

P07-0021 – As Approved by the Board of Supervisors August 26, 2008

CONDITIONS OF APPROVAL

Planning Services

1. This General Plan land use designation amendment and tentative parcel map are based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibits A - K (tentative parcel map) dated July 2, 2008, 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:

A tentative parcel map subdividing the existing 70-acre parcel into two parcels 20 to 50 acres in size. Future single-family-residential development shall occur outside of the required 30-foot front, side and rear yard setback areas. Access onto the property will be provided by an improved road terminating in a turn around at Parcel B as shown on Exhibit E. Both parcels take access onto Old Neumann Road and improvements will be made to the onsite access road as well as the encroachment onto Old Neumann Road. The offsite width and surface of Old Neumann Road, as well as that road encroachment onto Deer valley Road would be improved as conditioned. Lot A would be served by the existing well and septic system and Lot B would be required to be served by a well prior to filing the parcel map, and an approved septic system prior to final occupancy of any future building permit.

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 Site Specific and Standard Conditions

2. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and

disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

- ~~3.~~ ~~The applicant shall be required to pay Park in Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the parcel map.~~
- 4.3. The tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
- 5.4. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to filing the parcel map.
- 6.5. 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 applicant 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, which action is brought within the time period provided for in Section 66499.37.

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

Rescue Fire Protection District

- 7.6. The applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester which shall be reviewed and approved by Rescue Fire Protection District and California Department of Forestry and Fire Protection (Calfire) prior to filing the parcel map.
- 8.7. This project shall meet the requirements of the California SRA Firesafe Regulations, and the California Fire Code 2006 Edition for access and water supply.

Department of Transportation

- 9.8. 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 from the east property line of proposed project northwesterly to the west line of

the project's proposed parcel "A", prior to the filing of the parcel map. Pursuant to Volume II, Section 3, A, 9 of the Design Improvement Standards Manual, said on-site roadway shall be available to serve as a future street route or secondary access, unless another acceptable alternative is defined, and shall be noted as such on the parcel map. The proposed future street route, or acceptable alternative, shall then be utilized for future land divisions.

- ~~10.9.~~ Off-site Access Easements: The applicant shall provide proof of access to the project site from Deer Valley Road, a County maintained road, together with the legal right to improve such access. 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.
- ~~11.10.~~ On-site access Roadway: The portion from the east property line to where the roadway joins the existing driveway shall be constructed per El Dorado County Design and Improvements Manual (DISM) 101C with a minimum of an 18-foot road width 1-foot shoulders on both sides. The portion of the access roadway from the existing driveway to the west property line of proposed parcel "A" shall be constructed per Fire Safe Residential Driveway Standard. The driveway standard can be obtained at the El Dorado County Development Services, Building Division office. The standard requires, among others, turnouts at 400 feet spacing, asphalt paving for grades exceeding 16 percent and certain centerline radius. The roadway 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 final map.
- ~~12.11.~~ Off-site access Roadway: The off-site portion of the access road from the project's easterly property line to Deer Valley Road shall be constructed per El Dorado County Design and Improvements Manual (DISM) 101C with an 18-foot road width 1-foot shoulders on both sides and 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.
- ~~13.12.~~ Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct/modify the roadway encroachment onto Deer Valley 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 parcel map.
- ~~14.13.~~ Turnaround: The applicant shall provide a turn around on the access roadway at the west line of the proposed parcel "A," and at the intersection of the existing driveway and the proposed driveway, 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.

- ~~15.~~14. Maintenance Entity: The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of on-site road and/or drainage facilities not maintained by the County, prior to the filing of the parcel map.
- ~~16.~~15. Drainage Easements: The site plans shall show drainage easements for all on-site drainage courses and facilities as necessary.
- ~~17.~~16. Easements: All applicable existing and proposed easements shall be shown on the project plans.
- ~~18.~~17. 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.
- ~~19.~~18. 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.
- ~~20.~~19. 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.
- ~~24.~~20. 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 parcel map.
- ~~22.~~21. 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 parcel map.
- ~~23.~~22. 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.

- ~~24.~~23. 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 filing the parcel map.
- ~~25.~~24. 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.
- ~~26.~~25. 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.
- ~~27.~~26. 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.
- ~~28.~~27. 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.

The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

~~29.~~28. Drainage, Cross-Lot: Cross lot drainage shall be avoided. When cross lot drainage does occur, 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 parcel map.

~~30.~~29. Drainage Easements: 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 parcel map.

~~31.~~30. 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.

- ~~32.~~31. Off-site Improvements (Security): Prior to the filing of the 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.
- ~~33.~~32. 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 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a 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.

- ~~34.~~33. 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.

- ~~35.~~34. 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.

- ~~36.35.~~ 36.35. 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 – Environmental Health Division

- ~~37.36.~~ 37.36. Prior to filing the parcel map, each lot shall have a safe and reliable well provided for each parcel that meets the criteria of Environmental Management Policy 800-02.

El Dorado County Office of the County Surveyor

- ~~38.37.~~ 38.37. All survey monuments must be set prior to filing the Parcel Map.
- ~~39.38.~~ 39.38. 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).
- ~~40.39.~~ 40.39. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the parcel map.
- ~~41.40.~~ 41.40. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that "all conditions placed on P07-0021 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

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 can 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 proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.

- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The proposed tentative parcel map, as conditioned, is consistent with the Rural Residential General Plan land use designation for parcel size, density and land use.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, and 7.4.4.4 because, upon completion of the conditions, there will be adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity, oak canopy would not be impacted, and wildfire hazards have been addressed.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Ten-Acre (RE-10) which establishes a minimum parcel size of 10 acres. The project would create two parcels ranging in size from 20 to 50-acres in size which is consistent within the RE-10 zone district. The proposed parcels conform to the current zoning. Both parcels have the size and natural conditions to allow single family development to meet the development standards in Section 17.70.110.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Ten-Acre (RE-10) zone district and, as conditioned, there will be adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the parcels.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have the facilities and utilities to support the residential uses.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadways to the parcels exist and will be improved to current safety standards and the impacts from all other required road

improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

5.0 Design Waiver Findings

5.1.0 **Allow a dead-end road of 5,000 feet exceeding the maximum standard of 2,640 feet in length.** The support for the design waiver is based on the following findings:

5.1.1 **It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the created parcels match the dominant lot pattern and uses of existing parcels. Although Neumann Road itself exceeds the 2,640 feet Fire Safe regulations limit for 10-acre parcels, it would serve only 19 parcels total and Fire Safe road widths will be provided. The creation of two separate parcels will not change a use that currently exists within the existing surrounding parcels.

5.1.2 **It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because in order to create a road with two points of access, significant improvements would be necessary over land which the applicant has no easements or construction rights. For a two-parcel map, this is not feasible.

5.1.3 **It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because Rescue Fire Protection District and the El Dorado County Department of Transportation have reviewed the parcel map request and agree the layout and design of the proposed lots and emergency access of the proposed parcels can be approved with implementation of the required Fuel Modification and Wildland Fire Safety Plan, and their recommended conditions of approval.

5.1.4 **It can be found that this waiver 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 approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code because it is only about allowing a dead end road to exceed 2,640 feet in length. The approval of this design waiver will not nullify the additional requirements contained in the SRA Fire Safe Regulations, Section 1273.09 because the road would serve only 19 parcels and the map is conditioned by the Rescue Fire Protection District to have an approved Fuel Modification and Wildland Fire Safety Plan prior to filing the parcel map.

5.2.0 Allow a driveway standard for access to Parcel B.

- 5.2.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because providing a road access to Parcel B would involve introducing an eighteen-foot wide road through both of the parcels which would allow unwanted public access and create excessive impacts to the site's natural features. Requiring the parcel to 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 which would then the need for excessive road improvements not compatible with a rural environment. The new parcel with a driveway standard would use an existing roadway base and not introduce any new undesirable impacts to the existing road system.
- 5.2.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots 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 require widening that would create excessive unnecessary impacts to the natural environment.
- 5.2.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for exclusive access to Parcel B through Parcel A will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.2.4 **This waiver 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 approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

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