

File Number: P08-0022A
Date Received: 2/11/2009

Receipt No.: 25574
Amount: \$100.⁰⁰

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Parvin Honarvar

ADDRESS P.O. Box 706 Folsom, CA 95763

DAYTIME TELEPHONE (530)676-7676

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT Tom Graff or Brad Friar

ADDRESS 5675 Mother Lode Dr. Placerville, CA 95667

DAYTIME TELEPHONE (530)626-9977

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

P08-0022, Conditions of Approval #'s 8, 9 & 34. We are not asking for the appealed conditions to be permanently waived. We are asking that the timing for condition numbers 8 & 9 be changed from "prior to the filing of the final/parcel map" to: prior to the issuance of a building permit for new construction; and that condition 34 be amended to delete the requirement "provided that written approval from the Fire District is received prior to recording the parcel map". Without this requirement deleted from condition 34 it would revert back to the original condition of having to install the fire hydrant if an approval cannot be obtained from the Fire District. (See attached Zoning Administrator letter, dated Jan 26, 2009, for further information concerning our appeal.

DATE OF ACTION BEING APPEALED February 4, 2009


Signature

02/09/09
Date

January 26, 2009

Zoning Administrator
El Dorado County
2850 Fairlane Court
Placerville, CA 95667

Dear Zoning Administrator,

SUBJECT: CHALLENGE TO EXISTING CONDITIONS – P08-0022 (HONARVAR)

This letter is to provide you with information, concerns and challenges to existing Conditions of Approval we would like to have considered at the Zoning Administrator Hearing on February 4, 2009. We are challenging condition numbers 8, 9 & 34. We have attempted to resolve these matters with the appropriate agencies without success. We want to make it clear that the property owners are not asking to have the challenged conditions completely waived. All they are asking is that the Road Improvements and Fire Hydrant requirements be established as a condition for future building projects. Since they will already have an existing house on each of the newly created parcels and no construction activity is planned, they are asking for the condition to be amended to read, "prior to issuance of a building permit" instead of, "prior to the filing of the parcel map". This change to the conditions seems fair and equitable to us. We feel that this change satisfies the intent of the code, to have the associated infrastructure improved at the cost of the "developer".

We would like to submit the following supportive information and documents for your further consideration.

P08-0022 Conditions 8 & 9 - DOT, Conditions for On-Site and Off-Site Access Improvements.

In our research on this issue we have come across a ruling by the Board of Supervisors, Legislative File ID 08-1826 (see attached Agenda Item) approved 1/13/09, changing the DOT Conditions of Approval from being required "prior to the recordation of the map" to "prior to issuance of a building permit". This recommendation was made by the Planning Commission (see attached Planning Commission Minutes of November 13, 2008, Item Z07-0034/P07-0033) after discussion and recommendations by DOT (see Development Services Department letter dated November 12, 2008, RE: Cemo Family Properties, LLC Parcel Map Z07-0034/P07-0033 Revised Department of Transportation Conditions). We are asking for equitable consideration with our project. We understand that the specific conditions for this project versus ours may be different, but it appears that the determining factor is the same. Under the Discussion Section on the first page of the Development Services Department letter dated November 12, 2008, it states that since "No development is proposed in conjunction with the project. Therefore, the timing of conditions has been modified to require improvements to be completed prior to issuance of any building permits". The precedent appears to be related to **No Development being Proposed**, which is the same as our project.

P08-0022 Condition 34 – El Dorado Fire Protection District, Condition for Fire Hydrant Installation.

This is the same issue raised at the last hearing. We were asked to try to resolve this issue with the Fire Department and come back for the next hearing on February 4, 2009. We have attempted to resolve this issue with the Fire Department utilizing Thomas Lloyd, El Dorado County Planner, as a go between. There has been some dialogue as of this date (see attached emails), but no resolution has been reached. In light of this still unresolved issue we request that our challenge to the Fire Departments condition of installing a Fire Hydrant be reconsidered. As was the case with the DOT road conditions, we also have documents from a previous Zoning Administrator Hearing dated December 17, 2008, File Number P07-0042R (see attached), where the condition for installing a Fire Hydrant as part of this Parcel Split was amended. Once again the determining factor in changing the requirement for installing the fire hydrant was that No new structures were planned with this project. This project, as well as ours, already has 2 existing permitted houses on the parcel with no new construction being planned. Again, we are just asking for the same equitable consideration for

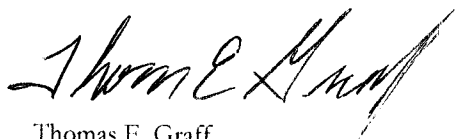
January 27, 2009

our project; to be conditioned for the installation of a Fire Hydrant "for any new structures, not the existing ones".

As stated earlier, the property owners are not trying to have the conditions completely waived, they are just asking for the same treatment and consideration as others involved in the same process.

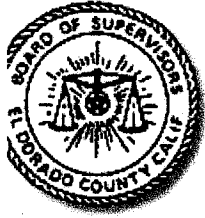
If you have any questions, comments or need any further information please feel free to contact me at: (530)626-9977 or applehillhomes@yahoo.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Graff". The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas E. Graff
Authorized Agent

Attach: P08-0022



El Dorado County

Legislative File ID **08-1826**

Type: Agenda Item **Status:** Approved

Enactment Date: **Enactment No.:**

Title: Hearing to consider the following pertaining to property identified as APN 124-300-98 consisting of 8.10 acres in the El Dorado Hills area: Applicant: Cemo Family Properties, LLC (Agent: RSC Engineering) District I. (1) Adopt the negative declaration based on the initial study prepared by staff; (2) Approve Rezone (Z07-0034) from Two-acre Residential (R2A) to Commercial-Planned Development (C-PD) based on the findings listed in Attachment 1, and adoption of Ordinance 4804 for same; and (3) Approve Parcel Map (P07-0033) creating three parcels ranging in size from 2.12 acres to 3.59 acres based on the findings and subject to the conditions listed in Attachment 1.

Controlling Body: Board Of Supervisors

Introduced: 12/8/2008 **Version:** 1

Final Action: 1/13/2009 **Contact:** Roger P. Trout (5369)/Lawrence W. Appel (7698)

Name: DS 01-13-09 Z07-0034/P07-0033/Cemo Family Properties, LLC

Requester: Development Services - Planning

Sponsors:

Attachments: Legislative File Text
 Z07-0034 P07-0033 Attachment 1-Findings Conditions.pdf
 Z07-0034 P07-0033 Attachment 2-Minutes 111308.pdf
 Z07-0034 P07-0033 Staff Report.pdf
 Z07-0034 P07-0033 Staff Memo.pdf

Next Meeting:

Legislative History

Date	Acting Body	Action Taken	Motion
1/13/2009	Board Of Supervisors	After hearing public testimony, a motion was made by Supervisor Knight, seconded by Supervisor Sweeney, as follows: 1) Adopt the negative declaration, 2) Approve Rezone (Z07-0034) from Two-acre Residential (R2A) to Commercial-Planned Development (C-PD); 3) Adopt Ordinance 4804; and 4) Approve Parcel Map (P07-0033).	Pass (5:0)

Approvals

Approver	Date	Approval Status
Roger Trout	12/12/2008	Approved

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20. **Grading Plan:** A grading and erosion control plan may be required for this project. At the time that an application is submitted for improvement plans or a grading permit, the applicant must 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) for grading disturbances greater than 1 acre.
21. **Grading Permit / Plan:** A grading permit may be required for the project. The applicant may be required to 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. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
22. **TIM Fees:** Payment of Traffic Impact Mitigation Fees will be required at time at building permit application.

Rescue Fire Protection District

23. The applicant shall provide a fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to project approval.
24. The project shall meet the requirements of the California SRA Fire Safe Regulations, The California Fire Code 2001 Edition for access and water supply

County Surveyor's Office

25. All survey monuments shall be set prior to filing the Parcel Map.
 26. 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).
 27. 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 P07-0049 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant
- b. **Z07-0034/P07-0033** submitted by CEMO FAMILY PROPERTIES, LLC (Agent: RSC Engineering) to rezone from Two-acre Residential (R2A) to Commercial-Planned Development (C-PD); and create three parcels ranging in size from 1.43-acres to 4.27-acres. The property,

identified by Assessor's Parcel Number 124-300-98, consisting of 8.10 acres, is located on the south side of Green Valley Road at the intersection with Sophia Parkway in the El Dorado Hills area, Supervisorial District I. (Negative Declaration prepared)

Jonathan Fong presented this item to the Commission with a recommendation of approval to the Board of Supervisors. He informed the Commission that the 1st page of the Staff Report had listed the acreage for the requested three parcels was a previous iteration of the parcel map as shown in Exhibit I. The correct requested acres, 2.12 acres to 3.59 acres, is listed accurately in the rest of the Staff Report. Mr. Fong distributed a memo dated November 12, 2008 to the Commission providing revised DOT conditions and requested that they be included.

Richard Chavez of RSC Engineering, applicant's agent, was available for any questions.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MACHADO, AND UNANIMOUSLY CARRIED (5-0), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. ADOPT THE NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND 2. APPROVE REZONE Z07-0034 AND TENTATIVE PARCEL MAP P07-0033, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, TO INCLUDE THE DEPARTMENT OF TRANSPORTATION'S REVISED CONDITIONS AS IDENTIFIED IN THE MEMORANDUM DATED NOVEMBER 12, 2008.

Findings

1.0 CEQA FINDINGS

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. 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 proposed project would not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with the General Plan.

The proposed Rezone from Residential Two-Acre (R2A) to Commercial- Planned Development (C-PD) will bring the parcel zoning into conformance with the Commercial (C) General Plan Land Use Designation.

No development is proposed as part of the application. All future development will be reviewed through the Planned Development application process will review potential impacts and ensure compliance with applicable General Plan policies.

3.0 ZONING FINDINGS

3.1 The proposed project is consistent with the Zoning Ordinance.

The proposed Rezone will bring the parcel zoning into conformance with the General Plan. The proposed Parcel Map will create three parcels which meet the minimum lot size requirement of the C Zone District.

All future development of the site will be approved through the Planned Development application process which will require conformance with the Development Standards of the C Zone District and subject to the required Planned Development Findings of Approval.

4.0 TENTATIVE PARCEL MAP FINDINGS

4.1 That the proposed map is consistent with the applicable general and specific plans;

The proposed Parcel Map will create three parcels suitable for development consistent with the Commercial Land Use Designation.

4.2 That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans;

The proposed parcel sizes will be consistent within the C land use designation and comply with the Development Standards of the C Zone District. Future development of the site will be reviewed through the Planned Development which will evaluate the future improvements for consistency with applicable policies of the General Plan.

4.3 That the site is physically suitable for the type of development;

No development will occur as part of the project. All future development will be reviewed through the Planned Development process to ensure the proposed uses are consistent within the C Zone District and compatible within the project area.

4.4 That the site is physically suitable for the proposed density of development;

No development will occur as part of the project. The proposed parcels sizes will conform to the C Zone District Development Standards. All future development will be reviewed through the Planned Development process to ensure proposed densities will be suitable on the site.

- 4.5 **That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;**

No improvements will occur as part of the project. All future development will be reviewed through the Planned Development process which will analyze potential environmental impacts as a result of development. Any potential impacts will require conditions of approval or mitigation measures

- 4.6 **That the design of the subdivision or the type of improvements is not likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;**

The project will create three commercially-zoned parcels. No development will occur as part of this application. All future development will be reviewed through the Planned Development process. Prior to approval of any Development Plan, the project will be required to demonstrate that the proposed development will not result in public, health, and safety risks.

- 4.7 **That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §6, 1988: prior code §9348)**

The project will be required to perform road improvements along the project frontage on Green Valley Road and Sophia Parkway. The required road improvements will be consistent with the County Design Manual. No development is proposed as part of the project. All future development will be reviewed through the Planned Development process to ensure that adequate circulation will be provided through project site.

Conditions of Approval

Project Description:

1. This Parcel Map and Zone Change are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated September 25, 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 a three lot Parcel Map and Rezone. The Rezone would change the parcel from Two-Acre Residential (R2A) to Commercial- Planned Development (C-PD). The parcel sizes are as follows: Parcel 1- 2.39-acres, Parcel 2- 2.12-acres, Parcel 3- 3.59 acres. Each parcel would be served by EID public water wastewater services.

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.

Planning Services:

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Parcel Map.
3. All Development Services fees shall be paid prior to filing of the Parcel Map. Planning Services shall verify payment of all fees prior to the filing the Parcel Map.
4. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
5. 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.

6. Prior to any filing the parcel map, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
7. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

Department of Transportation:

Project Specific Conditions:

8. The applicant shall construct frontage improvements on Green Valley Road along the entire on-site portion of Parcel 1 which shall include the following:
 - Lengthening the existing right turn pocket and taper to the required geometrics for access to this site.
 - Extending the Class 2 bike lane from the west to the Sophia Parkway intersection. To accommodate the Class 2 bike lane, the existing right turn pocket shall be re-stripped to a width of 12 feet, with the Class 2 bike lane being placed between the number 2 through lane and the right turn pocket. The number 2 through lane shall be re-stripped to a width of 11 feet.
 - ~~Place a 4 foot wide paved shoulder.~~
 - Place a Type 2 vertical curb and gutter and a six (6) foot wide sidewalk per the Design and Improvement Standards Manual (DISM), Standard Plan 104 and 110.

The signing and striping for these roadway improvements shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The existing pavement surface along Green Valley Road is a 1 inch pavement overlay of an open graded friction course (OGFC) as specified in the Caltrans Standard Specification and Standard Special Provisions. All additional pavement widening required for this project shall be constructed to this OGFC specification or reasonable alternative as approved by the DOT. The applicant shall provide any additional right of way/slope easements for said improvements, as required by the DOT. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.

9. ~~The applicant shall obtain an encroachment permit from DOT and shall construct said encroachments onto Green Valley Road and Sophia Parkway per DISM, Standard Plan 103G (modified). Both of these encroachments shall be designed as right in/ right out traffic movements only. The design for the Green Valley Road encroachment shall include a raised traffic island with curbing and striping to prevent left turn movements at~~

- ~~this intersection. The signing and striping for the Green Valley Road encroachment access shall be designed and constructed per the latest version of the MUTCD and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.~~
- ~~10.9.~~ In lieu of placing right turn pocket channelization and acceleration/deceleration lanes at the Sophia Parkway encroachment access, the applicant shall restripe both directions of Sophia Parkway to include 2 through lanes in each direction and a Class 2 Bike lane, from the intersection of Green Valley Road to the Elmores Way intersection. This required signing and striping shall be designed and placed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.
- ~~11.~~ All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
- ~~12.10.~~ The applicant shall enter into a road improvement agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The executed agreement and subsequent improvements shall be 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 map.~~ issuance of a building permit.
- ~~13.11.~~ The applicant shall irrevocably offer to dedicate, in fee, any additional right of way ~~and slope easements~~ as required for the approved improvements along the entire project frontage of Green Valley Road and Sophia Parkway, prior to the recordation of the map. This offer will be accepted by the County.
- ~~14.~~ ~~Prior to recordation of the map, the applicant shall record a vehicular access restriction along the entire frontage of Green Valley Road and Sophia Parkway for Parcel 1, excluding the locations of the approved access encroachments.~~
- ~~15.12.~~ A commercial grading permit is required for on-site improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Development Services Department for review and approval. On-site detention and storm water treatment is required for this site. 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 and grading shall be substantially completed, to the approval of the Development Services Department, prior to ~~occupancy.~~ issuance of a building permit.

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bdgdept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

TO: Alan Tolhurst, Chairman of the Planning Commission

FROM: Jonathan Fong, Planning Services

DATE: November 12, 2008

RE: Cemo Family Properties, LLC Parcel Map. Z07-0034/ P07-0033.
Revised Department of Transportation Conditions

Recommendation: Planning Services staff recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Recommend approval of Z07-0034/ P07-0033 subject to the Conditions of Approval in Attachment 1 and the revised conditions in the memorandum dated November 12, 2008 and based on the Findings of Approval in Attachment 2.

Discussion: Based on review of the project conditions by DOT and the project engineer, the DOT conditions would be revised. No development is proposed in conjunction with the project. Therefore, the timing of conditions has been modified to require improvements to be completed prior to issuance of any building permits.

The revised conditions would be as follows:

Deleted items have been shown as ~~strike through items~~ and additions have been shown as underline items.

Department of Transportation:

Project Specific Conditions:

8. The applicant shall construct frontage improvements on Green Valley Road along the entire on-site portion of Parcel 1 which shall include the following:

- Lengthening the existing right turn pocket and taper to the required geometrics for access to this site.
- Extending the Class 2 bike lane from the west to the Sophia Parkway intersection. To accommodate the Class 2 bike lane, the existing right turn pocket shall be re-striped to a width of 12 feet, with the Class 2 bike lane being placed between the number 2 through lane and the right turn pocket. The number 2 through lane shall be re-striped to a width of 11 feet.
- ~~Place a 4-foot wide paved shoulder.~~
- Place a Type 2 vertical curb and gutter and a six (6) foot wide sidewalk per the Design and Improvement Standards Manual (DISM), Standard Plan 104 and 110.

The signing and striping for these roadway improvements shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The existing pavement surface along Green Valley Road is a 1 inch pavement overlay of an open graded friction course (OGFC) as specified in the Caltrans Standard Specification and Standard Special Provisions. All additional pavement widening required for this project shall be constructed to this OGFC specification or reasonable alternative as approved by the DOT. The applicant shall provide any additional right of way/slope easements for said improvements, as required by the DOT. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.

9. ~~The applicant shall obtain an encroachment permit from DOT and shall construct said encroachments onto Green Valley Road and Sophia Parkway per DISM, Standard Plan 103G (modified). Both of these encroachments shall be designed as right in/ right out traffic movements only. The design for the Green Valley Road encroachment shall include a raised traffic island with curbing and striping to prevent left turn movements at this intersection. The signing and striping for the Green Valley Road encroachment access shall be designed and constructed per the latest version of the MUTCD and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.~~
- 10.9. In lieu of placing right turn pocket channelization and acceleration/deceleration lanes at the Sophia Parkway encroachment access, the applicant shall restripe both directions of Sophia Parkway to include 2 through lanes in each direction and a Class 2 Bike lane, from the intersection of Green Valley Road to the Elmores Way intersection. This required signing and striping shall be designed and placed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.
11. ~~All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.~~

- ~~12.10.~~ The applicant shall enter into a road improvement agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The executed agreement and subsequent improvements shall be completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the ~~recording of the map.~~ issuance of a building permit.
- ~~13.11.~~ The applicant shall irrevocably offer to dedicate, in fee, any additional right of way and ~~slope easements~~ as required for the approved improvements along the entire project frontage of Green Valley Road and Sophia Parkway, prior to the recording of the map. This offer will be accepted by the County.
- ~~14.~~ ~~Prior to recording of the map, the applicant shall record a vehicular access restriction along the entire frontage of Green Valley Road and Sophia Parkway for Parcel 1, excluding the locations of the approved access encroachments.~~
- ~~15.12.~~ A commercial grading permit is required for on-site improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Development Services Department for review and approval. On-site detention and storm water treatment is required for this site. 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 and grading shall be substantially completed, to the approval of the Development Services Department, prior to ~~occupancy.~~ issuance of a building permit.

Standard Conditions

- ~~16.13.~~ 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.
- ~~17.14.~~ 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.
- ~~18.15.~~ 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.

- ~~19.16.~~ Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
- ~~20.~~ ~~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).~~
- ~~21.17.~~ 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. 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.
- ~~22.18.~~ 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.
- ~~23.19.~~ 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.
- ~~24.20.~~ Construction activities shall be conducted in accordance with the County noise regulation or 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 federal holidays.
- ~~25.21.~~ 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 final map~~ issuance of a building permit.
- ~~26.22.~~ The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to ~~filing the final map~~ issuance of a building permit.
- ~~27.23.~~ Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
- ~~28.24.~~ 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.

29.25. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**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,

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.