

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



Agenda of:	December 17, 2008
Item No.:	4.c.
Staff:	Tom Dougherty

PARCEL MAP REVISION

FILE NUMBER: P07-0042R

APPLICANT: William Steve Wetzel

REQUEST: A revision to approved Tentative Parcel Map P07-0042 creating two parcels ranging in size from 5.0 to 5.42 acres on a 10.42-acre site. A design waiver has been requested to allow the existing 12-foot wide driveway to access Parcel 1.

LOCATION: On the west side of State Route 49 on the northwest corner of the intersection with Post Road in the El Dorado area, Supervisorial District II. (Exhibit A)

APN: 092-420-02 (Exhibits B1 to B4)

ACREAGE: 10.42 acres

GENERAL PLAN: Low Density Residential/Platted Lands (LDR/PL) (Exhibit D)

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

ENVIRONMENTAL DOCUMENT: Previous Negative Declaration

RECOMMENDATION: Staff recommends the Zoning Administrator approve the revision to Tentative Parcel Map P07-0042R subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The subject parcel was created from a four-parcel Parcel Map (PM 29-132) which was recorded August 27, 1981. The previous Tentative Parcel Map application P07-0042 was approved by the Zoning Administrator on February 6, 2008. The current revision to that approved tentative map was received September 22, 2008 and deemed complete on October 9, 2008.

Permit History: Proposed Parcel 1 contains a 2,016 square-foot single-family residence with an 896 square-foot garage which was permitted under permit #126308 and finalized in October of 2002. Parcel 2 would contain the existing 1,200 square-foot second residential unit and a 1,075 square-foot garage which were permitted under building permit #146428 and were finalized in February of 2005.

STAFF ANALYSIS

Project Description: The applicant requests approval of a revision to approved Tentative Parcel Map P07-0042 creating two parcels ranging in size from 5 to 5.42 acres on a 10.42-acre site. Those sizes are the same as those previously approved for P07-0042 but the location of the line splitting them has been changed with this application request. A design waiver has been requested to allow the existing 12-foot wide driveway to access Parcel 1.

Site Description: The project site is served by a driveway off of Post Road. The property slopes gently downward from the west to east at 0 – 30 percent slopes. The western portion of the parcel is developed with a primary and secondary residential unit and associated landscaping, accessory buildings and supporting utility and access infrastructure. Both have existing wells and septic facilities. A graveled access driveway exists with turnarounds at the terminus of each dwelling. The 10.42-acre site is located at the 1,640-foot elevation above sea level. There is a seasonal drainage swale with a 30-foot drainage easement running parallel to State Route 49 within the parcel that drains southward.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR - PL	Residential, primary single-family dwelling, second residential unit.
North	R2A	MDR - PL	Residential, single-family dwellings, (one 2-acre parcel)
South	RE-5	LDR - PL	Residential, single-family dwellings, (two 5-acre parcels)
East	RE-5	LDR - PL	Residential, single-family dwelling, (four 3 to 5-acre parcels), State Route 49.
West	R2A	MDR - PL	Residential, single-family dwelling, (five 2 to 3-acre parcels)

Discussion: The neighborhood consists of two to five-acre zones and the land use designations range from medium-density residential from the west and north of the subject parcel to low-density residential to the south and east. The proposed parcels are consistent with the surrounding development.

Project Issues: Discussion items for this project include land use and zone compatibility, road improvements, water and sewer improvements, fire safety, existing site design for grading and improvements, and available public services.

Water System Improvements and Fire Safety: The two parcels would be located in the El Dorado Irrigation District (EID) service area, however, there are no facilities currently located at the existing parcel. The parcels would be required to meet the required fire flow needed for fire protection for any new structure built after the approval of the subject application, as determined by the Diamond Springs - El Dorado Fire Protection District. Pursuant to the Fire District, these standards would include fire flow for a residential unit less than 3,600 square feet which would be 1,000 gallons per-minute, for a duration of 2 hours, at a minimum 20 p.s.i.. For residential units that are greater than 3,600 square feet would be required to provide 1,500 gallons per-minute, for a duration of 2 hours, at a minimum 20 p.s.i. Fire flow could be met by installing a fire hydrant or at a minimum 3,000 gallons of water storage for each parcel. The project has been conditioned for this requirement for any new structures, not the existing ones.

Public Services: 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.

Water and Sewer: There are existing approved and functioning wells and septic systems for both proposed parcels. The project would not be requiring El Dorado Irrigation District services.

Access: There would be 4 parcels that would utilize Post Road, which is not County maintained, as the primary feeder road upon approval of the subject parcel map. Under the current land use designation, that would be the maximum allowed. The Department of Transportation has required width and surface improvements to the access road but only the addition of gravel to the existing roadbed to increase the width to 20-foot wide. A turnaround would be required on the access roadway to the provisions of County Standard Plan 114 or an approved equivalent where the existing driveway currently splits. There already is a hammerhead turnaround using the existing driveway fork that leads to the single-family dwelling on proposed Parcel 2 so there would be minimal improvements necessary.

Caltrans has revisited the project and determined that the encroachment onto SR 49 would not require the approval of an encroachment permit for the Post Road encroachment onto State Route 49 because the taper has been determined to meet their Standards. The project has been conditioned to comply with El Dorado County Department of Transportation requirements and as conditioned, would have adequate access.

Request for Design Waiver: The applicant requests a Design Waiver to allow the existing 12-foot wide driveway to continue to provide access to proposed Parcels 1 and 2. A driveway, by definition, serves only one parcel. Since the project creates two parcels, the driveway thus becomes a roadway and must be constructed to minimum roadway standards. Minimum roadway standards are a 20-foot wide gravel surface (6-inches deep minimum). Therefore, DOT recommends denial of this Design Waiver request.

However, given the existing setting, relatively flat terrain, lack of biological impacts, existing shoulder widths, and relatively minor roadwork needed to meet minimum roadway standards,

DOT is supportive of a reduction in the requirements of the project. Specifically, DOT supports waiving the requirements for a Soils Report, a Drainage Report, a Grading Plan and Permit, and an Encroachment Permit.

Diamond Springs – El Dorado Fire Protection District has responded that they have no concerns with not requiring full road standards and are supportive of the revised DOT recommended conditions of approval.

The proposed parcels would meet the minimum parcel size requirement and all other zoning district provisions have been complied with. Therefore, the Design Waiver can be recommended for approval.

General Plan: The General Plan designates the subject site as Low-Density Residential (LDR), which permits an allowable density of one dwelling unit per five acres, parcel sizes from five to ten acres, and establishes areas for single-family residences in a rural environment. The proposed 5.0 and 5.42-acre parcels would conform to the General Plan land use designation. 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 infrastructure becomes available and wildfire hazards are mitigated.

Discussion: The Diamond Springs – El Dorado Fire Protection District has conditioned the project to meet their fire safe requirements prior to filing the parcel map. The access encroachments that exist for both parcels would need minor improvements. Power and phone are onsite and in use. The site has existing approved septic systems and wells.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: The two new parcels would be in keeping with the General Plan intended development pattern expected in lands designated as Low Density Residential and would be consistent with the dominant pattern of parcel development for the areas to the east and south.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The project would be required to meet the required minimum fire flow requirements of the Diamond Springs - El Dorado County Fire Protection District which would be reviewed and approved by them prior to filing the parcel map.

Policy 6.2.3.2 directs that the applicant 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.

Discussion: As conditioned, and discussed under *Access* in the Project Issues section, the project would meet the intent of this policy.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Discussion: No trees are proposed to be removed as part of this project proposal. The turn around and road improvements would not require oak tree removal and the improvements are not anticipated to impact the adjacent oak trees. It has been determined by Planning staff that no replacement of canopy would be necessary unless greater than 25 percent of the dripline would be damaged or removed during construction. While the turnaround would intrude on the canopy of the dripline of a mature oak, it would not exceed the said criteria. The full discussion of potential impacts is included in Section IV, *Biological Resources* in the *Draft 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) which permits a minimum parcel size of five acres. With the approved Design Waivers, the proposed 5 to 5.42-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 to the intent of the El Dorado County Code.

ENVIRONMENTAL REVIEW

Based on the Negative Declaration adopted by the El Dorado County Zoning Administrator on February 6, 2008, staff finds that the project could not have a significant effect on the environment as potential environmental concerns were addressed for the previous Tentative Parcel Map P07-0042 project. There are no new significant environmental impacts associated with this project, including new and revised conditions, that were not covered in the previously approved Negative Declaration.

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 \$1,850.00 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 \$1,800.00 is forwarded to the State

Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B1 to B4	Parcelization Maps, (Assessor's Maps)
Exhibit C	Parent Parcel Map 29-132
Exhibit D	General Plan Land Use Map with Platted Lands Overlay
Exhibit E	Zoning Map
Exhibit F	Tentative Parcel Map, dated August 2008
Exhibit G	Soils Map
Exhibit H	Placerville and Fiddletown U.S.G.S. Quadrangles
Exhibits I1, I2, I3, I4	Site Visit Photos
Exhibits J1 and J2	Aerial Photos
Exhibit K	Approved Initial Study/Environmental Checklist/ Negative Declaration for P07-0042

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number P07-0042R, Wetzel Parcel Map Revision
Zoning Administrator Hearing December 17, 2008**

Project Description

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 February 6, 2008~~ Exhibits A - K1 dated December 17, 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 two parcels ranging in size from 5.0 to 5.42 acres on a 10.42-acre site. Both parcels are served by existing private wells and onsite septic wastewater systems. Both parcels take access onto Post Road and improvements will be made to the encroachments onto Post Road and State Route 49 as well as the access road onsite to both parcels. Parcel 1 would include the existing 2,016 square-foot single-family residence with an 896 square-foot garage. Parcel 2 would include the existing 1,200 square-foot second residential unit and 1,075 square-foot garage.

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

Planning Services

2. 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.
3. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A

receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the final parcel map.

4. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
5. All Planning Services fees shall be paid prior to filing of the parcel map.
6. 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 parcel map, 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.

Diamond Springs – El Dorado Fire Protection District

7. The District has a fee structure. The following fees shall be collated for review of all type of plans.
 - a. Application Fee - \$50.00
 - b. Four or less lots - \$120.00
8. The following District fire flow requirements shall be required for any new structure built on this parcel after approval of the subject permit. The fire flow requirements are as follows:
 - a. Required fire flow for a residential type parcel split for residents less than 3,600 square feet is 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Residents that are greater than 3,600 square feet are 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503.

- b. Projects that do not meet Fire Flow may use a NFPA 13D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of the required Fire Flow and shall be approved by the Diamond Springs-El Dorado Fire District.
 - c. Fire flow can be met by installing a fire hydrant or minimum 3,000 gallons of water storage for each parcel.
9. The applicant shall comply with the following District driveway and roadway requirements prior to the filing of the parcel map
- a. All driveways shall provide a minimum 12-foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
 - b. Driveway grades exceeding 16% shall be of an all weather surface (pavement or asphalt).
 - c. Driveways grades exceeding 20% shall be approved by the Diamond Springs-El Dorado Fire District.
 - d. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 - e. All roadways will be a minimum of 20 feet wide, all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width; parking on both sides of the road will require 40 feet minimum road width.
 - f. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead “T”, a modified “T” or a modified “Y” in lieu of a circular type turnaround, as per El Dorado County DOT Standards.
 - g. Any gates will require Fire District approval and meet current El Dorado County Standards.
 - h. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
10. Pursuant to PUBLIC RESOURCES CODE 4291, a person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is

covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

Department of Transportation

11. Access Road: The applicant shall widen the on-site access road to a width of ~~18~~ 20 feet ~~with 1 foot shoulders on both sides~~ according to minimum Fire Code standards, ~~the provisions of El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C~~. The access road shall meet this standard until the point of the 'modified' hammerhead intersection, beyond which the roadway becomes a driveway and shall conform to driveway standards. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the Parcel Map.
12. Turnaround: The applicant shall provide a turn around on the access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the Parcel Map.
13. Road and PUE: The applicant shall provide a 30 foot wide non-exclusive road and public utility easement over Parcel 2 in favor of Parcel 1 for the on-site access roadway prior to filing the Parcel Map.
- ~~14. Access Improvements: The applicant shall construct and/or verify that the access encroachment onto Post Road is consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 103B-1 in effect at the time improvement plans are submitted for review and approval. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the Parcel Map.~~
- ~~15.~~14. Easements: All applicable existing and proposed easements must be shown on the project plans.
- ~~16.~~15. Signage: The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to filing the Parcel Map.
- ~~17. Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, 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.~~

- ~~18.16.~~ Maintenance Entity: The proposed project must form an entity for the maintenance of the private road and drainage facilities. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the road and drainage facilities of the current project.
- ~~19.17.~~ CC&R Maintenance: The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
- ~~20.18.~~ Drainage, Cross-Lot: Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to filing the Parcel Map.
- ~~21.19.~~ Drainage Easements: The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and on the parcel map.
- ~~22.20.~~ Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
- ~~23.21.~~ Construction Hours: Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and holidays.
- ~~24.22.~~ DISM Consistency: The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map.
- ~~25.23.~~ Road Improvement Agreement & Security: The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the

improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.

- ~~26.24. Import/Export Grading Permit: Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.~~
- ~~27. NPDES Permit: At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.~~
- ~~28. Grading Permit / Plan: If the project requires the movement of more than 50 cubic yards of earthwork, a grading permit will be required. 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.~~
- ~~29. Grading Plan Review: Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.~~
- ~~30. RCD Coordination: The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to~~

~~the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.~~

- ~~31. Drainage Study / SWMP Compliance: 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.~~
- ~~32. CEQA Review: All on and off site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC Xf.~~
- ~~33.25. Off-site Access Easements: The applicant shall provide proof of access to the project site from a State or County maintained road, together with the legal right to improve such access. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.~~
- ~~34.26. Electronic Documentation: 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 drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.~~
- ~~35.27. TIM Fees: The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.~~

Caltrans – Marysville Office

- ~~36. Applicant shall submit an Encroachment Permit Application for the encroachment of Post Road onto State Route 4. Said permit shall be for residential rural for a multiple-residence driveway along with 5 sets of driveway detail plans showing grades, drainage, and structural section information to the Caltrans, Marysville Office for review and approval. The applicant shall then provide proof to the El Dorado County Surveyor's Office that said permit has been finalized by Caltrans, prior to filing the Parcel Map.~~

El Dorado County Office of the County Surveyor

- ~~37.~~28. All survey monuments must be set prior to filing the Parcel Map.
- ~~38.~~29. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
- ~~39.~~30. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office ~~prior to filing the Parcel Map.~~ Proof of any signage required by the Surveyor's Office must be provided to that office prior to filing the Parcel Map.
- ~~40.~~31. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall 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 Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

File Number P07-0042R, Wetzel Parcel Map Revision Zoning Administrator Hearing December 17, 2008

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

- 1.1 The Zoning Administrator has considered the previously adopted Negative Declaration for P07-0042 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 as the revision does not raise any new environmental impacts as discussed in the staff report. The 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 placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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-Planning Services Department at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The proposed Tentative Parcel Map, as conditioned, is consistent with the Low Density Residential General Plan land use designation for parcel size, density and land use.
- 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 7.4.4.4 because there are adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity and wildfire hazards have been addressed. Native oak tree canopy will not be impacted with the project.

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 two parcels ranging in size from 5.0 to 5.42-acres in size which is consistent within the RE-5 zone district. The proposed parcels conform to existing zoning. The Design Waivers will allow both parcels to meet the development standards in Section 17.28.210.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Five-Acre (RE-5) zone district and there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses needed by the parcels.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access driveways and encroachments to both parcels exist and will be improved to current safety standards, and the impacts from all other required road 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 **Permit a lot to be created with less than the required lot width not meeting the requirements of Section 17.28.210 C of County Code.** The support for the design waiver is based on the following findings:
- 5.1.1 **It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the parent parcel map (PM 29-132) created the exact width at the encroachment onto Post Road which has been used by the applicant since the original dwelling was finalized in 2001. Existing terrain conditions make widening the south end of proposed Parcel 2 to 100 feet constrictive. The combined effect of existing terrain, fences, large trees, and the adjoining parcel size and configuration create a special circumstance. The parcel may not comply with the width requirement however, the minimum parcel size requirement has been met and all other zoning district provisions have been complied with
- 5.1.2 **It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because doing a boundary line adjustment with the adjoining parcel is not an option to the west and State Route 49 constricts any attempt to expand to the east. The parcel may not comply with the width requirement however, the minimum parcel size requirement has been met and all other zoning district provisions have been complied with.

5.1.3 **It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because the El Dorado County Department of Transportation, Diamond Springs – El Dorado Fire Protection District and Caltrans have all conditioned to map to meet their respective public safety requirements.

5.1.4 **It can be found that 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 addition of one more lot is considered negligible in this particular proposal.

5.2 Design Waiver Findings for Denial

5.2.0 Permit a lot to be created with less than the required lot width not meeting the requirements of Section 17.28.210 C of County Code. The findings for denial for the design waiver are based on the following findings:

5.2.1 It cannot be found that special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because a driveway, by definition, serves only one parcel. Since the project creates two parcels, the driveway thus becomes a roadway and must be constructed to minimum roadway standards as well as to Fire Code standards. There are no special conditions found warranting the design waiver request.

5.1.2 It cannot be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because the roadbed is in and widening that road to 20 feet just means adding gravel with no significant grading.

5.1.3 It cannot be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because the El Dorado County Department of Transportation, Diamond Springs – El Dorado Fire Protection District have conditioned to map to meet their respective public safety requirements which would not include allowing a 12-foot wide driveway.

5.1.4 It can be found that this waiver would 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 access road to the two parcels cannot be defined as a driveway in this particular circumstance as the El Dorado County Department of Transportation, Diamond Springs – El Dorado Fire Protection District have determined that in the interest of public safety, the road must have an access road with width, surfacing and a turnaround that meet County and Fire Code standards.