

# DEVELOPMENT SERVICES DEPARTMENT

County of  
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

PLANNING  
SERVICES



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## MEMORANDUM

**DATE:** July 10, 2007

**TO:** Roger Trout, Zoning Administrator

**September 5, 2007**

**FROM:** Michael C. Baron, Project Planner  
Planning Services

**Item # 5.a.**

**SUBJECT:** Initial Study and Conditions of Approval for P04-0010/Dan and Lynn Wojcik

This memo is a follow-up from the Board of Supervisors meeting held June 19, 2007. At the meeting the Board of Supervisors unanimously overturned the Zoning Administrator Denial and remanded the parcel map (P04-0010) back to the Zoning Administrator. Staff was given direction to approve the map based on an exhibit provided by the property owner showing a future secondary emergency access onto Beaver Pond Road from the adjacent Marble Valley subdivision (TM95-1298). Staff was directed to circulate a Negative Declaration. Enclosed is the original staff report, Initial Study, Conditions of approval (Attachment 1) and revised Findings (Attachment 2).

**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 referred to the California Department of Fish and Game. In accordance with State Legislation (*California Fish and Game Code Section 711.4*), the project is subject to a fee of \$1,800.<sup>00</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus \$50.<sup>00</sup> processing fee, 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.

Staff recommends that the Zoning Administrator take the following action:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff and approve the parcel map as the required findings can be made as noted in Attachment 1 based on the analysis in the staff report and the modification of the project to include conditions itemized in Attachment 2.
2. Approve the Tentative Parcel Map (P04-0010) subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

# ATTACHMENT 1

## FINDINGS FOR APPROVAL

September 5, 2007 Zoning Administrator Hearing  
File Number P04-0010 - Wojcik

Based on the review and analysis of this project by staff and affected agencies, and supported by the findings below and evidence in the record, the following findings can not be made:

### FINDINGS FOR APROVAL

#### 1.0 CEQA FINDING

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

#### 2.0 Parcel Map Findings

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

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District. Currently, the proposed parcels do not meet the minimum standard for appropriate circulation and access from a county maintained road as defined under the policies of both the El Dorado County Design and Improvement Standards Manual and California SRA State Fire Safe Regulations, however the Marble Valley subdivision has proposed an emergency access to Beaver Pond Road which would create the necessary secondary access.

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

The project site has been determined suitable for residential development with regards to water supply and sewage disposal by the Environmental Management Department. Based on the analysis of site plans, insufficient access and circulation exist to support

additional parcels along Beaver Pond Road; however, emergency access to Beaver Pond Road has been proposed as part of the Marble Valley subdivision.

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

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

## ATTACHMENT 2

### CONDITIONS OF APPROVAL

September 5, 2007 Zoning Administrator Hearing  
File Number P04-0010 - Wojcik

#### CONDITIONS OF APPROVAL

##### Planning Services

1. This Tentative Parcel Map approval is based upon and limited to compliance with the project description, dated December 4, 2004, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

##### **The project description is as follows:**

A tentative parcel map creating two (2) parcels, 10 acres in size on a 20 acre site. The project includes a design waiver request to allow the creation of two 10 acre parcels with access from Beaver Pond Road, which is a dead end road exceeding 2,640 feet and serving more than 24 parcels.

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

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *California Government Code*.

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

3. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to the County Recorder processing the final map.
4. The applicant shall be required to pay the Park in-lieu fee of \$150.00 payable to El Dorado County, pursuant to *El Dorado County Subdivision Ordinance Chapter 16.12.090*.
5. The tentative parcel map shall remain valid for a period of three years from the date of approval unless, prior to expiration of the map, the applicant files for a time extension.
6. All fees associated with the parcel map shall be paid prior to recording the parcel map.
7. 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.

### **Environmental Management**

8. Each parcel shall have a safe and reliable water supply prior to filing the parcel map
9. An adequate area for sewage disposal shall be identified for the proposed undeveloped Parcel B and noted on the map.
10. A site evaluation and soil description report performed by a registered engineer, geologist, or environmental health specialist qualified to perform soil and site evaluations and capable of determining site specific soil properties, geologic factors shall be submitted prior to filing the parcel map.

### **County Surveyor**

11. The access road serving the development shall be named by filing a completed Private Road Name Petition with the County Surveyor's Office prior to filing the parcel map.
12. All survey monuments must be set prior to filling the parcel map.
13. Provide Parcel Map Guarantee showing proof of access to a state or County Maintained Road with the right to make improvements.

14. Prior to filling the parcel map, a letter to the County Surveyors 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.

### **Department of Transportation**

15. The applicant shall improve or verify that the off-site portion of Beaver Pond Road and Ryan Ranch Road, from the project boundary to Latrobe Road, meet the requirements of the Design and Improvement Standards Manual (DISM), Standard Plan 101C an 18 foot wide roadway with 2 foot shoulders on each side of the roadway as required in Section 3 A) 2) c) ii, of the Design and Improvement Standards Manual. The improvement 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.
16. The applicant shall improve the on-site access road and the on-site portion of Beaver Pond Road to the requirements of the Design and Improvement Standards Manual, Standard Plan 101C in effect at the time improvement plans are submitted for review and approval. The applicant shall provide a turn around at the end of the on-site access roadway to the provisions of County Standard Plan 114. The improvement 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.
17. The applicant shall irrevocably offer to dedicate the on-site 30 foot non-exclusive road and public utility easements for Beaver Pond Road, prior to the recordation of the map. This offer will be rejected by the County.
18. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain al on-site roads and/or drainage facilities not maintained by the County, prior to the recordation of the parcel map.
19. 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.
20. 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.
21. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.

22. 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).
23. 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.
24. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
25. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in 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 Unit, 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 20 percent 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 certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs including legal costs subject to the approval of County Counsel