

# FINDINGS AND CONDITIONS OF APPROVAL

~~March 7, 2007 April 18, 2007~~

Approved at May 2, 2007 Zoning Administrator Hearing  
File Number COC 06-0054 / Mant

## CONDITIONS OF APPROVAL

### El Dorado County Planning Services

1. This certificate of compliance is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit E (Site Plan) dated June 16, 2006, Conditions of Approval, 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 applicant is requesting a certificate of compliance for the parcel identified by Assessor's Parcel Number: 317-040-01.

~~Two Design Waivers have been requested for the following:~~

- ~~a. To limit the offsite road improvements to the new access from Gold Strike Drive to the northern portion of the parcel;~~
- ~~b. The waive the improvement requirement of the encroachment of Gold Strike Drive onto Gold Hill Road.~~

No development is proposed in conjunction with this certificate of compliance. However, issuance of a certificate of compliance will acknowledge the County's acceptance of the parcel as legally created in accordance with the Subdivision Map Act and the County Subdivision Ordinance. Any subsequent development will be required to demonstrate compliance with the development standards of the Residential Estate Five-acre Zone District.

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. Prior to the recording of a clear certificate of compliance, a \$150.00 fee shall be paid to the El Dorado County Airports, Parks, and Grounds Division pursuant to *Section 16.12.090 (C) (3)* of the El Dorado County Subdivisions Ordinance.

4. The applicant shall provide a letter issued from a title company showing proof of access to a State or County Maintained Road as defined in *Section 16.44.120(B)(2)* with the legal right to improve that access as required by the County Design Manual. Planning Services will review and approve the access prior to issuance of a clear certificate of compliance.

### **Department of Transportation**

5. The applicant shall improve all off-site access roadways from the project parcel to Gold Hill Road. The improvements shall conform to *Standard Plan 101C* providing for a 24 ~~18~~ foot wide gravel surface, with two foot shoulders. The improvements shall be in place and approved by Department of Transportation prior to issuance of a clear certificate of compliance. If the applicant's access to this site will result in a dead end road exceeding 2,640 ft , then the Design and Improvement Standards Manual [Section 3 A) 9) & 12)] requires a secondary access to this site. The primary and secondary accesses shall meet the requirements of El Dorado County Standard Plan 101C as required in Section 3 A) 2) c) ii, of the Design and Improvement Standards Manual. 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 issuance of a clear certificate of compliance.
6. The applicant shall install signage as necessary. Said signage shall include stop signs at the intersection of Gold Hill Road and Gold Strike Drive. The applicant shall install street name signs at the intersection of Gold Hill Road and Gold Strike Drive. A "Not a County Maintained Road" sign shall be installed at the intersection of Gold Hill Road and Gold Strike Drive. All signage shall conform to *Standard Plan 105B*. All signage shall be installed and approved by Department of Transportation prior to issuance of a clear certificate of compliance.
7. The applicant shall obtain an encroachment permit and improve the Gold Strike Drive driveway connection to Gold Hill Road to *Standard Plan ~~102C~~ 103C*. The improvements shall be in place and approved by Department of Transportation prior to issuance of a clear certificate of compliance.
8. The applicant 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 Subdivision Ordinance prior to issuance of a clear certificate of compliance.
- ~~9. The applicant shall join and/ or form an entity, satisfactory to the County, to maintain all roads not maintained by the County from the project parcel to a State or County maintained road. The maintenance entity shall be reviewed and approved by Department of Transportation prior to issuance of a clear certificate of compliance.~~
- ~~10.~~ 9. The applicant shall submit a site improvement/ grading plan prepared by a professional engineer. 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, and the Off-Street Parking and Loading Ordinance* and the State of California *Handicapped Accessibility Standards*. The improvements shall be substantially

completed and approved by Department of Transportation prior to issuance of a clear certificate of compliance.

- 11.10. The applicant shall provide a soils report at the time of site improvement/grading plan application. The report shall address 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. The report shall be reviewed and approved prior to issuance of a grading permit.
- 12.11. Any import or export to be deposited within El Dorado County shall require an additional grading permit for the off-site grading. DOT shall review and approve the grading permit prior to commencement of any work.
- 13.12. The applicant shall provide a drainage report at the time of site improvement/grading plan application. The report shall be consistent with the *Drainage Manual and Storm Water Management Plan*. The report shall be reviewed and approved by Department of Transportation prior to issuance of a grading permit.
- 14.13. Upon completion of the required improvements, and prior to acceptance of the improvements by the County, the applicant will submit a compact disk to Department of Transportation with the approved drainage and geotechnical reports in .PDF format and the approved record drawings in .TIF format.
- ~~14. The applicant shall pay the traffic impact fees in effect at the time a building permit is issued.~~
- ~~15.14. 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.~~
- ~~16.15. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and to provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:~~

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

### **El Dorado County Fire Protection District**

~~15-17-16.~~ The applicant shall pay the site plan review fee of \$120.00 to the Fire District prior to commencement of any work performed.

~~16-18-17.~~ The required fire flow for this project is 1,000 gpm at 20 psi for two hours.

~~17-19-18.~~ The applicant shall install an additional fire hydrant on Gold Strike Drive within 500 feet of the parcel. The fire hydrant shall be installed and approved by the Fire District prior to issuance of a clear certificate of compliance.

~~18-20-19.~~ The applicant shall obtain documentation from the El Dorado Irrigation and the Fire District to show that the fire system will meet the required fire flow. The documentation must be submitted to the Fire District prior to issuance of a clear certificate of compliance.

~~19-21-20.~~ In lieu of a fire hydrant, the applicant may install a Fire District approved NFPA 13 D residential sprinkler system with 3,000 gallons of water storage. The sprinkler system and water storage shall be reviewed and approved by the fire district prior to building permit issuance.

~~20-22-21.~~ The applicant shall record a deed restriction on the parcel. The restriction shall require installation of a fire hydrant or residential sprinkler system and water storage prior to construction of any structures on the parcel. The deed restriction shall be recorded and submitted to Planning Service prior to issuance of clear certificate of compliance.

~~21-23-22.~~ Any gates not shown on the site plan will require Fire District approval.

### **Air Quality Management District**

~~22-24-23.~~ The applicant shall make applications and pay the appropriate fees for a Fugitive Dust Plan. The District shall review and approve the Plan prior to commencement of any construction.

~~23-25-24.~~ The applicant shall comply with all District air quality rules during project construction.

## FINDINGS

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### FINDINGS OF APPROVAL

#### 1.0 CEQA FINDING

- 1.1 The Zoning Administrator has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The proposed project will not have a significant effect on the environment, based on the analysis contained in the initial study and a negative declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. ~~Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.~~ In accordance with State Legislation (California Department of Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.00 after approval, but prior to the County filing the Notice of Determination on the project.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based 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 El Dorado County General Plan

The requested COC is consistent with the applicable policies in the 2004 El Dorado County General Plan because issuance of the certificate of compliance will allow development consistent within the Rural Residential land use designation.

#### 3.0 Administrative Findings

##### 3.1 The project is consistent with the El Dorado County Zoning Ordinance

The project parcel is located within the Estate Residential Five-acre (RE-5) Zone District. Due to the substandard parcel size, issuance of the certificate of compliance will recognize the parcel as legal non-conforming. The parcel is consistent with the development standards of the Single-family Two-acre Residential (R2A) Zone District.

### DESIGN WAIVER FINDINGS FOR DENIAL

The requested design waivers would not be consistent with the requirements of the Design and Improvement Standards Manual (DISM) and Firesafe regulations, which require the conditioned improvements as part of a discretionary application. Subsequently, Planning Services staff has recommended denial of the design waivers based on the inconsistency with the Design Manual and Firesafe regulations.