

**EL DORADO COUNTY  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



<b>Agenda of:</b>	January 6, 2021
<b>Item No.:</b>	4.a.
<b>Staff:</b>	Tom Purciel

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P19-0013/Swanson

**APPLICANT:** Robert Swanson

**REQUEST:** Tentative Parcel Map to divide a 9.7-acre parcel into one 5.0-acre parcel and one 4.7-acre parcel

**LOCATION:** Located on the west side of Trotter Lane, approximately 900 feet south of the intersection with Hillwood Drive and Holly Drive, in the Shingle Springs area, Supervisorial District 2 (Exhibits A, B, C)

**APN:** 090-300-024 (Exhibit D)

**ACREAGE:** 9.71 Acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit E)

**ZONING:** Residential Estate, 5-Acre (RE-5) (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines (Minor Land Divisions)

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find Tentative Parcel Map P19-0013 exempt under Section 15315 of the CEQA Guidelines; and
2. Approve Tentative Parcel Map P19-0013, based on the Findings and subject to the Conditions of Approval as presented.

## EXECUTIVE SUMMARY

Approval of Tentative Parcel Map P19-0013 would allow the subdivision of a single 9.7-acre parcel with two residential structures, one being an existing approximately 2,000 square foot single-family residence and the other being a proposed 1,600 square foot Accessory Dwelling Unit (ADU) currently in progress (issued building permit No. 332174) into one 5.0-acre parcel and one 4.7-acre parcel (proposed Parcels 1 and 2). Proposed Parcel 1 would contain the existing 2,000 square foot residence while proposed Parcel 2 would contain the in-progress 1,600 square foot residence. The existing parcel is zoned Residential Estate, 5-Acres (RE-5) and designated in the General Plan as Medium Density Residential (MDR). Vehicular and emergency vehicle access to proposed Parcel 1 would be from Hart Drive, an existing graveled 10-foot wide private roadway that would be increased to 20-feet in width for its frontage within the project parcels. Vehicular and emergency vehicle access to proposed Parcel 2 would be from Holly Drive, an existing paved 18-foot wide private roadway. Both proposed parcels would be served by existing public water, electric service, and septic systems. To establish separate public water connections to both project parcels, the El Dorado Irrigation District (EID) will install an additional water meter after recordation of the final map according to the conditions specified in the EID Meter Award Letter dated October 6, 2020 (Exhibit G). As proposed, both proposed parcels will meet the required development standards for new lots in the RE-5 zone including minimum lot size and lot width. Staff has determined that the project is consistent with the General Plan Medium Density Residential (MDR) Land Use Designation and the RE-5 zone, as well as other applicable General Plan policies. The project is also consistent with applicable Zoning Ordinance and Subdivisions Ordinance regulations, as discussed further in the Findings section below.

## OTHER PROJECT CONSIDERATIONS

### Parcel Size Exception:

At 4.7 acres, proposed Parcel 2 would be less than the allowed minimum size for new parcels in the RE-5 zone. However, Zoning Ordinance Chapter 130.30.040 (Parcel Size Exception – Same Generally) allows for an existing parcel to be subdivided in such a way that one new parcel of less size than allowed in the existing zone can be created provided the project parcel conforms to the criteria listed in Zoning Ordinance Chapter 130.30.040 (see below).

### **130.30.040 Parcel Size Exception – Same Generally**

*In the following zone districts: RE, AG, LA, PA (where the property is not under a Williamson Act contract), RL, and FR, an existing parcel may be subdivided in such a way that one new parcel of less size than is required in the prevailing zone regulations is created within each subdivision provided the following conditions exist:*

*A. Either the parcel is shown on the County tax roll or recorded deed as a separate parcel, is described as a fractional division of a section and a subsequent survey of the parcel shows it to be a maximum of 10 percent less than the acreage indicated on that tax roll; or*

*B. The parcel is shown on the 1979 County tax roll as a separate parcel and the roll shows it to be a maximum of 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; or*

*C. The parcel is shown on the 1979 County tax roll as a separate parcel and a survey shows it to be a maximum of 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; and both of the following:*

- 1. The smallest parcel proposed to be created is no less than 75 percent of the minimum size required by the applicable zone but, in no case shall a parcel be created less than 4.5 acres when groundwater dependent; and*
- 2. All other parcels proposed to be created are no less than the minimum required by the applicable zone or no more than one-tenth of an acre larger than the minimum.*

*No parcel size exception shall be granted where the exception would conflict with general plan policies or provisions of this Title that require buffers to adjacent parcels.*

**Summary Finding:** The project parcel qualifies for the parcel size exception under Section 130.30.040(C) above. The project parcel is shown on the 1977-1979 County Assessor's tax roll as a separate parcel (Exhibit H) and a survey completed on November 1, 2019 by CNA Engineering, for purposes of this Tentative Parcel Map (Exhibit J), verifies the existing parcel size at 9.71 acres, which conforms to the maximum size requirement of no less than 10 percent of the acreage required to create two even five-acre parcels. Further, the proposed parcels also conform to the minimum development standards for parcel size exceptions as the single nonconforming parcel would be 4.7 acres, far exceeding the requirement of 75 percent of the minimum size required in the RE-5 zone (minimum 3.75 acres required under this Chapter for new parcels not utilizing wells for a domestic water source). In addition, there are no applicable General Plan policies or Zoning Ordinance provisions requiring buffers to adjacent parcels (e.g. agricultural setbacks, mineral resource setbacks, etc.). For additional details, please refer to the Findings section below.

## **BACKGROUND/HISTORY**

The project parcel was created on May 11, 1962 by grant deed from Whitley J. Davenport Jr. to Gary L. Johnson, as recorded at the County Recorder-Clerk's office in Book 591, Page 112.

The project parcel had remained vacant and undeveloped until 2019, when the owner constructed the existing primary residence (building permit No. 314911, finalized in 2020) and also permitted the in-progress ADU in 2020.

## **EXISTING CONDITIONS/SITE CHARACTERISTICS:**

The project parcel consists of 9.71 acres. The site contains gently rolling topography with average slopes of approximately 18 percent. Native vegetation on site consists of a combination of chaparral, mixed oak woodland, and nonnative annual grasses, and site elevations range

between 1,290 to 1,440 feet above sea level. The project parcel is currently developed with two residences, one being an approximately 2,000 square foot primary residence accessed by Hart Drive, and the other being a 1,600 square foot ADU (in progress) accessed by Holly Drive, both of which with associated infrastructure serving each residence including public water, septic systems, and electric service (Refer to site photos, Exhibit I). Access to the project parcel is via two existing private, non County-maintained roadways: Hart Drive, an existing graveled 10-foot wide private roadway on the northeast side of the project parcel and Holly Drive, an existing 18-foot wide paved roadway on the northwest side of the project parcel (Exhibits C and J). The parcel is zoned RE-5 with a corresponding General Plan land use designation of MDR (Exhibit E). The adjacent properties to the south are also zoned RE-5 and are currently undeveloped with the exception of one agricultural structure approximately 300 feet south of the project parcel along Holly Drive. The adjacent property to the west is zoned R3A and has been developed with a single family residence and associated accessory structures. The adjacent properties to the north and east are zoned Residential, One-acre (R1A) and have also been developed with single family residences and accessory structures (Exhibit C). All properties in the vicinity are designated as MDR on the General Plan Land Use Map.

#### **PROJECT DESCRIPTION:**

Tentative Parcel Map P19-0013 consists of the subdivision of a single 9.7-acre parcel with two residential structures, one being an existing approximately 2,000 square foot single-family residence and the other being a proposed 1,600 square foot ADU, which is currently in progress (issued building permit No. 332174) into one 5.0-acre parcel and one 4.7-acre parcel (proposed Parcels 1 and 2). Proposed Parcel 1 would contain the existing 2,000 square foot residence and proposed Parcel 2 would contain the in-progress 1,600 square foot residence. Vehicular and emergency vehicle access to proposed Parcel 1 would be from Hart Drive, an existing graveled 10-foot wide private roadway that would be increased to 20-feet in width for its frontage within the project parcel. Vehicular and emergency vehicle access to proposed Parcel 2 would be from Holly Drive, an existing paved 18-foot wide private roadway. Both proposed parcels would be served by existing public water, electric service, and septic systems. To establish separate public water connections to both project parcels, EID will install an additional water meter after recordation of the final map according to the conditions specified in the EID Meter Award Letter dated October 6, 2020 (Exhibit G). With the exception of improvements to Hart Drive, no grading, earth movement, or soil disturbance is proposed. Additionally, no oak trees will be removed or impacted by the project.

#### **ANALYSIS:**

##### **Consistency With the General Plan, Zoning Ordinance and Subdivisions Ordinance:**

**General Plan:** The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Medium Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.3.1.7 (wastewater disposal systems in Community Regions), Policy 5.7.1.1 (fire protection in Community Regions), Policy 6.2.3.2 (adequate access for emergencies), and Policies TC-Xa through TC-Xi (Transportation and Circulation Element). Further details are discussed in the Findings section below.

**Zoning Ordinance:** Staff has determined that the project, as proposed and conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned RE-5 and the project has been analyzed in accordance with all applicable development standards for new parcels in this zone district, including minimum lot size, lot width, residential densities, and building setbacks from proposed property lines to existing structures, as shown in the table below. The project is also consistent with the zoning allowance for minor parcel size deviations under Chapter 130.30.040 (Parcel Size Exception). For additional details, please refer to the Findings section of this report.

**Applicable Development Standards from Table 130.24.030  
 (Residential Zones Development Standards)**

<b>Development Attribute</b>	<b>RE-5 Zone District</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>
Minimum Lot Size	5 Acres	5.0 Acres	4.7 Acres*
Minimum Lot Width	100 feet	322 Feet	322 Feet
Residential Density Range	1 primary plus 2 <sup>nd</sup> dwelling unit per lot	Consistent	Consistent
Setbacks (in feet) Front	30	Approx. 44 feet	Approx. 42 Feet
Secondary Front	30	N/A	N/A
Side	30	96 Feet (south side), 162 Feet (north side)	Approx. 32 Feet (north side), Approx. 160 Feet (south side)
Rear	30	Approx. 60 Feet	Approx. 155 Feet

\*Minor parcel size deviation allowed under Chapter 130.30.040 (Parcel Size Exception)

**Subdivisions Ordinance:** Staff has determined the project is consistent with all applicable standards and requirements of the County Subdivisions Ordinance (Title 120 of the County

Ordinance Code) for Tentative Parcel Maps including consistency with the General Plan, consistency with zoning regulations and the Minor Land Division Ordinance, and consistency with other specific findings for subdivision map approval. Such findings include documentation that the site is physically suitable for the proposed type and density of development and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in the Findings section below.

**Agency Comments:** The project was distributed to all applicable local, County, and state agencies for review and comment. Comments were received from EID, the County's Department of Transportation (DOT), the El Dorado County Fire Protection District, the County's Air Quality Management District (AQMD), the County's Environmental Management Department, and the County's Surveyor's Office. None of these agencies expressed any site-specific issues or concerns regarding this project and five of these agencies recommended standard conditions of approval, which have been incorporated into the project.

### **Public Outreach:**

No formal public outreach was conducted as a public outreach plan was not required for this project pursuant to the County Subdivision Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County's Zoning Administrator email subscription list and posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Tentative Parcel Maps.

### **Conditions of Approval:**

The six agencies that submitted comments for the project did not express any significant issues or concerns. However, five of those agencies recommended standard conditions of approval (COAs), which have been incorporated into the project including DOT COAs No. 4-10 (regarding on and off-site road improvements, and demonstration of compliance with standard requirements of law), Surveyor's Office COAs No. 11-15 (regarding survey monuments, access guarantees, parcel addressing, and satisfaction of agency COAs), AQMD COAs No. 16-21 (regarding standard requirements of law to minimize dust and other pollutant emissions), EID COA No. 22 (regarding water meter connections after recordation of final map), and the El Dorado County Fire Protection District COAs No. 23-26 (regarding fire hydrant installation, required road/driveway improvements, and vegetation clearance).

### **Environmental Review:**

Tentative Parcel Map P19-0013 has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines, applying to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The project is exempt from CEQA review in that it satisfies all required criteria listed in Section 15315 of the CEQA Guidelines (categorical exemption for Minor Land Divisions) as listed above and further described as follows: 1) The property is located in an urbanized area as shown on the 2010 U.S. Census Bureau Sacramento Urbanized Area Reference Map; 2) the project parcel is zoned for residential use; 3) the project proposes four or fewer parcels; 4) the proposed Tentative Parcel Map conforms to all applicable General Plan policies and zoning regulations; 4) no variances or exceptions are requested as part of the project and the project conforms to all applicable subdivision design standards; 5) all required services and parcel access meet local standards; 6) the project parcel was not involved in a division of a larger parcel within the previous two years; and 7) the project parcel does not have an average slope greater than 20 percent, as further described in the Existing Conditions/Site Characteristics section above. For further details, please refer to staff's discussion in the Findings section below.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

## **SUPPORTING INFORMATION**

### **Attachments to Staff Report:**

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Vicinity Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor's Parcel Map
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	EID Meter Award Letter, October 6, 2020
Exhibit H.....	Historic Assessor's Parcel Map 1977-1979
Exhibit I.....	Applicant Site Photographs, November 24, 2020
Exhibit J.....	Tentative Parcel Map

## FINDINGS

### **Tentative Parcel Map P19-0013/Swanson Zoning Administrator/January 6, 2021**

#### **1.0 CEQA FINDINGS**

- 1.1 Tentative Parcel Map P19-0013 has been found to be Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines applying to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Section 15315 of the CEQA Guidelines provides a categorical exemption for minor land divisions when all of the following findings can be made:

*2.11 The division of property is located in an urbanized area.*

Rationale: The project parcel is located in an urbanized area as shown on the 2010 U.S. Census Maps for the greater Sacramento Area.

*3.11 The property is zoned for residential, commercial, or industrial use.*

Rationale: The project parcel is zoned for residential use.

*4.11 The subdivision consists of four or fewer parcels.*

Rationale: The proposed subdivision consists of two parcels.

*5.11 The subdivision is in conformance with the General Plan and zoning.*

Rationale: The project parcel conforms to all applicable General Plan policies and zoning regulations as discussed further in this Findings section.

*6.11 No variances or exceptions are required for the project.*

Rationale: No variances or exceptions are requested for the project and the project conforms to all applicable subdivision design standards.

*7.11 All services and access to the proposed parcels to local standards are available.*

Rationale: All required services are available and access to proposed parcels meets local standards.



*8.11 The parcel was not involved in a division of a larger parcel within the previous two years;*

Rationale: No previous subdivision activity has occurred on the project parcel.

*9.11 The parcel does not have an average slope greater than 20 percent;*

Rationale: The project parcel has slopes averaging approximately 18 percent and is therefore consistent with this requirement.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 GENERAL PLAN FINDINGS**

### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies that the purpose of the MDR land use designation is to establish areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. The maximum allowable density shall be one dwelling unit per 1.0 acre and parcel sizes shall range from 1.00 to 5.00 acres. This designation is considered appropriate within Community Regions and Rural Centers.

Rationale: Policy 2.2.1.2 provides for large lot single-family residential parcels within Community Regions or Rural Centers with densities ranging from one unit per acre up to one unit per five acres. As proposed, P19-0013 would create two lots with a maximum density of one dwelling unit per 4.7 acres (proposed Parcel 2), which is consistent with this policy. The project is located within the Shingle Springs Community Region. Therefore, the project is consistent with this policy.

### **2.2 The project is consistent with General Plan Policy 2.2.5.2.**

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan Findings to document the project's consistency with the policies of the General Plan.

### **2.3 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project parcel is surrounded to the north, east, and west by developed large lot single-family residential parcels ranging from 1.0 acres to 5.0 acres in size. Adjacent parcels to the south are currently undeveloped, but are similarly zoned to allow single family residential uses by right. As proposed, the project would be compatible with the existing rural residential character of the neighborhood and there would not be any conflicts with existing residential or agricultural uses.

**2.4 The project is consistent with General Plan Policy 5.1.2.1**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by all applicable public services agencies and utility providers, including DOT for adequate road access, the County Fire Protection District for emergency vehicular access and required fire flow requirements, and PG&E and EID for electric and public water service. Liquid waste service will be provided via on-site septic systems subject to review and approval of the County's Environmental Management Department. The above agencies and utility companies reviewed the project plans and had no significant issues or concerns with the project. Each of the above entities has determined public services and utilities would be adequate to serve the project as proposed. To ensure the project will comply with applicable regulations for public service, each entity recommended standard conditions of approval, which have been incorporated into the project. Therefore, the project is consistent with this policy.

**2.5 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: EID and the County Fire Protection District have reviewed the project plans and determined that, as proposed and conditioned, there will be adequate quantity and quality of water to serve both proposed parcels. To ensure water service remains adequate for domestic water service and fire protection in perpetuity, the project has been conditioned to require water connections and fire flow infrastructure improvements be completed, to the satisfaction of the Fire District, prior to recordation of the final map.

**2.6 The project is consistent with General Plan Policy 5.3.1.7.**

General Plan Policy 5.3.1.7 requires projects located in Community Regions where wastewater collection facilities do not exist demonstrate that proposed wastewater disposal systems can accommodate the highest possible demand of the project.

Rationale: The County's Environmental Management Department reviewed project wastewater treatment plans, including septic and leach field installation areas for both proposed parcels, and determined both parcels will fully comply with the County's adopted Onsite Wastewater Treatment System (OWTS) Manual for new subdivisions and verified that all onsite wastewater will be fully treated according to OWTS requirements. The County's Local Agency Management Plan (LAMP) allows for the installation of septic systems on parcels when public sewer is considered unavailable. According to the LAMP, public sewer is considered unavailable when an existing public sewer facility, including any lot or premises currently served by such public sewer, is located more than 200 feet from any proposed building or exterior drainage facility. Accordingly, the project is consistent with this policy.

**2.7 The project is consistent with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 (fire protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Fire District reviewed the project and determined that adequate water supply, storage, and conveyance facilities, including access to those facilities, will be available to serve the project. The Fire District recommended standard conditions of approval which have been incorporated into the project to ensure adequate water supply, storage, conveyance, and site access for fire protection is developed and remains adequate for the proposed parcels.

**2.8 The project is consistent with General Plan Policy 6.2.2.2.**

Policy 6.2.2.2 requires development in high and very high wildland fire hazard areas be precluded unless such development can be adequately protected from wildland fire hazard as demonstrated in a Fire District-approved Fire Safe Plan.

Rationale: The project parcels are located in a high fire hazard area as shown on current state wildland fire hazard severity maps. Accordingly, a Fire-District approved Fire Safe Plan is required as a condition of approval (COA #27). Therefore, the project is consistent with this policy.

**2.9 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Fire and vehicular access to the proposed parcels would be provided via two existing non-County maintained roadways. Vehicular and emergency vehicle access to proposed Parcel 1 would be from Hart Drive and emergency vehicle access to proposed Parcel 2 would be from Holly Drive. Both DOT and the Fire Protection District reviewed the project plans and found that adequate access can be provided, via each roadway, with incorporation of standard conditions of approval regarding minimum roadway width and all-weather surfacing. Therefore, as proposed and conditioned, adequate emergency access will exist for the project.

**2.10 General Plan Policy TC-Xa does not apply to the Project**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project would create 2 residential parcels; therefore this policy does not apply.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

3. intentionally blank (Resolution 125-2019, August 6, 2019)
4. intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

6. intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would create 2 residential parcels; therefore this policy does not apply.

#### 2.11 **General Plan Policy TC-Xb does not apply to the project**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year, prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years, prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and
- C. Annually, monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

**2.12 General Plan Policy TC-Xc does not apply to the project**

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads, and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.13 The project is consistent with General Plan Policy TC-Xd**

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: This project will be located in the Community Region and does not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county-maintained road or state highway.

**2.14 The project is consistent with General Plan Policy TC-Xe**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily;  
or
- B. The addition of 100 or more daily trips; or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, or C of this policy are not met.

**2.15 General Plan Policy TC-Xf does not apply to the project**

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: The project would create 2 residential parcels and will not worsen traffic on the County road system; therefore, this policy does not apply.

**2.16 The project is consistent with General Plan Policy TC-Xg**

Each development project shall dedicate right-of-way, design, and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This project will not need to dedicate right of way because it does not worsen traffic conditions.

**2.17 The project is consistent with General Plan Policy TC-Xh**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision

Rationale: This project will pay TIM fees at the time a building permit is issued.

**2.18 General Plan Policy TC-Xi does not apply to the project**

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other

affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with the Zoning Ordinance (Title 130 of the County Ordinance Code).**

The project has been found consistent with all applicable provisions of the Zoning Ordinance, including the development standards for new parcels in the RE-5 zone district.

Rationale: As proposed, the project parcels will meet the required minimum lot size, lot width, minimum residential density, and building setbacks (for existing structures) as required in Table 130.24.030 (Residential Zones Development Standards).

#### **3.2 The project is consistent with Chapter 130.30.040 (Parcel Size Exception).**

Chapter 130.30.040 (Parcel Size Exception) allows for a minor deviation in minimum parcel size for no more than one parcel in the following zone districts: RE, AG, LA, PA (where the property is not under a Williamson Act contract), RL, and FR where there are no conflicts with general plan policies or provisions of this Title that require buffers to adjacent parcels. According to this chapter, an existing parcel may be subdivided in such a way that one new parcel of less size than is required in the prevailing zone regulations can be created within each subdivision provided that one of the below sets of circumstances can be found:

- A. Either the parcel is shown on the County tax roll or recorded deed as a separate parcel, is described as a fractional division of a section, and a subsequent survey of the parcel shows it to be a maximum of 10 percent less than the acreage indicated on that tax roll; or
- B. The parcel is shown on the 1979 County tax roll as a separate parcel and the roll shows it to be a maximum of 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; or
- C. The parcel is shown on the 1979 County tax roll as a separate parcel and a survey shows it to be a maximum of 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; and both of the following:



1. The smallest parcel proposed to be created is no less than 75 percent of the minimum size required by the applicable zone but, in no case shall a parcel be created less than 4.5 acres when groundwater dependent; and
2. All other parcels proposed to be created are no less than the minimum required by the applicable zone or no more than one-tenth of an acre larger than the minimum.

Rationale: First, the project parcel qualifies for the parcel size exception under Section 130.30.040(C) above. The project parcel is shown on the 1977-1979 County Assessor's tax roll as a separate parcel (Exhibit H) and a survey completed on November 1, 2019 by CNA Engineering, for purposes of this Tentative Parcel Map (Exhibit J), verifies the existing parcel size at 9.71 acres, which conforms to the maximum size requirement of no less than 10 percent of the acreage required to create two even five-acre parcels.

Second, the project parcel also conforms with Sections 130.30.040(C)(1) and 130.30.040(C)(2). The single nonconforming parcel would be 4.7 acres, far exceeding the requirement of 75 percent of the minimum size required in the RE-5 zone (minimum 3.75 acres required under this Chapter for new parcels not utilizing wells for a domestic water source). The remaining parcel conforms to the 5-acre minimum requirement.

Last, there are no conflicts with any General Plan policies or Zoning Ordinance provisions requiring buffers to adjacent parcels (e.g. agricultural setbacks, mineral resource setbacks, etc.) as no such buffers are required for the project.

#### **4.0 PARCEL MAP FINDINGS**

The Subdivisions Ordinance Section 120.44.030 (Findings requiring disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

##### **4.1 That the proposed map is not consistent with applicable general and specific plans.**

Rationale: The project is consistent with all applicable General Plan policies. The project proposes to create two parcels from a 9.71-acre parcel. Resulting lot sizes would be 5.0 acres and 4.71 acres. The project parcel is located in the Shingle Springs Community Region and the parcel's General Plan Land Use Designation is MDR. Accordingly, the proposed Parcel Map has been found to be consistent with the General Plan as set forth in Finding 2.2.

4.2 **That the design or improvement of the proposed division is not consistent with applicable general and specific plans.**

Rationale: The design or improvement of the proposed Parcel Map has been found to be consistent with all applicable General Plan policies as set forth in Finding 2.2 and as described in Finding 4.1 above.

4.3 **That the site is not physically suitable for the type of development.**

Rationale: The project is consistent with the allowed uses in the Residential Estate, 5-Acre zone. As proposed and conditioned, the proposed parcels will meet the required development standards, including minimum lot size and lot width, of the RE-5 Zone District and therefore, the site is physically suitable for the type of development proposed.

4.4 **That the site is not physically suitable for the proposed density of development.**

Rationale: The project is consistent with the density requirements of the Residential Estate, 5-Acre zone.

4.5 **That 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.**

Rationale: The project has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed tentative parcel map will not result in substantial environmental damage and is consistent with existing and planned development in the Shingle Springs Community Region. Therefore, the design of the division of the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

4.6 **That the design of the division or the type of improvements is likely to cause serious public health hazards.**

Rationale: The project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, the County Fire Protection District, EID, PG&E, the County's Environmental Management Department, AQMD and the Planning Division. As proposed and conditioned, all departments and agencies have determined the subdivision design and improvements will conform to all applicable health and safety regulations, and the project will not cause serious public health hazards.

4.7 **That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291.**

Rationale: The proposed subdivision and associated improvements have been reviewed and approved by the County Fire Protection District as suitable to allow for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect existing structures.

4.8 **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

Rationale: Preliminary subdivision plans and easement documentation has been reviewed by the County's Surveyor's Office staff for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcels. To further ensure no potential easement conflicts will occur on the project site, the County's Surveyor's Office staff will conduct a final easement review of the project parcels, as part of standard procedure, prior to recordation of the final map.

**CONDITIONS OF APPROVAL**

**Tentative Parcel Map P19-0013/Swanson  
Zoning Administrator/January 6, 2021**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit J .....Tentative Parcel Map

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:

Tentative Parcel Map P19-0013 consists of the subdivision of a single 9.7-acre parcel with two residential structures, one being an existing approximately 2,000 square foot single-family residence and the other a proposed 1,600 square foot Accessory Dwelling Unit (ADU), which is currently in progress (issued building permit No. 332174) into one 5.0-acre parcel and one 4.7-acre parcel (proposed Parcels 1 and 2). Proposed Parcel 1 would contain the existing 2,000 square foot residence and proposed Parcel 2 would contain the in-progress 1,600 square foot residence. Vehicular and emergency vehicle access to proposed Parcel 1 would be from Hart Drive, an existing graveled 10-foot wide private roadway that would be increased to 20-feet in width for its frontage within the project parcel. Vehicular and emergency vehicle access to proposed Parcel 2 would be from Holly Drive, an existing paved 18-foot wide private roadway. Both proposed parcels would be served by existing public water, electric service and septic systems. To establish separate public water connections to both project parcels, EID will install an additional water meter after recordation of the final map according to the conditions specified in the EID Meter Award Letter dated October 6, 2020 (Exhibit G). With the exception of improvements to Hart Drive, no grading, earth movement or soil disturbance is proposed. Additionally, no oak trees will be removed or impacted by the project.

The development, use, and maintenance of the property, as well as the size, shape, 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 Division**

2. **Permit Time Limits:** Tentative Parcel Map P19-0013 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.
3. **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 County Department of Transportation (DOT):**

### **Project-Specific Conditions:**

4. **On-Site Road Improvements:** Improve on-site Hart Drive consistent with County Standard Plan 101C, modified to a minimum width of 20 feet if required by the Fire Protection District.
5. **Off-Site Road Improvements:** If required by the Fire Protection District, improve the off-site portion of Hart Drive as directed by the Fire Protection District.
6. **Offer of Dedication:** Irrevocably offer to dedicate road and public utility easements for on-site access roadways with the final map. Also offer any appurtenant slope, drainage, pedestrian, public utility, or other public service easements as determined necessary by the County. The offer(s) will be rejected by the County.

### **DOT Standard Conditions:**

7. **Proof of Offsite Road Entitlements:** Demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.

8. **Consistency with County Codes and Standards:** Obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from DOT and pay all applicable fees prior to filing of the final map.

Ensure the project improvement plans and grading plans conform to the County Grading, Erosion, and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

9. **Stormwater Management:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.

10. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase; however, grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.

#### **Office of the County Surveyor**

11. All survey monuments must be set prior to filing the Parcel Map.
12. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in Title 120.44.120(B)(2) of the County Ordinance Code.
13. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's Office prior to filing the Parcel Map.
14. Situs addressing for the project shall be coordinated with the County's Surveyor's Office prior to filing the Final Map.

15. 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 P19-0013 by (that agency) have been satisfied.”** The letter is to be sent to the County’s Surveyor’s Office and copied to the Applicant.

### **El Dorado County Air Quality Management District**

The following standard requirements of law would apply to the project:

16. **Asbestos Dust:** Current County records indicate the subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with applicable fees shall be submitted to and approved by the AQMD prior to project construction if the project moves more than 20 cubic yards of soil, pursuant to AQMD Rule 223.2, Fugitive Dust Asbestos Hazard Mitigation. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust - General Requirements, and Rule 223.2 Fugitive Dust - Asbestos Hazard Mitigation.
17. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
18. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
19. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
20. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf) Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
21. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.

**El Dorado Irrigation District (EID)**

22. Based on Meter Award Letter No. DS1020-218, issued on October 6, 2020 (Exhibit G), the property owner has satisfied EID requirements for additional domestic water service to serve the project. Water meters will not be installed until after recordation of the final map and final installation shall be subject to the conditions specified in the Meter Award Letter.

**El Dorado County Fire Protection District**

23. Prior to the building permit final, a fire hydrant shall be installed on Hart Drive to meet the 600 feet requirement from the property line.
24. Prior to recordation of the final map, Hart Drive road width shall be increased to 20 feet for the length of the property.
25. Prior to recordation of the final map, the Fire Protection District shall verify existing driveways are a minimum of 12 feet in width.
26. Prior to recordation of the final map, the Fire Protection District shall verify the project parcels conform to the vegetation management set forth by PRC 4291 and the El Dorado County Vegetation Management Ordinance.
27. As required by General Plan Policy 6.2.2.2 (development limitations in high and very high wildland fire hazard areas), a Fire Safe Plan shall be recorded on the project parcels to the satisfaction of the Fire Protection District prior to recordation of the final map. A copy of the Fire Safe Plan shall be submitted to the Planning Division.