological Corridor (IBC) overlay. All site fencing shall be constructed as open fencing designed to allow the free migration of birds and/or animals that travel on either Parcels A and B.
16. Gates shall not be installed on the Miners Valley Road easement, at any time.
17. All necessary outdoor lighting shall be designed to meet the County's Lighting Ordinance Section 17.14.170.
18. In the event a heritage resource or other item of historical or archaeological interest is 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 and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
19. 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.

## **Department of Transportation**

20. The applicant shall widen the off-site road section over the dammed pond east of the property on Miners Valley Road and the road section from the edge of the dammed pond to the above ground utility vault on new Parcel A to a road width of 18 feet plus 4 feet of shoulder to *Design and Improvements Standards Manual (DISM)* Standard Plan 101C.
21. The applicant shall widen the on-site portion of Miners Valley Road from the area directly east and south of the existing above ground utility vault to extend to the southeastern property line of new Parcel B to a road width of 24 feet plus 4 feet of shoulder to *Design and Improvements Standards Manual (DISM)* Standard Plan 101C.
22. The applicant shall provide a turnaround at the southwest property line or boundary fronting Miners Valley Road for fire safety. The turnaround shall comply with the provisions of the County Standard Plan 114 and Fire Safe Regulations, as required by the El Dorado County Fire Prevention District.
23. Prior to the issuance of grading permits, the applicant shall verify that the road sections directly adjacent to both sides of the dammed pond and the section crossing the dammed pond is designed and constructed, or verify compliance of construction, in accordance to the provisions of the California Department of Water Resources, Division of Safety of Dams. The Department of Transportation (DOT) shall review all verifications for compliance.
24. The applicant shall make an Irrevocably Offer to Dedicate (IOD) the on-site road and public utility easement for Miners Valley Road along the entire property frontage. This offer will be rejected by the County.
25. The applicant shall install all necessary signage such as stop signs, street name signs, and/or 'not a county maintained road' sign as required by the Department of Transportation prior to filing the final parcel map.
26. The applicant shall join and/or form an entity, satisfactory to the Department of Transportation (DOT), to maintain all on-site roads and/or drainage facilities that are not maintained by the County.
27. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, that is required for access to County or State maintained roads. If a Zone of Benefit, Home Owner Association or informal road maintenance association does not exist or cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

28. 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 Major Land Division Ordinance*, prior to the commencement of the commercial grading permit.
29. 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 and the Division of Building Services, prior to occupancy.
30. 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.
31. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
32. 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 (DOT).
33. Upon completion of required improvements and prior to the County accepting such improvements, the applicant shall provide a compact disc (CD) to the Department of Transportation (DOT) with the approved drainage report, structural wall calculations, and geotechnical reports in .pdf format with record drawings to be provided on the same compact disc (CD) in .tif format.
34. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued.
35. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September of each year, the applicant shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the Resource Conservation District (RCD) for review. Recommendations from the Resource Conservation District (RCD) will be forwarded to the Department of Transportation (DOT), which shall approve or conditionally approve such a plan and shall require the applicant to implement the plan prior to October 15<sup>th</sup> of each year.

36. All construction activities shall be conducted according to the County noise regulations and shall be limited to the following hours and days: 7:00 am to 5:00 pm on any weekday; 8:00 am to 5:00 pm on Saturdays; and prohibited on Sundays and holidays.
37. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.

### **El Dorado County Fire Prevention District**

38. Prior to the issuance of any new building permits issued for Parcel A and/or B, the applicant must submit a \$120 fire plan review fee to the El Dorado County Fire Prevention District. Along with the fee, the applicant must submit a Fire Safe Plan to be reviewed and approved by the El Dorado County Fire Prevention District and/or the California Department of Forestry and Fire Protection (CDF).
39. A Notice of Restriction (NOR) shall be recorded with the parcel map stating that prior to the approval of any new residential building permit on either Parcel A or B that the El Dorado County Fire Prevention District shall be consulted and that any new residential buildings shall be required to install a NFPA 13D residential sprinkler system with a 3,000-gallon water storage tank to the satisfaction of the El Dorado County Fire Prevention District.
40. All existing and/or new access roads and driveways serving parcels A and/or B shall be designed and/or improved to meet the minimum Fire Safe Standards for widths, surface, grades, radius, turnarounds, turnouts, one-way and dead-end roads, as required by the Dorado County Fire Prevention District.
41. All gates on and/or off the property must obtain approval of the Dorado County Fire Prevention District prior to installation.

### **Environmental Management**

42. Prior to the recording of the final parcel map, the applicant shall construct a well to the satisfaction of Environmental Management on Parcel A.
43. Prior to the issuance of any grading or building permits for new residential construction on Parcel A or B, the applicant shall consult with the Environmental Health to ensure that the septic system is designed to County Standards. Septic systems and disposal areas shall not be allowed on slopes 30 percent and steeper. Final design for the septic system shall be reviewed by Environmental Health and Planning Services to ensure proper design and the location of the septic facilities occur based on current County standards and General Plan policies.

44. Prior to approval of grading and/or improvement plans, the applicant shall provide a Fugitive Dust Mitigation Plan (FDMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD).
45. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Asphalt Paving Materials.
46. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
47. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacturer's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan according to AQMD standards.

#### **County Surveyor**

48. All survey monuments must be set prior to filing the parcel map.
49. The applicant shall provide a parcel map guarantee, issued by a title company, showing proof of access to State and County Maintained Roads, as defined in Subdivision Ordinance Section 16.44.120(B)2, with legal right to improve the access as required by the *El Dorado County Design and Improvements Standards Manual (DISM)*.
50. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

## **ATTACHMENT 2** **FINDINGS**

### **FILE NUMBER P06-0040/MILLER PARCEL MAP**

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:

#### **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.

1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment.

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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

#### **2.0 TENTATIVE PARCEL MAP FINDINGS**

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

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative parcel map is consistent with the policies of the General Plan. The General Plan RR land use designation allows a maximum density of one dwelling unit on parcels ranging in size between 10 and 160 acres in size. This tentative parcel map provides a new 10.0 acre Parcel A and 10.18 acre Parcel B. Both newly created parcels account for the allowed density and parcel size for projects located within the RR designation. The project was considered by all agencies in order to determine, with added project conditions, the necessary level of improvements that will be required to process the final parcel map and to develop a new residence on Parcels A or B. Since the home on Parcel B exists, most improvements would be required prior to and during the process of the final map as it relates to anticipated development on Parcel A.

All of the necessary improvements that have been considered and the conditions accounting for such improvements are included in the permit to address on- and off-site road improvements, driveway improvements, well installation, septic disposal improvements, and sensitivity in landform grading in order to promote the natural qualities of the area. Necessary fire safety improvements have also been considered and future design of structures, roads, and driveways must be made to Fire Safe Standards. The Fire District will require the installation of fire sprinkler systems with a 3,000-gallon water storage tanks for new residential development on either new parcel to address fire safety for

proposed new residential structures.

No impacts to biological resources within the Important Biological Corridor (IBC) overlay, including wetlands, oak trees, rare plants in Mitigation Area 1, and/or special-status species will be required based on the required improvements for residential and/or infrastructure with the process of the parcel map. There is adequate site area on Parcel A to allow for residential and accessory development, as well as on Parcel B for the existing home and new accessory structures without the need to impact such resources and to promote the free movement of bird and/or animals that may migrate through this section of the Important Biological Corridor (IBC). A condition of the permit requires fencing to be minimized in order to promote this movement. Any fencing to be constructed must be designed as open fencing in order to allow uninhibited migration of existing and migrating birds and/or animals.

The improvements necessary for on- and off-site roads and on-site driveways can impact slopes 30 percent and steeper based on this project meeting the standards outlined by the General Plan, Zoning Ordinance and subdivision policies. There will be no impacts to slopes 30 percent and steeper when grading the pad areas for the residential home site and no such impacts for septic disposal areas, which shall be designed during the final grading and/or building permit applications to avoid such impacts. With the implementation of design specifics, including those required to meet the standards of the County grading and drainage requirements, and including those necessary to ensure that pre- and post-construction implement Best Management Practices (BMPs) for any future development on the property, this project is consistent with the policies of the General Plan.

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

The tentative parcel map provides enough land area to accommodate the placement of a new residence and accessory structures on the new Parcel A and accessory structures on new Parcel B. Specifically, there is enough land area on each parcel for such improvements to allow development to conform with the requirements of the zoning and minor land division ordinance. The map provides the minimum 150 foot lot width and road frontage necessary within the Estate Residential Ten-acre (RE-10) Zone District. Any future residential development must also observe the required RE-10 Zone District standards, which includes, but is not limited to, meeting the required 30 foot front, side, and rear yard setbacks, as well as the 50 foot setbacks required for agricultural structures. There is enough area on the property to account for development to meet all of the RE-10 Zone District standards.

In addition, the project meets the minor land division ordinance requirements for a two-parcel map, including those that are necessary for on-and off-site road improvements as identified in the permit and outlined in the request for design waiver. Improvements necessary for a driveway on Parcel A can be made. Based on the well production data, there is adequate well capability of surrounding properties that suggests such resources are available for a new residence on Parcel A. The soils and percolation data provided for Parcel A suggested that adequate soil types and septic disposal areas are available outside of wetland buffer areas and 30 percent slopes in order to accommodate a

residence on the new Parcel A.

The El Dorado County Fire Protection District will require certain improvements be made in order for the project to meet Fire Safe Standards, including those necessary in the design of roads and driveways, turnarounds, turnouts, and similar. A Notice of Restriction (NOR) is to be placed on the final parcel map that would require any future residential development on either Parcels A or B to install a fire sprinkler system with a 3,000-gallon water storage tank to address fire safety for new residential structures.

Grading and improvements to be designed for the project must be designed to meet County grading and drainage standards, including those that are necessary for the design of roads, driveways, building pad areas, and other development and must implement pre-and post-construction Best Management Practices (BMPs) in the final design. By making all necessary improvements based on the conditions of approval and to County standards, this project will meet the objectives and policies of the County's minor land division ordinance.

### *2.3 The site is physically suitable for the proposed type and densities of development.*

The project fits within the larger neighborhood and the neighboring area because other properties in the area have been allowed to develop on similarly sized properties as that requested by this project. The property is located about 1,400 feet along Miners Valley Road which is a dead-end road. There are no more than 24 existing parcels located along the section of dead end road and the subdivision is allowed based on the RR land use designation, the RE-10 Zone District, and current subdivision policies. The project can provide the necessary and adequate infrastructure in order to allow two new parcels where one currently exists.

The project comprises of slopes 30 percent and steeper, most of which is located on the newly created Parcel A. There is adequate site area to construct a new residence on this parcel without the need to impact protected slopes. Road and driveway improvements are allowed on such slopes should all other standards for improvements be observed, including those that would require septic disposal areas to be located outside of slopes 30 percent and steeper. All standards can be met during the review for grading and building permits. The project meets the oak woodland preservation policies because only two oak trees exist on the property, none of which will be removed because of this project. No off-site oak trees shall be removed because of required off-site improvements for roads.

The project is located within an Important Biological Corridor (IBC) overlay. A qualified biologist assessed the project in order to determine and based on the design of the project including the request for a design waiver, that no sensitive site resources are affected with this project. This includes no effects to resources within wetlands and wetland habitats, rare plants within Mitigation Area 1, special-status species, or any other highly sensitive resource within the Important Biological Corridor (IBC) overlay. A condition addressing limitation of fencing and open fencing when necessary should be designed as open fencing in order to promote the migration patterns of any bird or animal species that migrate through the area. The map provides a modified 125 foot buffer from

the pond and 60 feet from the formal drainage channel, as recommended by the biologist. Although road improvements must occur within the 125 foot pond buffer, there will be no impacts to sensitive resources and based on the design waiver necessary to limit such impacts.

As a result, the site is physically suitable for a two-parcel subdivision of land with allowed densities base on the RR General Plan land use designation, the RE-10 Zone District, and the local subdivision policies.

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

As designed, the two-parcel map will not have a significant impact on the environment. Any future development on the property will be directed to the least sensitive portions of the property and based on the results of the biological and wetland assessments prepared by a qualified biologist. This includes provisions for enhanced buffers for wetland protection in order to preserve such resources on and off the property. Oak trees and oak woodland tree canopy shall be protected in place on and adjacent to the project site. Removal of oak trees is not required for this project.

Since the project is located within rare plant Mitigation Area 1, an in-lieu fee will be assessed during the building permit review phase, which is suitable for impacts within this area. In addition, this project will not impact any protected slopes 30 percent and steeper with improper improvements. Roads and driveways can occur on such slopes. There are no cultural resources located on the property that need further assessment or protection. The evaluation provided by a qualified historian suggests that it is highly unlikely that subsurface discoveries would be made because of this project. There will be no permanent impacts to drainage or wetlands either on- or off-site because future development shall incorporate proper Best Management Practices (BMPs) during the design of final grading and drainage plans that would divert run-off in from sensitive wetland areas to meet County standards.

### **3.0 DESIGN WAIVER FINDINGS**

The applicant requests a design waiver to reduce off-site and a portion of on-site road widths from 24 feet to 18 feet to Standard Plan 101C. All other on-site road sections south and east of the above ground utility vault must be fully improved to 24 feet plus 4 feet of shoulder to *Design and Improvements Standards Manual (DISM)* Standard Plan 101C. The support for the design waiver is based on the following findings:

#### 3.1 *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.*

The section along the dam and areas directly east of the dam are constrained by steep topography, an above ground utility vault, and to a variable degree by wetlands. The existing road and the required improvements based on the design waiver have been found by the biologist to not impact sensitive

wetlands or riparian habitat because there is adequate area for such improvements, most of which exists on the disturbed portion of the current road alignment. Because steep slopes exist on both sides of Miners Valley road adjacent the dam and on Parcel A and with the above-ground utility vault there are site constraints that limit the ability to make full road improvements for this project. Full road improvements would potentially cause unnecessary disturbance to wetland area and natural resources. Improvements required to make full improvements would create an excessive need to grade and install retaining walls where natural features currently exist. The above-ground utility vault would also need to be undergrounded with such improvements. Based on these constraints, the design waiver to reduce road improvements for off-site and a portion of on-site can be justified for this project.

*3.2 Strict application of the design or improvement requirement of this chapter would cause extraordinary and unnecessary hardship in developing the property.*

There will be an extraordinary or unnecessary hardship in requiring full road improvements placed on the property owner because of the nearby wetlands, the engineering that would be required to underground the utility vault, and the retaining walls that would be necessary to hold back the cut slopes necessary for such improvements. The applicant shall improve with full road improvements along the section on on-site road that are not affected by site constraints.

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

The required improvements to widen the road to Standard Plan 101C will occur within the road easement and would provide road improvements that are superior to what exists today. The improvements with the approval of the design waiver would benefit public safety, and would not be injurious to adjacent properties and will not be detrimental to the health, safety, convenience, and welfare of the public.

*3.4 The 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.*

Justification for the design waiver can be made and this decision 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.