

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



**Agenda of:** July 18, 2007  
**Item No.:** 4.a.  
**Staff:** Jason R. Hade

**PARCEL MAP**

**FILE NUMBER:** P98-0011 / McCann Parcel Split

**APPLICANT:** Robert C. McCann

**AGENT:** El Dorado Land Survey Company (Wayne Swart)

**REQUEST:** Tentative parcel map request to create three (3) parcels ranging in size from 5.0 to 5.9 acres on a 16.09-acre site.

Design waiver(s) have been requested for the following:

- a. Allow a reduction in road width from 24 feet wide to 20 feet wide with two-foot (2') wide shoulders for on and off-site road improvements to Crowdis Lane and Pineoakyo Road; and
- b. Permit proposed driveway from Pineoakyo Road to proposed Parcel 3 to be 18 feet wide instead of 24 feet.

**LOCATION:** On the east side of Crowdis Lane, approximately 1,050 feet north of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Exhibit A)

**APN:** 069-110-09

**ACREAGE:** 16.09 acres

**GENERAL PLAN:** Low Density Residential (LDR)/Rural Residential (RR) (Exhibit B)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration prepared

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** This parcel map application was submitted October 16, 1998 and could not be processed until after the referendum vote on the 2004 General Plan was approved and the writ of mandate was lifted on October 3, 2005. The application was reactivated on February 6, 2006. In response to significant issues raised at a Technical Advisory Committee (TAC) meeting held on March 27, 2006, a revised tentative parcel map was submitted to Planning Services on January 9, 2007.

**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 Zoning Administrator consideration are provided in the following sections.

**Project Description**

Tentative parcel map to create three (3) parcels ranging in size from 5.0 to 5.9 acres with the following design waiver requests: (1) Allow a reduction in road width from 24 feet wide to 20 feet wide with two-foot (2’) wide shoulders for on and off-site road improvements to Crowdis Lane and Pineoakyo Road; and (2) Permit proposed driveway from Pineoakyo Road to proposed Parcel 3 to be 18 feet wide instead of 24 feet.

**Site Description**

The project site is approximately 16 acres and surrounded on three sides by single-family dwellings on parcels of five acres or larger. Site improvements consist of a single-family dwelling, storage shed and a detached garage. Predominant site vegetation includes oak woodland, oak savanna, pine, manzanita, foothill chaparral and outcrops of angular rocks. The site has an intermittent drainage channel that traverses the property along the southeast quarterly portion of the parcel, traveling in a northeasterly direction. The parcel is served by two access points: Crowdis Lane on the west and a 50-foot wide non-exclusive road and public utilities easement adjacent to the northerly border of the parcel immediately to the north of proposed Parcel 3 which serves as access to Pineoakyo Road, connecting directly to Green Valley Road to the south.

**Adjacent Land Uses**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR/RR	Single Family Residence, Storage Shed and Detached Garage
<b>North</b>	RE-10	LDR/MDR	Single Family Residential
<b>South</b>	RE-5/RE-10	RR/LDR	Commercial Nursery Structure
<b>East</b>	RE-10	MDR	Single Family Residential
<b>West</b>	R1A/RE-10	LDR	Single Family Residential

### **Access**

The primary access to the project site would be from Crowdis Lane for proposed Parcels 1 and 2 and from Pineokayo Road for proposed Parcel 3. The project would not result in inadequate emergency access to any potential residential structure. Any future residential project would be reviewed by Building Services and would be required to provide adequate access onto each new parcel from Crowdis Lane and Pineokayo Road that would be designed to County Fire Safe and/or Department of Transportation standards. Project conditions of approval include the implementation of an approved Fire Safe Plan by the Rescue Fire Protection District. The proposed parcel map is consistent with General Plan *Policy 6.2.3.2* as the Rescue Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

### **Air Quality**

The El Dorado County Air Quality Management District reviewed the proposed project and determined that the project would have a less than significant impact on the air quality with the adherence to several standard conditions of approval identified in Attachment 1.

### **Circulation**

County Department of Transportation (DOT) has determined that the project would not generate a significant level of trips to require a traffic study or mitigation other than TIM fee collection with the building permit. Approval of the proposed parcel map would result in the creation of three parcels allowing for a maximum density of a main and a secondary unit per parcel. Each parcel shall provide access as described above. Road improvements and dedications are included and have been assessed under the Initial Study. Road improvements for the parcel map, as recommended by DOT and Rescue Fire Protection District, should include the following: (1) improving the off-site portion of Crowdis Lane and Pineokayo Road from Green Valley Road to the project site to a 20-foot wide road with 10-foot brushed shoulders; (2) improving the on-site portion of Crowdis Lane to a 24-foot wide road with 10-foot brushed shoulders; and (3) constructing a “Y” Fire Safe turnaround at the end of the driveway for proposed Parcel 3 to be 20 feet wide with a turning radius of 50 feet. Any anticipated impacts to oak woodland canopy is accounted for and will meet the provisions of the General Plan for oak woodland protection during the processing of any required grading or improvement plan. A condition addressing this issue has been added to the project permit

The 2004 General Plan *Policies TC-Xe* and *TX-Xf* (which incorporate *Measure Y*) require that projects that “worsen” traffic by 2%, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan *Transportation and Circulation Element*. DOT reviewed the proposed project and determined that it does not trigger the threshold described above because of its limited size.

### **Design Waivers**

The applicant has requested the following design waivers: (1) Allow a reduction in road width from 24 feet wide to 20 feet wide with two-foot (2') wide shoulders for on and off-site road improvements to Crowdis Lane and Pineoakyo Road; and (2) Permit proposed driveway from Pineoakyo Road to proposed Parcel 3 to be 18 feet wide instead of 24 feet because the necessary findings cannot be made. Those findings include special or peculiar conditions to the site and the imposition of extraordinary hardship in developing the property. Staff does not support these design waiver requests for reduced roadway width. All on-site improvements to Crowdis Lane shall be improved to *Standard Plan 101C* which requires a 24-foot wide road. However, off-site improvements shall be constructed consistent with DOT recommendations and the approved Fire Safe Plan by the Rescue Fire Protection District discussed in the *Circulation* section above. The necessary findings for denial of these requests are listed in Attachment 2 of the staff report.

### **Drainage/Grading**

Minor grading associated with the required road improvements is the only grading proposed for this project. The El Dorado County Resource Conservation District reviewed the proposal and had no comments or concerns. As a result of the proposed tentative parcel map, cross lot drainage would occur. Therefore, a drainage report must be prepared and submitted to DOT for review and approval, prior to recordation of the final parcel map that evaluates the drainage from proposed Parcels 1 and 3. Conditions of approval are included in Attachment 1 that address drainage issues identified by DOT. The project is consistent with General Plan *Policy 7.1.2.1* as *no grading will occur on slopes which are 30 percent or greater*.

### **Fire**

The Rescue Fire Protection District reviewed the proposed tentative parcel map and would require full implementation of the approved Fire Safe Plan, including road improvements and residential fire sprinklers with on-site water storage. Fire issues are addressed within the project's conditions of approval.

### **Land Use Compatibility**

As discussed above, the subject site is surrounded by low to medium density residential uses. Therefore, the proposed parcel map would fit within the context of these existing residential uses pursuant to General Plan *Policy 2.2.5.21*.

### **Oak Tree Canopy**

Estimated oak tree canopy coverage at the subject site is 27 percent. An estimated 10 percent of the identified oak tree canopy may be removed as a result of road improvements and future lot development. In the event that a minor amount of qualifying oak tree canopy is affected during road improvements, the applicant must comply with the oak tree canopy protection and replacement requirements of the General Plan. Adequate building space is available at each proposed parcel, as shown on the submitted tentative map. The owners of the individual parcels shall be responsible for demonstrating compliance with the General Plan oak tree canopy retention requirements prior to building permit issuance, or comply with Option B, when available.

### **Special Setbacks**

Pursuant to General Plan *Policy* 7.3.3.4, 50-foot setbacks are required from the intermittent drainage swales at the subject site. The tentative parcel map provides the required 50-foot buffer. Any future development must observe these buffer areas or request relief under the provisions of established County policies as adopted by the General Plan.

### **Utilities**

Pacific Gas and Electric Company reviewed the proposal and had no comments.

### **Wastewater**

Septic percolation testing data was reviewed and accepted by Environmental Management. The three parcels are able to provide adequate areas for on-site septic treatment and disposal. Future residential development shall be reviewed by Building Services during the building permit review phase to ensure that septic areas are established to County design standards.

### **Water**

El Dorado County Environmental Management reviewed and approved the well testing data for this project which identifies a safe and reliable domestic water source for the three parcels to be created by the tentative parcel map. As such, the project is consistent with General Plan *Policy* 5.2.3.4 regarding adequate groundwater supply.

### **GENERAL PLAN**

The project has been reviewed in accordance with the applicable El Dorado County 2004 General Plan *Policies*, including 2.2.5.21, *TC-Xe*, *TX-Xf*, 5.2.3.4, 5.7.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4 and 7.4.4.4 concerning land use compatibility, traffic, groundwater supply, fire safe access, grading on slopes in excess of 30 percent, intermittent drainage swale setbacks and tree canopy retention standards and it has been determined that the project is consistent with the General Plan.

Although a very small section along the eastern property boundary has a General Plan land use designation of Rural Residential (RR) as a result of a previous boundary line adjustment, the majority of the site has a General Plan land use designation of Low Density Residential (LDR) which permits minimum parcel sizes of five acres. Because the proposed tentative parcel map is not creating the potential for additional development within the area of the subject site designated as RR and approximately 98 percent of the site is designated as LDR, the proposed map is consistent with General Plan *Policy* 2.2.1.2 concerning appropriate land use densities. A nominal fee will be paid by the applicant for staff to administratively resolve this issue through revised General Plan land use maps.

Findings of consistency with the General Plan are provided in Attachment 2.

## **ZONING**

The proposed parcel map contains three parcels which are consistent with the development standards identified with *Section 17.28.210* of the *Zoning Ordinance*, including a minimum lot area of five acres. The existing residential uses at the subject site are permitted by right under *Section 17.28.190*.

## **ENVIRONMENTAL REVIEW**

Staff prepared an Initial Study (Exhibit I) to determine project related environmental impacts. Based on the Initial Study, the tentative parcel map application with necessary on-site and off-site road improvements is not likely to have a significant impact on the environment. Each category identified by the Initial Study was evaluated and it has been determined that either no or a less than significant level of impact occurred within each listed category. Based on the review, additional mitigation is not required and a Negative Declaration has been prepared for this project.

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 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 \$1,800.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to 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 States fish and wildlife resources.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study (Exhibit J) prepared by staff;
2. Approve tentative Parcel Map P98-0011 based on the findings in Attachment 2 and subject to the conditions in Attachment 1; and
3. Deny the following design waivers since appropriate findings required in *Section 16.40.010* cannot be found to exist.
  - a. Allow a reduction in road width from 24 feet wide to 20 feet wide with two-foot shoulders for on and off-site road improvements to Crowdis Lane and Pineoakyo Road; and
  - b. Permit proposed driveway from Pineoakyo Road to proposed Parcel 3 to be 18 feet wide instead of 24 feet.

## **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 .....Tentative Parcel Map  
Exhibit E .....Soils Map  
Exhibit F .....Assessor’s Parcel Map  
Exhibit G .....Design Waiver Request  
Exhibit H .....Fire Safe Plan  
Exhibit I .....Environmental Checklist and Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**File Number P98-0011 – Mccann  
July 18, 2007 Zoning Administrator Hearing**

### **CONDITIONS OF APPROVAL**

1. This tentative parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit E “Tentative Parcel Map,” dated July 18, 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:

P98-011 consists of a tentative parcel map to create three (3) parcels ranging in size from 5.0 to 5.9 acres at a 16.09 acre site. Water will be provided to the parcels by individual wells and sewage disposal will be provided by individual on-site septic systems. A driveway from Pineoakyo Road will provide access to Parcel 3 while Parcels 1 and 2 will be accessed via Crowdis Lane.

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.

### **Air Quality Management District**

2. Prior to issuance of any improvement/grading permit, the applicant shall provide a Fugitive Dust Plan (FDP) application with appropriate fees to the Air Quality Management District (AQMD) for review and approval.
3. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.

4. 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.
5. 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 manufacture’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.

#### **Department of Transportation**

6. The applicant shall improve the on-site portion of Crowdis Lane to the *Design and Improvements Standards Manual (DISM)* standard in effect at the time of improvement plan submittal, prior to filing the final map. 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.
7. The applicant shall provide a turn around at the northeast corner of Parcel 3 to the provisions of *DISM Standard Plan 114* or as approved by the responsible Fire District. A vehicular access restriction shall be established along the remaining northern boundary line of Parcel 3. 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.
8. The applicant shall improve the off-site portion of Crowdis Lane and Pineoakyo, from the project boundary to Green Valley Road to a width of 20 feet with 10 foot wide brushed shoulders on each side of the roadway, as required by the Rescue Fire Protection District. 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.
9. 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 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 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 offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a twenty-percent (20%) contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite 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.
10. The developer 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 final Map. The applicant shall join and/or form an entity, prior to filing the final map, satisfactory to the County, to maintain all roads not maintained by the County that are required for access to County or State maintained roads.
  11. 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 or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map. 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.
  12. Any import or export of dirt to be deposited within the County of El Dorado shall require an additional grading permit for offsite grading.
  13. The applicant shall provide a drainage report concurrently with the improvement/grading permit application to be consistent with the *El Dorado County Drainage Manual* and the *El Dorado County Storm Water Management Plan* to address 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.

14. Upon completion of the required improvements and prior to acceptance of the improvements by the County, the applicant shall provide a compact disc (CD) to the Department of Transportation (DOT) with the approved drainage and geotechnical reports in .pdf format and all approved record drawings in tif format.
15. The applicant shall pay traffic impact fees that are in effect at the time of building permit issuance.

### **Rescue Fire Protection District**

16. The approved Fire Safe Plan, (Exhibit H), shall be fully implemented to the satisfaction of the Rescue Fire Protection District and California Department of Forestry and Fire Protection. A letter of compliance with this condition shall be submitted by the Rescue Fire Protection District and California Department of Forestry and Fire Protection to the Surveyor's Office at the time of filing the parcel map.
17. The applicant shall improve the off-site portion of Crowdis Lane from Green Valley Road to the project site to a 20-foot wide all weather surface road with 10-foot brushed shoulders prior to filing the map or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
18. The applicant shall improve the off-site portion of Pineoakyo Road to the project site to a 20-foot wide all weather surface with 10-foot brushed shoulders. The "Y" Fire Safe turnaround shall be a 20 feet wide all weather surface with 50-foot turning radiuses. These improvements shall be completed prior to filing the map or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.

### **Planning Services**

19. Prior the recordation of the parcel map, the applicant shall be required to pay park-in-lieu fees of \$150 payable to the County Recreation Department, pursuant to El Dorado County *Subdivision Ordinance Chapter 16.12.090*.
20. Prior to the approval of grading or improvement plans, the applicant shall identify oak woodland impacts and a qualified oak tree canopy replacement plan shall be prepared to meet the requirements of General Plan *Policies 7.4.4.4 and 7.4.4.5*. Any on- or off-site road improvements that impact oak woodland canopy shall make the appropriate replacement based on the on-site, or if available, the off-site option. The replacement plan shall be prepared by the applicant based on the policies in effect at the time of road improvements and the prepared plan shall be placed in the project discretionary file for reference.

21. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent 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 finds 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.
22. 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.
23. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
24. All fees associated with the tentative parcel map shall be paid prior to recording the final parcel map
25. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *Government Code*.

The subdivider 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.

### **County Surveyor**

26. All survey monuments must be set prior to filing the parcel map.
27. Prior to filing the parcel map, the applicant shall provide a parcel map guarantee, issued by a title company, showing proof of access to proposed Parcel 3 from Green Valley Road as

defined in *Section 16.44.120(B)(2)* with the legal right to improve that access as required by the County *Design Manual*.

28. 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 P98-0011 – Mccann  
July 18, 2007 Zoning Administrator Hearing**

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 Zoning Administrator has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services at 2850 Fairlane Court, Placerville, CA.

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

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within *General Plan Policy 2.2.1.2* because the LDR land use designation permits parcel sizes that range from 5.00 to 10.00 acres.
- 2.2 The project has been reviewed in accordance with the applicable El Dorado County *2004 General Plan policies*, including *2.2.5.21, TC-Xe, TX-Xf, 5.2.3.4, 5.7.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4 and 7.4.4.4* concerning land use compatibility, traffic, groundwater supply, fire safe access, grading on slopes in excess of 30 percent, intermittent drainage swale setbacks and tree canopy retention standards. Because of the project's provision of adequate access, sufficient well and septic locations, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the *General Plan policies* identified above.

#### **3.0 ZONING FINDINGS**

- 3.1 The subject site is zoned Estate Residential Five-acre (RE-5) which permits the proposed parcel size of five (5) acres under *Section 17.28.210.A*.

- 3.2 As proposed, the project meets all applicable development standards contained within *Section 17.28.210* of the *El Dorado County Zoning Ordinance*.

#### **4.0 ADMINISTRATIVE FINDINGS**

- 4.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.* The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Low-Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, traffic, groundwater supply, fire safe access, grading on slopes in excess of 30 percent, intermittent drainage swale setbacks and tree canopy retention standards.
- 4.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.* As proposed, the tentative map conforms to the development standards within the Estate Residential Five-acre (RE-5) Zone District and the Major Land Division Ordinance.
- 4.3 *The site is physically suitable for the proposed type and density of development.* The site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant disturbances of slopes in excess of 30 percent, excessive grading and oak tree canopy removal.
- 4.4 *The proposed subdivision is not likely to cause substantial environmental damage.* The proposed subdivision is not likely to cause substantial environmental damage as determined in the prepared environmental document.

#### **5.0 DESIGN WAIVER DENIAL FINDINGS**

- 5.1 Allow a reduction in road width from 24 feet wide to 20 feet wide with two-foot (2') shoulders for on and off-site road improvements to Crowdis Lane and Pineoakyo Road; and; permit proposed driveway from Pineoakyo Road to proposed Parcel 3 to be 18 feet wide instead of 24 feet .
- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Site topography and potential oak tree canopy removal does not justify the requested reduced on-site road width. Sufficient space is available to construct the on-site roads to *Standard Plan 101C*.
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements would result in minor grading and oak tree canopy removal. As such, improvement of the on-site roads to *Standard Plan 101C* would not cause extraordinary and unnecessary hardship in developing the property. The Department of

Transportation and Rescue Fire Protection District have reviewed the design waiver request and do not support the request because of circulation and fire safe access concerns.

- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver would be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers could result in inadequate on-site circulation and emergency access. As proposed, the reduced roadway width is not needed to allow the proposed parcels to fit within the context of their surroundings.
- 5.1.4 *The waivers 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 requested design waiver will hinder the County's implementation of the *Subdivision Map Act* as outlined in *Article II of Chapter 16 of County Code* because the request is inconsistent with the road standards contained within the County's *Design and Improvement Standards Manual*.