

**CONDITIONS OF APPROVAL**

**Project Description**

1. This Tentative Parcel Map (Exhibit F) is based upon and limited to compliance with the project description, the following hearing exhibit 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:

The project consists of the creation of two single-family residential parcels, comprising 1.00 and 2.24-acre in size from a 3.24-acre parcel currently identified by Assessor's Parcel Number 110-460-55, as shown in Exhibit F. Both parcels shall be served by public sewer and public metered water facilities. The approval includes the following:

Parcel Number	Gross Area (acres)	Existing Improvements
1	2.24	One 4,758 sq. ft. single-family dwelling, a 600 sq. ft. garage, a 997 sq. ft. pool house with 135 sq. ft. of storage area and 300 sq. ft. covered porch, and one swimming pool.
2	1.00	No improvements

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, and parking 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. 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.
3. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been filed 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. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee 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.
5. **Park In-Lieu Fee:** 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 El Dorado Hills Community Services District in accordance with County Code Section 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing the Parcel Map.
6. **Cultural and Historic Resources:** 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.

7. **Indemnity:** 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.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

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

- ~~8. The applicant shall install an automatic fire egress gate. Upon completion, this gate will meet the Fire Departments requirement for a second egress. The gate shall meet the following installation requirements:~~

~~A. Installation Requirement.~~

- ~~1. Entrance roads (at the gate) shall have a minimum unobstructed width of fifteen (15) feet each lane if divided, or twenty (20) feet total width if not divided. In all cases, unobstructed vertical clearance shall not be less than thirteen (13) feet six (6) inches.~~
- ~~2. All automatic gates shall be equipped with a "Knox" emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements. This will be required on both sides of the gate.~~
- ~~3. All automatic gates shall also be equipped with both 3M Opticom or a comparable Control device. The device shall be placed in a location allowing operation from 75 feet away. This must have two receivers to be operated from both Jefferson Place and south bound Guadalupe.~~
- ~~4. A Linear receiver device to allow remote activation by emergency vehicles shall be programmed to operate with the Fire Departments current transmitters and be approved by the Fire Department.~~
- ~~5. Automatic gates shall be equipped with a mechanical release.~~
- ~~6. A loop system located on Jefferson Place shall keep the gate open as long as vehicular traffic is passing through it or stopped between the gates. The Fire Department will accept electric eye sensors in place of the loop system. The eyes must be firmly secured and protected. In addition a pressure sensor will be left to the builder's discretion.~~
- ~~7. All automatic gates shall be designed to automatically open and remain in a fully opened position during power failures.~~
- ~~8. All vehicle access control devices or systems must reach the fully open position within a total time not to exceed one second for each foot total width.~~
- ~~9. The receiving devices for Fire Department garage door openers shall be installed so the signal from the transmitter will open the gate approximately 75 feet from the gate location.~~
- ~~10. An emergency exit button must be installed on the Guadalupe side of the gate. The purpose of the exit button is to allow anyone access through the gate in case of an emergency. The exit button must be obvious in nature and with signage indicating for emergency use only.~~
- ~~11. In order to ensure that the gate/access control devices are properly maintained, a copy of the maintenance contract for the control device or system is required to be supplied to the El Dorado Hills Fire Department. This maintenance contract shall include a monthly testing of the control devices, an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gates shall be locked in the open position and will remain locked until such time as the maintenance contract is restored.~~
- ~~12. Prohibited Devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes, are prohibited. No device may be used which will delay the ingress or egress of emergency responders. The total number of vehicle access control gates or systems, through which emergency equipment must pass to reach any address, shall not exceed one.~~

~~B. Plans~~

- ~~1. Plans for the installation of automatic gates, for fire apparatus shall be submitted to the El Dorado Hills Fire Department for approval prior to installation.~~
- ~~2. The number of plans required to be submitted per the direction of the Fire Marshal.~~

~~C. Testing and Acceptance~~

- ~~1. Gates and access control equipment shall not be placed into service prior to being inspected and tested by the Fire Department.~~

**County Surveyor's Office**

- ~~9.8.~~ All survey monuments shall be set prior to filing the Parcel Map.
- ~~10.9.~~ The applicants 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 of the El Dorado County Subdivisions Ordinance.
- ~~11.10.~~ 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 P11-0002 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

**FINDINGS FOR APPROVAL**

**1.0 CEQA FINDINGS**

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

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation allows a maximum density of one dwelling unit per 1.0 acre with parcel sizes to range from 1.00 to 5.00 acres. The project would create two single-family residential parcels comprising 1.00 and 2.24-acres in size and therefore would be consistent with this policy.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.3.2 (fire safe access), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent

with the General Plan, because, as conditioned, the project provides adequate access, adequate water supply for fire protection, would be compatible with the surroundings land uses, considers the wetland impacts, and will not be anticipated to significantly impact biological resources.

### **3.0 ZONING FINDINGS**

- 3.1 The parcels will be consistent with the Medium-Density Residential (MDR) land use designation. The R1A zone district permits the two parcels comprising 1.00 and 2.24-acres in size under Section 17.
- 3.2 The proposed residential uses at the subject site are permitted by right under Section 17.28.060. As proposed, the project meets all applicable development standards contained within Section 17.28.080 of the Zoning Ordinance.

### **4.0 PARCEL MAP FINDINGS**

- 4.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan** because all necessary improvements have been considered by the reviewing agencies to determine that, this Tentative Parcel Map is consistent with the policies of the General Plan, as analyzed and described in the Staff Report and the General Plan Findings above.
- 4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance** because as proposed, conditioned, the Tentative Parcel Map conforms to the development standards within the R1A zone district and the Minor Land Division Ordinance.
- 4.3 **The site is physically suitable for the proposed type and density of development because,** the site is physically suitable for the proposed type and density of development. The project was designed in a manner which equally distributes the existing suitable emergency and potable water, emergency access, septic disposal areas, and natural feature features. The project avoids disturbances to slopes in excess of 30 percent, shows the ability for minimum impacts on the drainage swale areas, and is compatible within the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the General Plan MDR land use designation and conforms to the minimum parcel size and development standards of the R1A zone district.
- 4.4 **The proposed subdivision is not likely to cause substantial environmental damage** because the proposed Parcel Map is not anticipated to cause substantial environmental damage as after agency and staff review of the project, conditions and mitigations have been added which reduced the potential for the project to for causing significant effects on the environment to insignificant levels. The project site includes residential units with existing supporting access roadways, electrical, and telephone facilities available to the site. The applicant has shown the resultant parcels can be developed with typical residential infrastructure improvements in areas of less than 30 percent slopes with minimum potential impacts to existing woody vegetation.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

### **5.1 Allow a variation of DISM Volume 2, Section 3(A) to allow a reduction of 28 feet to an 18-foot road surface width for portions of Ravenna Way and Guadalupe Drive.**

**5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the proposed modified road right-of-way would serve a private residential development. These improvements would sufficiently accommodate the anticipated vehicular and pedestrian traffic and on-site utilities necessary to serve the development. The proposed road standard is consistent with the existing road way improvements north and south of the project site and the road improvements within the area. Additional right-of-way improvements would encourage extensive grading work, relocation of utilities and existing infrastructure, increasing tree removal and would decrease effective lot areas.

**5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because application of the standard street right-of-way and related improvements would require additional disturbance to the site, thereby posing an encumbrance to the design and functionality of the development. Wider road right-of-ways are not necessary in this particular case of a 2 parcel split (less than 150 ADT and no possible further subdivision). As conditioned, neither DOT, Cal Fire, nor El Dorado Hills Fire Department has any outstanding concerns with allowing the requested Design Waiver.

**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** because permitting portions of Ravenna Way and Guadalupe Drive to have an 18-foot wide road surface width at a few locations 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. Cal Fire, DOT and the El Dorado Hills Fire Department are in agreement that the existing 18 to 20-foot access road surface widths with additional one-foot wide graveled shoulders are adequate to serve the parcels.

**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** because the modified standards would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this standard would affect streets serving the residential development which are privately owned and maintained by a road maintenance association. 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 Allow a variation of DISM Volume 2, Section 3(A)(12) to allow a dead-end road to exceed 1,320 feet and to serve more than 24 existing or potential parcels.**

**5.2.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the proposed modified requirement would serve a private residential development that is restricted because of the

location surrounded by existing subdivisions to the south and east, and by Folsom Lake on the north and west. ~~DOT, Cal Fire and the El Dorado Hills Fire Department have determined that the best available option to solve an existing unsafe dead end road situation, as well as allow an additional parcel, is to require the project to improve the existing gate at the intersection of Guadalupe Drive and Jefferson Place to Fire Department specifications prior to filing the Parcel Map. The Board has found that the existing gate at the intersection of Guadalupe Drive and Jefferson Place was is determined to be legally installed and constructed meeting the minimum requirements at it's time of installation; and the residents of the adjoining neighborhoods wish the gate to remain in its current condition; and vehicles can adequately perceive the access through the gate; and that the gate would not cause a safety issue in regards to emergency ingress and egress.~~

- 5.2.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because the parcel would no longer have the potential to be developed as allowed by the current Zoning and Land Use Designations.
- 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** because upon fulfillment of the Condition of Approval requiring the existing gate to be improved to Fire Department Fire Safe standards, an emergency ingress/egress option for the surrounding parcels would be created where there is currently none.
- 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** because the modified standards would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this standard would affect streets serving the residential development which are privately owned and maintained by a road maintenance association. 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.