

## **ATTACHMENT 1**

### **CONDITIONS OF APPROVAL**

#### **Parcel Map P07-0014-A/45 Guadalupe Board of Supervisors/November 15, 2010**

##### **Planning Services**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, staff report, hearing Exhibit E 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:

Tentative Parcel Map to create two parcels, each to be 1acre in size, created from Assessor's Parcel Number 110-460-63. The two proposed parcels shall be served by public water and sewer. The project shall utilize Guadalupe Drive as the primary access.

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

2. **Archeological Resources:** 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. **Park-in-Lieu Fees:** The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance

with Section 16.12.090 of the County Code. Planning Services shall verify that the required fees have been paid prior to the filing of the Parcel Map.

4. **Development Services Processing Fees:** The applicant shall make the actual and full payment of all Development Services processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
5. **Permit Time Limits:** This Tentative Parcel Map shall expire within 36 months from the date of approval unless a timely extension has been filed.
6. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
7. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays.
8. **Oak Woodland:** Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, as amended.
9. **Hold Harmless:** 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.

#### **El Dorado County Department of Transportation**

10. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County

- Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
11. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
  12. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
  13. **Common Fence/Wall 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).
  14. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
  15. **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 map.
  16. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, 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 drainage 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 the filing of the Parcel Map.

17. **Drainage Easements:** Pursuant to Section 4.D of the County Design Improvements Standards Manual, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and/or on the map.
18. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit application is deemed complete.

#### **El Dorado Hills Fire Department**

- ~~19. **Gate Installation Requirements:** The El Dorado Hills Fire Department has reviewed the submittal for an automatic fire egress gate in reference to the proposed parcel split. Upon completion of the following conditions, the gate shall meet the Fire Department's requirement for a second egress:~~
  - ~~a. Entrance roads (at the gate) shall have a minimum unobstructed width of fifteen (15) feet each lane if divided or twenty (20) feet total width if not divided. In all cases, unobstructed vertical clearance shall not be less than thirteen (13) feet six (6) inches.~~
  - ~~b. All automatic gates shall be equipped with a "Knox" emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements. This will be required on both sides of the gate.~~
  - ~~c. All automatic gates shall also be equipped with both 3M Opticom or a comparable control device. The device shall be placed in a location allowing operation from seventy five (75) feet away. This must have two receivers to be operated from both Jefferson Place and south bound Guadalupe.~~
  - ~~d. All automatic gates shall be equipped with a linear receiver device to allow remote activation by emergency vehicles. The device shall be programmed to operate with the Fire Department's current transmitters and be approved by the Fire Department.~~
  - ~~e. Automatic gates shall be equipped with a mechanical release.~~
  - ~~f. A loop system located on Jefferson Place shall keep the gate open as long as vehicular traffic is passing through it or stopped between the gates. The Fire Department will accept electric eye sensors in place of the loop system. The eyes must be firmly secured and protected. In addition, a pressure sensor will be left to the builder's discretion.~~
  - ~~g. All automatic gates shall be designed to automatically open and remain in a fully opened position during power failures.~~

- ~~h. All vehicle access control devices or systems must reach the fully open position within a total time not to exceed one second for each foot total width.~~
  - ~~i. The receiving devices for Fire Department garage door openers shall be installed so the signal from the transmitter will open the gate approximately 75 feet from the gate location.~~
  - ~~j. An emergency exit button must be installed on the Guadalupe side of the gate. The purpose of the exit button is to allow access through the gate in case of an emergency. The exit button must be obvious in nature and with signage indicating for emergency use only.~~
  - ~~k. In order to ensure that the gate/access control devices are properly maintained, a copy of the maintenance contract for the control device or system is required to be supplied to the El Dorado Hills Fire Department. This maintenance contract shall include a monthly testing of the control devices, an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gates shall be locked in the open position and remain locked in the open position until such time as the maintenance contract is restored.~~
  - ~~l. Prohibited Devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes, are prohibited. No device may be used which will delay the ingress or egress of emergency responders. The total number of vehicle access control gates or systems, through which emergency equipment must pass to reach any address, shall not exceed one.~~
- ~~20. **Plan Submittal:** Plans for the installation of automatic gates on fire apparatus shall be submitted to the El Dorado Hills Fire Department for approval prior to installation. The number of plans required to be submitted shall be determined by the Department.~~
- ~~21. **Testing and Acceptance:** Gates and access control equipment shall not be placed into service prior to being inspected and tested by this agency.~~

#### **El Dorado County Surveyor's Office**

22. **Survey Monuments:** All survey monuments shall be set prior to filing the Parcel Map.

23. **Parcel Map Guarantee:** The property owner shall 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) with the legal right to improve that access as required by the County Design Manual.
24. **Conditions of Approval:** 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 P07-0045 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor’s and copied to the consultant and the applicant.

#### **Air Quality Management District**

25. **District Rule 223 and 223-1:** The applicant shall adhere to all district rules during project construction, as specified by the District prior to issuance of any permits associated with the project.
26. **Fugitive Dust Plan:** The applicant shall submit and pay appropriate fees for a Fugitive Dust Mitigation Plan. The District shall review and approve the Plan prior to issuance of a grading permit.

#### **Board of Supervisors**

27. Applicant shall make all necessary repairs to Guadalupe Drive damaged by applicant in development of this property.
28. The driveway for access to Lot 1 shall be placed at the southern portion of the lot.
29. The applicant shall employ structural wall construction for single-family residences and other modern construction practices to minimize grading and erosion of the hillside to meet General Plan Objective 7.1.2.

**P07-0014-A/45 Guadalupe – As approved by the Board of Supervisors on November 15, 2010**

**Findings for Approval**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits residential uses on parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is found to meet the objective of General Plan Policy 7.1.2.1 (Development of slopes exceeding 30 percent) in that although the project provides limited land area with slopes under 30 percent to accommodate anticipated development; the General Plan states that “no single component (map, goal, objective, policy, or map) can stand alone in the review and evaluation of a development project”. Further, this project is located within the Community Region where growth is encouraged; the project is served by public water and sewer; the project is adequately served by fire protection services; and the project is considered an infill development benefiting the region. A condition of approval was added to require employment of structural retaining walls and utilization of best management practices regarding grading and erosion control on hillsides.

**3.0 ZONING FINDINGS**

- 3.1 The project would comply with the minimum lot size requirement for the One-Acre Residential (R1A) zone district.

**4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Parcel Map**

- 4.1.1 *The proposed tentative map, including design and improvements, would not be consistent with the General Plan.* The proposed tentative Parcel Map, including design and improvements is consistent with the General Plan. As proposed, the Parcel Map is found to comply with the applicable General Plan policies.
- 4.1.2 *The proposed tentative parcel map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.* The proposed 1 acre parcel sizes conform to the minimum parcel size of the R1A zone district.
- 4.1.3 *The site is physically suitable for the proposed type and density of development.* The project site is physically suitable for the proposed type and density of development, as the project has been designed and conditioned in a manner which reduces significant disturbances of slopes in excess of 30 percent and the proposed lots would be served by public water, sewer, and adequate fire protection services.
- 4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage.* The proposed Parcel Map is not likely to cause substantial environmental damage as determined in the prepared environmental document.



## ATTACHMENT 2

### DESIGN WAIVER FINDINGS

**Parcel Map P07-0014-A/45 Guadalupe  
Board of Supervisors/November 15, 2010**

#### **1.0 DESIGN WAIVER**

The following Design Waiver request is subject to specific findings in accordance with Section 16.08.020.A.2a-d of the El Dorado County Subdivision Ordinance. The request is followed by a response justifying the waiver.

#### **1.1 Maintain the existing roadway along the project frontage, reducing the required width from 28 feet to a pavement width of 18 feet.**

A. *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The proposed modified road right-of-way would serve a private residential development. These improvements would sufficiently accommodate the anticipated vehicular and pedestrian traffic and on-site utilities necessary to serve the development. The proposed road standard is consistent with the existing road way improvements north and south of the project site and the road improvements within the area. Additional right of way improvements would encourage extensive grading work, relocation of utilities and existing infrastructure, increasing tree removal and would decrease effective lot areas.

B. *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Application of the standard street right-of-way and related improvements would require additional disturbance to the site, thereby posing an encumbrance to the design and functionality of the development. Wider road right-of-ways are not necessary in this particular case of a 2 parcel split (less than 150 ADT and no possible further subdivision).

C. *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The modified right-of-way would adequately serve the residential development. The improvements shall be constructed in accordance to standards of the DISM, subject to improvement and other construction plans. Implementation of project

Conditions of Approval shall be verified during review and prior to issuance of construction permits. Therefore, the proposed deviation has been determined not to be detrimental to health, safety, and welfare of the public.

*D. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.*

The modified standards would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this standard would affect streets serving the residential development. These facilities shall be privately owned and maintained by a road maintenance association. Other applicable improvement standards shall be enforced and verified during review of construction plans.