

FROM THE MINUTES OF DECEMBER 13, 2007

8. REZONES/PLANNED DEVELOPMENTS/TENTATIVE MAPS (Public Hearing)

b. **Z06-0045/P06-0046** submitted by MARK and NATALIE PATTERSON to rezone property from Estate Residential Five-acre (RE-5) to Single-family One-acre residential (R1A), and tentative parcel map creating four parcels ranging in size from one to two acres. A design waiver has been requested to allow driveway access to both parcels 2 and 3 without frontage on a public street. The property, identified by Assessor's Parcel Number 070-180-20, consisting of five acres, is located on the north side of Meder Road, 150 feet west of the intersection with Rosebud Drive, in the **Shingle Springs area**, Supervisorial District IV. (Negative declaration prepared)

Staff: Michael Baron recommended approval to the Board of Supervisors. Letters have been received regarding the widening of Joy Lane. Mr. Baron recommended modification of Conditions 7 through 14.

Nicole Young, Lebeck Engineering, asked that Condition 9 reflect one foot shoulders. Joy Lane has two telephone poles, and they would like Condition 9 to accommodate the two poles so they do not have to be relocated.

Pam Wilson, resident on Joy Lane, is concerned because she was under the belief the road was a dead end road. She does not know how the Department of Transportation can make them widen the road. Eileen Crawford, Department of Transportation, said the road is a public road and utility easement. They would support the one foot shoulders. Everyone has to meet Fire Safe Standards. The 18 foot road is to Fire Safe Standards in order to get a truck in and a car out.

Barbara Booth, owner of the parcel directly east of the subject parcel, is not against splitting the parcel but is against the County requirements to widen the road. They pay to maintain the road. According to EID, the water line will have to be moved. The cost is beyond belief. Why not use Meder Road? Could there be a cul-de-sac? Joy Lane is a private road.

John Fleishman, resident on Sierrama Road, is in favor of the request and widening the road. The end of Joy Lane should be closed off. He would question what other alternatives have been evaluated for Joy Lane.

Lisa Junell is not opposed to the rezone and division but would like to look at other alternatives for Joy Lane.

Mark Patterson said they looked at other alternatives. They considered access on Meder, but the Department of Transportation said no. They are going to improve Joy Lane, but there would be an additional three houses to help pay for the upkeep of that road. Mrs. Crawford stated Condition 7 requires the new homeowners join a road entity.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0045 REZONING ASSESSOR'S PARCEL NUMBER 070-180-20 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO SINGLE-FAMILY ONE-ACRE RESIDENTIAL (R1A), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0046, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

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 Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project. No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.2** 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 Finding

2.1 The proposed parcel map conforms to the El Dorado County General Plan;

The project site is designated as Medium Density Residential (MDR). The parcel map would create parcels which are consistent with the density requirements and minimum parcel size requirements within the MDR land use designation.

3.0 Zoning Finding

3.1 The parcel map conforms to the El Dorado County Zoning Ordinance;

The project site is zoned One-Acre Residential (R1A). The parcel map would create parcels which would be consistent with the minimum parcel size requirements and the development standards of the R1A zone district.

4.0 Tentative Map Findings

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

The proposed rezone from Estate Residential 5-acre (RE-5) to Single-family 1-acre Residential (R1A) is consistent with the General Plan which designates the parcel as

Medium Density Residential (MDR) which allows for the proposed parcel sizes. The proposed R1A zoning is consistent within the Shingle Springs Community Region.

4.2 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;

The Department of Transportation and the El Dorado County Fire Protection District have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. Adequate public services exist that would be sufficient to serve the project. Based on percolation rate test, septic would also provide adequate service for each parcel.

The proposed parcels provide adequate area to meet the development standards of the R1A Zone District.

4.3 The site is physically suitable for the proposed type and density of development;

As determined through a Cultural Resource Study, Biological Survey, and analysis by staff the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the site.

4.4 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

The required site improvements would not cause significant impacts to the environment or wildlife. As determined by the analysis by staff and Biological Survey, the project would not result in significant environmental impacts.

5.0 Design Waiver Findings

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

Alternative access to proposed Parcels 2 and 3 from Joy Lane or Meder Road would involve introducing a twenty-four foot wide- road to parcel 2 and 3 which would allow unwanted public access, which is not desirable to the applicant. Requiring parcels 2 and 3 front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code would require construction of a twenty-four foot wide road from either Joy Lane or Meder Road. Allowing the creation of Parcels 2 and 3 using a driveway standard would reduce impacts to oak canopy unwanted public access and will only require an encroachment permit onto Joy Lane for parcel 3 and also an encroachment onto Meder Road for Parcel 2.

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

Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would introduce new public access and road improvements and removal of additional oak canopy for access to only two parcels.

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

Allowing parcels 2 and 3 to use a driveway standard for exclusive access across parcels 1 and 4 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

5.4 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 approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

Conditions

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (Tentative Parcel Map) dated April, 2007, 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 would constitute a violation of permit approval.

The project description is as follows:

A rezone of the property will allow approval of the parcel map to create three new lots. The parcel sizes are as follows: Parcels 1, 3, and 4 are proposed as 1 acre parcels and parcel 2 is proposed as a 2 acre parcel. The proposed parcels 3 and 4 would access private driveways from Joy Lane and parcels 1 and 2 would access private driveways off Meder Road.

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. 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.
3. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to the County Recorder processing the final map.
4. 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.
5. The applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
6. This tentative parcel map shall expire within 36 months from date of approval unless a time extension has been filed.

Department of Transportation

7. The applicant shall improve the property frontage along Meder Road to a total half width of 16 feet from the existing roadway centerline according to the El Dorado County Design and Improvement Standards Manual (DISM), Standard 101B (without curb and gutter and sidewalk). 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 ~~recording~~ filing of the parcel map.
8. The applicant shall improve the on-site access driveways along the eastern boundary of Parcel 1 & Parcel 4 for access to Parcel 2 & Parcel 3, respectfully, to a driveway width of 12 feet and according to the design criteria of DISM, Standard Plan 101C. The improvements shall be substantially complete, to the approval of the Department of

Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the ~~recording~~ filing of the parcel map.

9. The applicant shall improve Joy lane, from the project boundary to Sierrama Drive, to the provisions of the DISM Standard Plan 101C with an 18 foot road width with 2 1 foot shoulders on each side of the roadway with the exception of the locations where power poles exist, as required by Section 3A)2)c)ii, of the DISM. These off-site 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 ~~recording~~ filing of the parcel map.
10. The two central encroachments that serve this existing parcel off Meder Road are substandard and the applicant shall remove and block off these two access points, to the satisfaction of DOT. In addition, the applicant shall construct the driveway encroachment for the proposed driveway access to Lot #2 to Meder Road to the provisions of County Standard Plan 103B-1. An encroachment permit, as approved by DOT, shall be obtained by the applicant for these improvements. 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 ~~recording~~ filing of the parcel map.
11. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right-of-way for the on-site portion of Meder Road along the entire property frontage, prior to the ~~recording~~ filing of the map. This offer will be accepted by the County.
12. The applicant shall provide a 25 foot wide road and public utility easement as well as a vehicular access restriction for the proposed on-site driveways along the eastern boundary of parcel 1 & Parcel 4 for access to Parcel 2 & Parcel 3, respectfully, prior to the ~~recording~~ filing of the parcel map.
13. The applicant shall construct the driveway encroachment from Joy Lane onto Sierrama Drive to the provisions of County Standard Plan 103C. ~~In addition,~~ The applicant shall construct the driveway encroachment for the proposed driveway access to Parcel 3 to Joy lane to the provisions of County Standard Plan 103B-1. These off-site 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 ~~recording~~ filing of the parcel map.
14. 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 ~~recording~~ filing of the parcel map.
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 commence proceedings to acquire an interest in land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site 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 off-site 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 of-site improvements.
16. 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 filing the parcel map.
 17. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainage facilities not maintained by the County. All four parcels being created shall join the Sierrama Drive Road Association, Inc.
 18. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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 shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.
 19. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, 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.
 20. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
 21. 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.

22. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format
23. The applicant shall pay the traffic impact fees in effect at the time a building permit application is deemed complete.

El Dorado County Fire

24. Applicant shall submit plan review fee of \$120.00 to the El Dorado County Fire Protection District, prior to recording the parcel map.
25. Fire flow for the proposed parcel map shall be 1000 gpm at 20 psi for two hours.
26. Hydrant locations, as shown on the parcel map shall be installed prior to recording the parcel map.
27. Applicant shall provide documentation from EID (FIL) and the Fire District to show that the system would meet the required fire flow for the project.
28. A CDF approved Fire Safe Plan shall be prepared for each parcel.
29. Any future gates not shown on plans shall require Fire District approval.

County Surveyors Office

30. All survey monuments shall be set prior to recording the parcel map.
31. A letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met, prior to recording the parcel map.