

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Board of Supervisors

FROM: Jason R. Hade, AICP, Senior Planner

DATE: January 29, 2010

RE: **P08-0006 / Ebright Parcel Map Application – Revised Conditions of Approval (Attachment 1) and Findings (Attachment 2)**

Background:

At the Board of Supervisor's meeting of January 26, 2010, the Board conceptually approved the subject application and directed staff to return to the Board of Supervisors on February 9, 2010 with revised conditions of approval and findings which are attached.

Recommendation:

Staff recommends the Board take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Uphold the appeal and approve P08-0006 subject to the revised conditions of approval in Attachment 1, based on the revised findings in Attachment 2.
3. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - (a) Permit proposed parcel 2B to exceed the depth to width lot ratio and have no street frontage; and (b) Permit Cascade Road and the unnamed access road to remain 12 to 14 feet wide rather than be improved to 20 feet wide as required by the *El Dorado County Design and Improvement Standards Manual*.

Attachments:

- (1) Revised Conditions of Approval
- (2) Revised Findings

REVISED ATTACHMENT 1 **CONDITIONS OF APPROVAL**

PARCEL MAP P08-0006

I. PROJECT DESCRIPTION

1. This tentative parcel map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A - M, 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 creating two parcels, comprising 1.45 and 8.98 acres, on a 10.43-acre site. Public water will be provided by the Cascade Mutual Water Company and sewer service will be provided by the South Tahoe Public Utility District. Primary site access will be provided via Cascade 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.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
3. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited

(CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

4. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services 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 Planning Services prior to filing of the parcel map.
6. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
7. All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.
8. The applicant shall submit to Planning Services a \$50.00 recording fee and the Department of Fish and Game fee in effect at the time of Notice of Determination filing 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.
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 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.

10. The fire safe turnaround proposed for "Parcel 1" as shown on Exhibit F shall be shown on the parcel map. Alternatively, in lieu of moving the fire safe turnaround on-site, the applicant may obtain a dedicated easement for the off-site fire safe turnaround prior to parcel map filing.
- ~~11. One of the two alternatives identified below shall be implemented by the applicant to the satisfaction of Planning Services after parcel map filing: (1) The non-conforming use shall cease; or (2) A Special Use Permit application is submitted by the applicant.~~

~~11.~~ ~~12.~~ Prior to parcel map filing, the existing propane tank on parcel 2B shown on Exhibit E shall be relocated outside of the minimum 10-foot side yard setback or buried underground. An alternative solution to address this issue may also be developed, subject to approval by the Lake Valley Fire Protection District and CAL FIRE.

Air Quality Management District

~~12.~~ ~~13.~~ During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:

- Application of water on disturbed soils and unpaved roadways a minimum of three times per day
- Using track-out prevention devices at construction site access points
- Stabilizing construction area exit points
- Covering haul vehicles
- Restricting vehicle speeds on unpaved roads to 15 miles per hour
- Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust

~~13.~~ ~~14.~~ Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.

~~14.~~ ~~15.~~ Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.

~~15.~~ ~~16.~~ The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

California Department of Forestry and Fire Protection (CAL FIRE)

~~16.~~ ~~17.~~ A street sign meeting El Dorado County design standards needs to be placed at the intersection of Cascade Road and the access road. The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the parcel map.

~~17.~~ ~~18.~~ Prior to filing the parcel map, a sign identifying the dead-end road shall be placed at the intersection preceding the traffic access limitation (Article 3. Signing and Building Numbering, Section 1274.06 of the Fire Safe Regulations).

~~18.~~ ~~19.~~ A fire safe management plan, acceptable to the Lake Valley 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 and CAL FIRE to Planning Services prior to filing the map.

Department of Transportation

20. ~~**On-site Access Improvements:** The applicant shall widen the on-site portion of the driveway to a roadway standard, a 20-foot wide road capable of supporting 75,000 lbs of weight, consistent with the 2007 CA Fire Code. This improvement must be made up until the accessway only serves one parcel, at which point it becomes a driveway and can be built to driveway width of 12-foot. 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.~~
21. ~~**Off-site Access Improvements:** The applicant shall construct and/or verify that the off-site portion of the driveway project boundary to Cascade Road, meets the standard of a 20-foot wide road capable of supporting 75,000 lbs of weight, consistent with the 2007 CA Fire Code. The applicant shall provide an exhibit to the DOT, Planning, Lake Valley Fire Protection District, and CAL FIRE that shows that the access road from Cascade Road to the subject site complies with the DISM and Fire Safe Regulations. 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.~~
22. ~~**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.~~
23. ~~**Easements:** All applicable existing and proposed easements shall be shown on the project plans.~~
24. ~~**Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map.~~
19. ~~25. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any 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.~~
26. ~~**Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. The improvements~~

~~shall be installed to the satisfaction of DOT prior to filing of the map. This condition shall appear as a note on the recorded parcel map.~~

~~27. **Off-site Improvements (Security):** Prior to the filing of a 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.~~

~~28. **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 Final 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 final map or 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.~~

~~20. **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.~~

~~30. **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.~~

- ~~31. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.~~

Environmental Management Department

- ~~33. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.~~

Lake Valley Fire Protection District

- ~~21. 32.~~ No gates shall be installed across the access road without an approved Special Use Permit and approval from the Fire District.
- ~~22. 33.~~ Prior to filing the map, signage along the fire access road and within the fire apparatus turn-around area shall be installed in accordance with Section D103.6 of the 2007 California Fire Code.
- ~~23. 34.~~ Prior to filing the map, a fire hydrant shall be installed within 200 feet of the residence along the fire apparatus road to the satisfaction of the Fire District.

Surveyor's Office

- ~~24. 35.~~ All survey monuments must be set prior to filing the parcel map.
- ~~25. 36.~~ Prior to filing the parcel map, the applicant 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 referenced and retraced deeds clearly noted on the parcel map.
- ~~26. 37.~~ Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map stating that "all conditions placed on P08-0006 by that agency have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and applicant.

Tahoe Regional Planning Agency

- ~~27. 38.~~ Prior to filing the parcel map, a letter shall be submitted to the County Surveyor's Office from the Tahoe Regional Planning Agency (TRPA) confirming that all TRPA requirements have been satisfied.

REVISED ATTACHMENT 2 **FINDINGS**

PARCEL MAP P08-0006

FINDINGS FOR APPROVAL

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.
- 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 located at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Adopted Plan (AP) land use designation of the subject site, as defined by General Plan Policy 2.2.1.2, which refers to the Tahoe Regional Planning Agency's Regional Plan, because the parcel is located within TRPA Plan Area Statement (PAS) 175, Cascade Properties, which is primarily intended for residential use.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.2.1.2 (land use density), 2.2.5.21 (compatibility with the surrounding neighborhood), and 5.2.1.4 (adequate public water supply). 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 because the proposed parcels meet the development standards of the TR1 zone district pursuant to section 17.56.040 for minimum parcel areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan, where applicable. As proposed, the tentative map conforms to the AP General Plan land use designation and applicable General Plan policies concerning adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, and adequate public water supply because the proposed parcels are already developed.*
- 4.1.2 *The tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance. The proposed parcel sizes of 1.45 to 8.98 acres conform to the 7,000 square foot minimum parcel size of the TR1 zone district. The project conforms to the applicable provisions of the Minor Land Division Ordinance because the proposed parcels are already developed.*
- 4.1.3 *The site is physically suitable for the proposed type and density of development. The creation of one additional parcel at the 10.43 acre site is compatible with the surrounding existing residential land use densities and has been designed in a manner which avoids environmental impacts.*
- 4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage. A negative declaration was prepared for the proposed tentative parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.*

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Permit proposed parcel 2B to exceed the depth to width lot ratio and have no street frontage.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. Proposed parcel 2B has a width of 150 feet and a depth of 475 feet. Therefore, proposed parcel 2B only exceeds the maximum lot depth by 25 feet. The current parcel configuration was established in 1993 as a result of a land exchange between the U.S. Forest Service and current property owner. A boundary line adjustment (BLA05-0111) was approved by Planning Services in 2006 which further revised the parcel configuration.*
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. Strict compliance with the DISM would prevent compliance with Chapter 20 of the TRPA Code of Ordinances. The proposed parcel line configuration is consistent with the TRPA requirements for land coverage.*
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and*

welfare of the public as proposed parcel 2B only exceeds the maximum lot depth by 25 feet.

5.1.4 *The waivers 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 discussed within the staff report.

5.2 Permit Cascade Road to remain 12 to 14 feet wide rather than be improved to 20 feet wide as required by the *El Dorado County Design and Improvement Standards Manual*.

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* According to the applicant, the existing main access road, Cascade Road, is a private road that was approved by the County and paved in 2003 at 14-foot wide with turnouts. The existing and proposed unnamed access road to the subject parcels is currently 12 to 14 feet wide compacted gravel with turnouts and soft shoulders. Lake Valley Fire Protection District reviewed the requested design waiver and had no objections. No further development is proposed for the subject site as structures exist on each of the proposed parcels. Future development would be limited by TRPA coverage regulations. As such, the existing roadway width is sufficient to provide access to the existing structures at the subject site.

5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the DISM would cause extraordinary and unnecessary hardship in developing the property because the current unnamed access road appears to be a prescriptive easement and the property owner does not have the easement rights to widen the off-site access roadway to a width of 18-feet with one-foot shoulders. Therefore, sufficient space is not available to make the required off-site road improvements.

5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* Although the project site is located within a very high fire hazard area, the Lake Valley Fire Protection District reviewed the requested design waiver and had no objections since the District found that improved water supply and a turnaround would enhance firefighting capabilities to the area. As such, the Board of Supervisors determined that the waiver would not be injurious to adjacent properties and detrimental to the health, safety, convenience and welfare of the public. Further development as a result of this subdivision of existing structures is limited. Implementation of the project includes providing for a 96-foot radius turnaround and installation of a fire hydrant.

5.2.4 *The waivers 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 discussed within the staff report.