

P08-0035 – As approved by the Zoning Administrator on August 19, 2009

CONDITIONS OF APPROVAL

Project Description

1. This tentative parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-G, ~~dated August 05, 2009,~~ and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow the creation of four parcels ranging in size from 1.0 to 2.0 acres on a 5.21-acre site. All four parcels will be served by domestic water service meters and onsite septic wastewater systems. All four parcels will take access from Madrone Drive.

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. 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 filing of the parcel map filed until said fees are paid.
3. 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.
4. A meter award letter or similar document to provide water service to each parcel by the El Dorado Irrigation District shall be submitted to Planning Services for review and approval prior to filing the Parcel Map.
5. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing the parcel map.

6. The applicant shall make the actual and full payment of Development Services Department processing fees for the tentative parcel map application prior to filing the parcel map.
7. 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.
8. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

9. 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 subdivider 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 subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

El Dorado County Department of Transportation

Project Specific Conditions

10. **Access Improvements:** The applicant shall widen Madrone ~~Road~~ Drive from the northern project boundary line to Canyon Road to a 20ft wide roadway with ~~40~~ 2 ft shoulders on both sides (pursuant to DISM Sec.3.A.12.a) consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Design Standard Plan 101C with a minimum 2.5" AC on 6" AB and the CA Fire Code 2007. 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 the filing of the parcel map. ~~Pursuant to the DISM, the decision maker may reduce the shoulder width if there is a favorable recommendation by the responsible fire agency.~~

11. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Canyon Road, from the project boundary to Cedar Drive / Alder Drive, meets the requirements of El Dorado County Standard Plan 101C, with a minimum 2.5" AC on 6" AB a 20 foot roadway with ~~10~~ 2 ft shoulders on both sides (pursuant to DISM Sec.3.A.12.a), and CA Fire Code 2007. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows Canyon Road complies with the DISM and Fire Code. 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 the filing of the parcel map. Pursuant to the DISM, the decision maker may reduce the shoulder width if there is a favorable recommendation by the responsible fire agency. This condition shall not require the applicant to relocate utility poles, remove large trees, or relocate/remove existing obstacles encroaching into the roadway that are not otherwise easily movable.
- ~~12. **Secondary Access:** The nearest County roadway having two means of access for this site is Cedar Drive. The DISM [Section 3 A. 9. & 12] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site or an acceptable alternative. Both the primary and secondary off site accesses shall meet the requirements of El Dorado County Standard Plan 101C and Minimum Fire Code requirements of a 20 foot road width. These 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 the filing of the parcel map. The DISM allows the decision maker to waive this requirement if an "acceptable alternative" is provided. DOT would support waiving this requirement based on the preparation of an approved Fire Safe Plan and the project is within the allowed 1,320ft dead end road length per the Fire Safe Guides (Fire Safe Regs) for parcels 1 to 4.99 acres in size.~~
- 13.12. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, additional roadway for a total right-of-way of 50ft along the entire frontage of Madrone Drive as determined by EDC DOT, prior to the filing of the map. This offer will be accepted by the County.
- ~~14. **Roadway Slopes:** Pursuant to DISM Sec 3.B.9, roads above 3,000 ft elevation shall not exceed 10% slope and shall be paved with a minimum 2.5" AC on 6" AB for roads with ADTs less than 601.~~
- ~~15.~~ 13. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Madrone Drive onto Canyon Road to the provisions of County Design Std 103C. 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 the filing of the map. This condition shall not require the applicant to relocate utility poles, remove large trees, or relocate/remove existing obstacles encroaching into the roadway that are not otherwise easily movable.
- ~~16.~~ 14. **Turnaround:** The applicant shall provide a turn around at the end of the 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 the filing of the parcel map.

~~17.15.~~ **Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for required interceptor drains. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

~~18.16.~~ **Fill Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

~~19.17.~~ **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.

~~20.18.~~ **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. 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.

~~21.19.~~ **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Sienna Trail.

El Dorado County Department of Transportation

Standard Conditions

~~22.20.~~ **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

~~23.21.~~ **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 the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

~~24.22.~~ **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design

Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

~~25-~~23. **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.

~~26-~~24. **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 final map.

~~27-~~25. **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.

~~28-~~26. **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.

~~29-~~27. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, 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.

~~30-~~28. **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.

~~31-~~29. **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.

~~32.~~30.**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.

~~33.~~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.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the map or the applicant shall obtain an approved improvement agreement with security.

~~34.~~32.**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 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 the filing of the map.

35.33. Drainage Easements: Pursuant to Section 4.D of the DISM, 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.

36.34. 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.

37.35. Off-site Improvements (Security): Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

38.36. Off-site Improvements (Acquisition): As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant 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 applicant’s expense and within 120 days of filing the map, acquire by negotiation or commence 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 parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and 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% 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 certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

~~39.~~37. **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.

~~40.~~38. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

California Department of Forestry and Fire Protection (CalFire)

~~41.~~39. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

El Dorado County Fire Protection District

~~42.~~40. A review fee of \$120.00 shall be submitted prior to filing of the parcel map.

~~43.~~41. Fire flow for this project is 1,000 gallons per minute at 20 psi for two hours. Documentation from EID (FIL) that the water system will meet fire flow shall be submitted prior to filing of the parcel map; or

~~44.~~ In place of fire flow the applicant may use a NFPA 13d home sprinkler system in all structures built on each parcel. This will appear in the form of a deed restriction that shall be recorded prior to filing of the parcel map.

~~45.~~42. The turn-a-round as shown on the parcel map shall be improved to Fire District and DOT standard prior to filing of the parcel map.

County of El Dorado Office of County Surveyor

~~46.~~43. All survey monuments must be set prior to filing the Parcel Map.

~~47.~~44. 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 P08-0035 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

FINDINGS

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the High Density Residential (HDR). This land use designation identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. Standard residential subdivisions shall maintain a density range from one to two dwelling units per acre. The proposed 1.0 to 2.0-acre parcels conform to the General Plan land use designation because of the parcel sizes and the location within the Camino-Pollock Pines Community Region.
- 2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of General Plan Policies 2.1.2.1 (Community Region boundaries), 2.1.2.2 (Community Region definition), 2.2.2.3 (Community Region purpose), 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 5.1.2.1 (adequate utilities), 5.7.1.1 (adequate emergency water and related facilities), and 6.2.3.2 (adequate access). Because of the review for General Plan consistency, minimal impacts to visual qualities, noise, traffic, and on existing emergency response capabilities will occur. The project is found to be compatible with the local community. It has been reviewed and conditioned by the El Dorado County Fire Protection District, Department of Transportation, County Surveyor, and Cal Fire noting there are adequate available utilities such as water, power, and sewage disposal facilities. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards of the One-Half Acre Residential (R20K) zone district because the proposed 1.0 to 2.0-acre lots would conform to the zoning and the development standards in Section 17.28.390 for minimum lot width of 100 feet, minimum parcel size of twenty thousand square feet, building setback requirements of 30 feet within front yard

parcel boundaries and road easements, 10 feet side yards, and 30 feet rear yard setbacks. The proposed parcels have been shown to have adequate room to satisfy the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 Tentative Parcel Map Findings

4.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance.

The proposed parcels are of adequate size for the One-Half Acre Residential (R20K) zone district. There is adequate emergency and standard vehicular access provided, and public facilities and existing utilities to support the residential uses. DOT, El Dorado County Fire Protection District, and Cal Fire have stated support of the project upon fulfillment of the Conditions of Approval and the approved Wildfire Fire Safe Plan.

4.2 The site is physically suitable for the proposed type and density of development.

The parcels have existing facilities and utilities to support the residential uses on site or are conditioned to provide them prior to filing the parcel map.

4.3 The proposed tentative map is not likely to cause substantial environmental damage.

The access roadways to all parcels will require minor modifications to the existing roadway including surfacing and width improvements. The impacts from all other potential impacts have been analyzed in the Initial Study and have been found to be less than significant.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Reduce the on-site improvement requirements to Madrone Drive from Standard Plan 101B to Standard Plan 101C.

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

The lots adjacent to the project parcel's access road, Madrone Drive, were created by the Sierra Pines Subdivision in 1936 and many parcels were improved prior to current development guidelines. Given the low ADT's and existing improvements and obstacles to widening, El Dorado County Department of Transportation is supportive of the waiver.

5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and infringement upon existing neighboring structures and natural features.

- 5.1.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

Permitting Madrone Drive to be improved to Standard Plan 101C would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The project has been conditioned to include roadway widening to meet DISM and California Fire Code requirements.

- 5.1.4 *This waiver(s) 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.*

The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances. The granting of the design waiver will create parcels that will be consistent with the Development Standards of the R20K zone district and applicable policies of Chapter 16 and 17 of the County Code.

5.2 Reduce the off-site improvement requirements to Canyon Road from Standard Plan 101B to Standard Plan 101C.

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

The lots adjacent to the project parcel's access road, Canyon Road, were created by the Sierra Pines Subdivision in 1936 and many parcels were improved prior to current development guidelines. Given the low ADT's and existing improvements and obstacles to widening, DOT is supportive of the waiver. The proposed Design Waiver allows the creation of four parcels consistent with the minimum lot size requirements and development standards of the underlying zoning district, (R20K), and consistent with the General Plan Designation of High Density Residential.

- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and infringement upon existing neighboring structures and natural features.

- 5.2.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public as determined by DOT, El Dorado County Fire Protection District, and Cal Fire

- 5.2.4 *This waiver(s) 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.*

The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances. The granting of the design waiver will create parcels that will be consistent with the Development Standards of the R20K zone district and applicable policies of Chapter 16 and 17 of the County Code.

5.3 Reduce the off-site encroachment improvement requirements from Standard Plan 103D to Standard Plan 103C for the encroachment of Madrone Drive onto Canyon Road.

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

The design waiver request was reviewed by DOT, El Dorado County Fire Protection District, nor Cal Fire with out any objection. Given the extremely low ADT's, grade changes, and existing objects, the County is supportive of this design waiver request. Approval would permit approval of the creation of four parcels consistent with both the General Plan and Zoning Ordinance with minimal environmental effects.

- 5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from an unnecessarily sized encroachment, pursuant to DOT, El Dorado County Fire Protection District, and Cal Fire review and determinations.

- 5.3.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The allowance for the proposed encroachment standard will not result in a situation that would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The required roadway would be sufficient to meet fire safe standards for access and has been reviewed and conditionally approved by the El Dorado County Fire Protection District, Cal Fire, and the Department of Transportation.

- 5.3.4 *This waiver(s) 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.*

The requested Design Waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances. The granting of the design waiver will create parcels that will be consistent with the Development Standards of the R20K zone district and applicable policies of Chapter 16 and 17 of the County Code.