

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



Agenda of: June 4, 2008
Item : 5.a.
Staff: Tom Dougherty

PARCEL MAP

FILE NUMBER: P07-0029

APPLICANT: Jong and Renee Yi

REQUEST: A tentative parcel map creating four (4) parcels ranging in size from 5.01 to 6.26 acres on a 21.3-acre site. Design waivers have been requested for the following:

- A. Allow close proximity of the roadway serving lots 2 and 3 and the existing cul-de-sac encroachments.
- B. Allow a driveway to access Parcels 3 and 4.

LOCATION: On the east side of Starbuck Road approximately 1.7 mile north of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Exhibit A)

APN: 102-231-55

ACREAGE: 21.3

GENERAL PLAN: Low-Density Residential (LDR), Ecological Preserve (EP) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, based on the Initial Study prepared by staff.

2. Approve the Tentative Parcel Map P07-0029 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The subject 21.3-acre parcel was created in August of 1989 by Parcel Map 41-1. A special use permit, S86-0031, was approved for the site permitting a religious retreat. See the “Project Issues” section for more details. There were four parcels created by that map that all share Mercy Way and the 50-foot wide road and utility easement. The application was deemed complete on July 10, 2007.

STAFF ANALYSIS

Project Description: The applicant requests approval of a tentative parcel map creating four (4) parcels ranging in size from 5.01 to 6.26 acres on a 21.3-acre site. Access to the four parcels is on existing Mercy Way which begins at an existing encroachment onto Starbuck Road. Design waivers have been requested to allow close proximity of the roadway serving lots 2 and 3 and the existing cul-de-sac encroachments, and a driveway to be used for access to Parcels 3 and 4. Mercy Way is to be widened and the roadways to the proposed parcels to be improved to El Dorado County Design Improvement Standards Manual and 2007 California Fire Code and SRA Fire Safe Standards.

Site Description: The northwestern portion of the parcel is developed with one chapel, ten guest cabins, one dining hall, one bath/shower facility, a primary and secondary single-family residence and associated exotic landscaping, and supporting utility and access infrastructure, all located within proposed Parcel 1. The 21.3-acre site is located at the 1,360 foot to 1,400 foot elevations above sea level. Proposed Parcels 1 and 2 are dominated by blue oak woodland habitat types. Chaparral habitat type plants dominate proposed Parcels 3 and 4. There is a seasonal drainage running through the northern portion of proposed Parcel 2 and draining from east to west.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-EP	Primary single-family dwelling/second residential unit, church – retreat facility.
North	RE-5	LDR-EP	Residential, single-family dwellings, (four 5 to 5.1-acre parcels)
South	RE-5	LDR-EP	Residential, single-family dwellings, (one 5-acre parcel), Four Springs Subdivision.
East	RE-5	LDR-EP	Residential, single-family dwellings, (three 5.2 to 6.3-acre parcels)
West	RE-5 southwest, RE-10 northwest	LDR southwest, RR northwest	Residential, single-family dwelling, (three 5 to 13-acre parcels)

Discussion: Exhibits A and B1 to B2 illustrate that the general neighborhood consists of five-acre parcels. The proposed parcels can be found to be consistent with the surrounding development as currently none of the surrounding parcels have active agricultural pursuits in progress.

Project Issues: Discussion items for this project include the existing Special Use Permit, road improvements, water and sewer improvements, fire safety, existing site design for grading and improvements, and available public services.

Existing church facility: The existing church/retreat facility on the subject parcel is a very integral part of the neighborhood and the following is provided for informational purposes. There is an existing Special Use Permit S86-0031 for a prayer and retreat ministry facility originally approved as the Prayer Mountain Community Church. Information supplied by the original applicant for that Special Use Permit at the Zoning Administrator hearing on September 24, 1986 indicated that the subject religious facility had been located at the project site since 1949. It was originally a “religious boot camp” (training facility) and later called Bethesda Village. The applicant at that hearing proposed to convert the facility to “Prayer Mountain Resort.” At that time Section 17.70.100.C of the El Dorado County Code allowed churches in RE-10 with a Special Use Permit. S86-0031 permitted expanding the existing church facilities including construction of a chapel and parking lot, single-family dwelling for the “bishop,” an access road and dining room expansion. In August of 1991 the Planning Commission revisited the Special Use Permit to clarify the conditions of approval for the number of persons permitted to use the church facility. They added conditions to clarify maximum overnight capacity of the dwellings and cabins, overnight camping and noise limits. The applicant appealed that decision to the Board of Supervisors in particular about the noise condition pertaining to amplified music. The Board denied that appeal and that resulted in the final approved revised conditions and site plan that still apply today which are included as Exhibit I for informational purposes only.

The subject applicants took title to the parcel in January of 2005 and obtained a business license for the current “Rescue Prayer Mountain Chapel and Retreat” to continue worship services and retreat for spiritual renewal in March of 2005. It was determined by Planning staff at that time that the information supplied showed that the use permitted by the Special Use Permit had not stopped for more than one year and thus the Special Use Permit was still applicable. The applicants supplied a signed letter to Planning Services at that time that stated that the church facility use would continue and that they were aware of the conditions of approval for S86-0031 and would adhere to them and any change would require a revision to the approved Special Use Permit to be reviewed by the El Dorado County Planning Commission.

It was determined by Planning Services that the subject application request to split the parcel into four new parcels could be done without doing a revision to S86-0031 as long as it was clear that the approved activities would stay within proposed 6.26-acre Parcel 1.

Water System Improvements and Fire Safety: The four parcels are not located in the El Dorado Irrigation District (EID) service area but would be served by wells. Typically newly created parcels supported by wells would be required to maintain a water storage tank for the exclusive use of fighting fires. Pursuant to the Rescue Fire Protection District, the project would need to meet required fire flow requirements prior to filing the parcel map. The applicants would be required to provide a Fuel Modification and Wildland Fire Safety Plan approved by the

District and Calfire. The project has been conditioned to meet this requirement prior to filing the parcel map.

Parks and Recreation: There are a number of public amenities in the form of public parks and recreational opportunities within the County, and many are close to the area. This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands which is calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid at the time of filing the final map to the El Dorado County Department of General Services, Division of Airports, Parks and Grounds. There presently is no option to credit an existing dwelling for past paid fees when a parcel split occurs therefore, the fee would be based on the creation of four parcels.

School Facilities: The Mother Lode Union School District and El Dorado Union High School District provides schools for residents. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

Water and Sewer: *A Percolation Test Results and Waste Disposal System Design* was done by MGE Engineering dated March 2007. The report was reviewed by El Dorado County Environmental Health Division staff and they determined that the requirements for demonstrating adequate sewage disposal for the proposed parcel have been satisfied. The Environmental Health Division would review specific septic designs that accompany future development plans, including potential second-residential units on all parcels, to ensure that the final septic disposal design meets County standard.

Access: Starbuck Road currently meets Fire Safe standards for width and surfacing and Mercy Way would be improved to do so as well. The project was designed to follow existing dirt and gravel roads to minimize impacts to the existing natural environment. There would be seven parcels that would utilize Mercy Way with the subject proposal, which is not County maintained, as the primary feeder road from Starbuck Road upon approval of the subject parcel map. Using the current land use designation of the surrounding parcels and the new land use designation of the subject parcel of LDR, that would be the maximum number of parcels allowed without a General Plan Amendment. The El Dorado County Department of Transportation (DOT) has required minor width and surface improvements to the existing access roads to serve the four new parcels. The project has been conditioned to comply with DOT recommendations.

Development Area Envelopes: The applicant has chosen to record the development area envelopes as shown on the submitted tentative parcel map, Exhibit F.

Request for Design Waivers: The project is requesting design waivers to allow close proximity of the roadway serving lots 2 and 3 and the existing cul-de-sac encroachments, and a driveway to be used for access to Parcels 3 and 4. Existing terrain conditions and the design of the project to utilize only existing dirt and gravel roadbeds, approving the project with the design waivers could be found to be the most efficient way to reduce impacts to the existing natural features. Neither El Dorado County DOT nor Rescue Fire Protection District staff had negative issues with the design waiver requests. Therefore, staff recommends approval of the waivers.

General Plan: The General Plan designates the subject site as LDR/EP. Low-Density Residential (LDR) permits a minimum parcel size of five acres. The proposed 5.01 to 6.26-acre parcels therefore conform to the General Plan land use designation of LDR. The purpose of the Ecological Preserve (EP) overlay designation is *to identify those properties in public or private ownership which have potential to be established or have been established as habitat preserve areas for rare or endangered plant and animal species and/or critical wildlife habitat and/or natural communities of high quality or of Statewide importance.* The full discussion of the impacts of this project proposal related to the EP Overlay designation is discussed below in relation to Policy 7.4.1.1. The following General Plan policies apply to this project:

Policy 2.1.1.7 directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan. The access encroachment for Mercy way onto Starbuck Road exists for access to the subject parcel and the new driveways and minor roadway improvements to be constructed in the future for access for each of the four new parcels would be further analyzed by Building Services and Rescue Fire Protection District when a building or grading permit is submitted. Power and phone are available onsite. The site and soil analysis and percolation tests were reviewed by the El Dorado County Environmental Health Division and it was determined that the requirements for demonstrating adequate sewage disposal have been satisfied for both proposed parcels. **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. The four new 5.01 to 6.26-acre parcel creations would be in keeping with the General Plan intended development pattern expected in lands designated as Low-Density Residential and would fit into the dominant pattern of parcel development for the area.

Policy 5.7.1.1 directs the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. **Policy 6.2.3.2** directs that the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. Starbuck Road currently meets Fire Safe standards for width and surfacing. Rescue Fire Protection District requires final approval of the Fire Safe Plan prior to final map approval. Upon fulfillment of the approved Fire Safe Plan, the proposed parcels will have adequate access and emergency evacuation capabilities.

Policy 7.4.1.1 directs that the County shall provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 17.71 and the USFWS's Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002). The proposed project is located in El Dorado County Plant Mitigation Area 0 and Ecological Preserve overlay zone of the County's Gabbro soils rare plant preserve program which identify areas of the County that potentially contain rare plants.

Prior to filing the parcel map, the applicant would grant a conservation easement to El Dorado County for the areas shown in Figure 3, Impacts and Mitigation, on the Draft Rare Plant Mitigation and Monitoring Plan for APN 102-231-55, prepared by Sierra Ecosystems Associates dated February 1, 2008. The content and form of the easement would need to be consistent with the provisions of this measure and would be approved by El Dorado County prior to recording.

The easement area would be shown on the parcel map and the easement would be recorded as a separate instrument concurrently with the parcel map. The area delineated by the easement would be identified on the ground, subject to approval by the California Department of Fish and Game. An endowment of \$1,200.00 would be established, payable to the U. S. Bureau of Land Management, for once a year monitoring by its staff. The easement would also name the California Department of Fish and Game as a third party beneficiary for enforcement of any violations to the easement areas.

In addition to granting the conservation easement, it is recommended that the following would occur prior to filing the parcel map:

1. The overstory of shrubs within the easement areas would be removed by the applicant, under the direction of a qualified biologist or botanist.
2. The applicant would plant a minimum of three Pine Hill ceanothus (*Ceanothus roderickii*), under the direction and supervision of a qualified biologist or botanist and the California Department of Fish and Game.

Success of the planting and encroachment into the easement area would be monitored by Bureau of Land Management staff for a period of five years. The full discussion of the impacts to 7.4.1.1 is contained in section IV in the attached Draft Mitigated Negative Declaration.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards and requires that 85 percent of the existing oak tree canopy coverage for the 21.3-acre project area be retained as a result of the narrative supplied by the agent dated October 9, 2007 which reported a 30 percent oak canopy coverage. This was verified by Planning Services staff with a site visit and review of an aerial photo. No trees are proposed to be removed as part of this project proposal. Building areas were shown on the submitted Tentative Parcel Map that were placed in areas for minimal impacts to existing natural features and the applicant plans to record those building areas on the final parcel map. The full discussion of the impacts to both 7.4.1.1 and 7.4.4.4 is contained in section IV in the attached Draft Mitigated Negative Declaration.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is zoned Estate Residential Five-Acre (RE-5). RE-5 permits a minimum parcel size of five acres. The proposed 5.01 to 6.26-acre parcels conform to existing zoning and the development standards in Section 17.28.210 for minimum lot width of 100 feet, minimum parcel size of five acres, building setback requirements of 30 feet from parcel boundaries and road easements as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

Conclusion: As discussed above, staff finds that the project can be found to conform with the intent of the Zoning Code and that the necessary findings can be made to support the request for a tentative parcel map creating four parcels. The details of those findings are contained in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of biological resources. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

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 \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 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.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B1	General Plan Land Use Map
Exhibit B2	General Plan Ecological Preserve Overlay Map
Exhibit C	Zoning Map
Exhibit D1	Parcelization Map, (Assessor's Map for the subject parcel and surrounding)
Exhibit D2	Parcelization Map, (Assessor's Map for parcels to the south)
Exhibit E	Parcel Map 41-1, recorded August 15, 1989
Exhibit F	Tentative Parcel Map, dated September, 2007
Exhibit G	Soils Map
Exhibit H	Clarksville and Shingle Springs U.S.G.S. Quadrangle
Exhibit I	Current business license, supporting documents, Conditions of Approval and approved site plan for S86-0031 (six pages).
Exhibit J	Rare plant mitigation conservation easement area map, Figure 3, Impacts and Mitigation, on the <i>Draft Rare Plant Mitigation and Monitoring Plan</i> for APN 102-231-55, prepared by Sierra Ecosystems Associates dated February 1, 2008.
Exhibits K1, K2, K3	Site Visit Photos from August 15, 2007
Exhibit L	U.S. Fish and Wildlife Service Draft Recovery Area map
Exhibits M1, M2	Aerial Photos
Exhibit N	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number P07-0029 -Yi Parcel Map
January 2, 2007 Zoning Administrator Hearing

CONDITIONS OF APPROVAL

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit F (tentative parcel map) dated June 4, 2008, 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:

The project would allow the creation of four (4) parcels ranging in size from 5.01 to 6.26 acres on a 21.3-acre site. All parcels would be served by private wells and onsite septic wastewater systems. Access to each parcel will be from two minor roadways from the cul de sac at the east end Mercy Way.

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.

Conditions from the Mitigated Negative Declaration

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. The applicant shall grant a conservation easement to El Dorado County for the areas shown in Figure 3, Impacts and Mitigation, on the Draft Rare Plant Mitigation and Monitoring Plan for APN 102-231-55, prepared by Sierra Ecosystems Associates dated February 1, 2008. The easement area shall be shown on the parcel map and the easement shall be recorded as a separate instrument concurrently with the parcel map. The area

delineated by the easement shall be identified on the ground, subject to approval by the California Department of Fish and Game. An endowment of \$1,200.00 shall be established, payable to the U. S. Bureau of Land Management, for once a year monitoring by its staff. The easement shall also name the California Department of Fish and Game as a third party beneficiary for enforcement of any violations to the easement areas.

In addition to granting the conservation easement, the following shall occur within the conservation easement areas prior to filing the parcel map:

- A. The overstory of shrubs within the easement areas shall be removed by the applicant, under the direction of a qualified biologist or botanist.
- B. The applicant shall plant a minimum of three Pine Hill ceanothus (*Ceanothus roderickii*), under the direction and supervision of a qualified biologist or botanist and the California Department of Fish and Game.

Success of the planting and encroachment into the easement area shall be monitored by Bureau of Land Management staff for a period of five years. **[MM Biological Resources-1]**.

Monitoring: El Dorado County Planning Services Division shall review and approve the conservation easement prior to filing the parcel map. The applicant shall provide Planning Services proof in the form of a letter signed by California Department of Fish and Game staff, that the endowment has been created, the overstory removed, and the three Pine Hill ceanothus have been planted prior to filing the parcel map. Ongoing monitoring shall be provided by the U.S. Bureau of Land Management.

Planning Services Site Specific and Standard Conditions

- 3. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call 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 appropriate measures are taken or the site is determined not to be of significance.
- 4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage

Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

5. The development area envelopes shown on the submitted tentative parcel map attached as Exhibit F, shall be shown on, and filed with, the parcel map.
6. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Parks and Recreation Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the parcel map.
7. The parcel map shall show that boundary line between Parcels 1 and 2, as shown in Exhibit F, shall either be located within the center of Mercy Way, or on the north or south side of it, the entire length of Parcel 2, prior to filing the parcel map.
8. All Planning Services fees shall be paid prior to filing the parcel map.
9. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
10. 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 applicant 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

Rescue Fire Protection District

11. The applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester which shall be reviewed and approved by Rescue Fire Protection District and California Department of Forestry prior to recordation of the final parcel map.

El Dorado County Department of Transportation

12. The onsite portion of Mercy Way shall be improved or verified per the El Dorado County Design and Improvements Design Manual (DISM) Standard Plan 101C to a road width of 18-feet wide with two shoulders. 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 filing of the parcel map.
13. Because the on-site access serving parcels #1 and #4 and parcels #2 and #3 are serving 2 lots, they shall be considered roadways. The roadways shall be constructed per Standard Plan 101C with an 18-foot road width and two shoulders and 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 filing of the parcel map.
14. A turnaround per Standard Plan 114 or approved equivalent to the satisfaction of DOT and the fire district shall be provided at the end of the roadways serving parcels #1 and #4 and parcels #2 and #3 prior to the filing of the parcel map.
15. The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” road signs as required by the Department of Transportation prior to filing the parcel map.
16. The applicant shall construct encroachment from the roadways serving parcel #1 and #4 and parcel #2 and #3 onto Mercy Way to the provisions of Standard Plan 103C. 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 filing of the parcel map.
17. The applicant shall provide a 60-foot wide non-exclusive road and public utility easement through the onsite portion of Mercy Way.
18. The applicant shall designate a 25 foot wide ingress and egress easement on Parcel 2 for the on-site access driveway serving Parcel 3, with the filing of the parcel map. The applicant shall designate a 25 foot wide ingress and egress easement on Parcel 1 for the on-site access driveway serving Parcel 4, with the filing of the parcel map.
19. A vehicular access restriction (VAR) shall be placed along the 25 foot ingress and egress easement along the entire on-site portion of Parcel 2, with the filing of the parcel map. This easement shall be restricted for access use serving Parcel 3.
20. The applicant shall provide a 60-foot wide non-exclusive road and public utility easement through the proposed roadways serving parcels #1 and #4 and parcels #2 and #3.

21. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Starbuck Road and Mercy Lane, prior to the filing of the parcel map.
22. 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 of Transportation 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.
23. 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.
24. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
25. 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.
26. At the time that an application is submitted for improvement plans or a grading permit, the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to improvement plans or a grading permit issuance, and by state law must be done prior to commencing construction.
27. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
28. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Environmental Management Department – Environmental Health Division

29. Prior to filing the parcel map, each lot shall have a safe and reliable well provided for each parcel that meets the criteria of Environmental Management Policy 800-02.

El Dorado County Office of the County Surveyor

30. All survey monuments must be set prior to filing the Parcel Map.
31. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Parcel Map.
32. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the agent and the applicant.

ATTACHMENT 2

FINDINGS

File Number P07-0029 -Yi Parcel Map
June 4, 2008 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 Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Zoning Administrator finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The proposed tentative map, as conditioned and mitigated, is consistent with the Low-Density Residential General Plan land use designation and Ecological Preserve (EP) Overlay for the maximum allowable density of five acres and permissible residential use and the protection of plants considered rare, threatened or endangered.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2 and 7.4.1.1 and 7.4.4.4 because there are adequate roadways, utilities, and other public service infrastructure available, or will be provided, the project fits in with the dominant pattern of development in the direct project vicinity, wildfire hazards are addressed and Mitigation 2, [MM Bio Res 1], satisfies the County's requirements for mitigation of the impacts to the rare plants in Mitigation Area 0 that are not within the

U.S. Fish and Wildlife Service's Recovery Plan and no El Dorado County native oak trees are proposed to be removed.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Five-acre (RE-5) which establishes a minimum parcel size of 5 acres. The project would create four (4) parcels ranging in size from 5.01 to 6.26 acres which is consistent within the RE-5 zone district. The proposed parcels conform to existing zoning. The Design Waiver will allow the parcels to meet the development standards in Section 17.28.210 which is consistent within the RE-5 zone district and will also result in less negative impacts to the natural environment.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because the parcels are of adequate size for the Estate Residential 5-Acre (RE-5) zone district, there is adequate emergency, regular vehicular access, public facilities and existing utilities to support the residential uses on each parcel. Further, the project was subject to review by the Rescue Fire Protection District who conditioned the project such that the parcel map cannot be filed without an approved Fire Safe Plan.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities or the map has been conditioned to have them to support the residential uses.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access driveways to both parcels have existing encroachment and are all or partially completed, and the impacts from all other required improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

5.0 Design Waiver Findings

- 5.1.0 Allow a driveway standard for access to Parcels 3 and 4.
- 5.1.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because providing a road access to both parcels would involve introducing an eighteen-foot wide road through two of the parcels which would allow unwanted public access and create excessive impacts to the site's natural features. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create parcels less than the required 5 acres or more required size. The new parcels with a driveway standard would use an existing roadway base and not introduce any new undesirable impacts to the existing road system.
- 5.1.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and*

Improvement Standards required frontage on a public street or a street meeting County subdivision design and improvement standards would create string bean portions of lots reaching out to the roads and require widening that would create excessive unnecessary impacts to the natural environment.

- 5.1.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for exclusive access to Parcel 3 through Parcel 2 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.1.4 **This waiver 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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.
- 5.2.0 Allow close proximity of the roadway serving lots 2 and 3 and the existing cul-de-sac encroachments.
- 5.2.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver**
- 5.2.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required distances between road encroachments meeting County subdivision design and improvement standards would cause excessive grading because of the existing grade elevation differences of the existing dirt and gravel roadways that would create excessive unnecessary impacts to the natural environment.
- 5.2.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing the existing roadbeds to be used with just minor grading improvements will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.2.4 **This waiver 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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.