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EL DORADO

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MEMORANDUM

DATE: July 26, 2006 Agenda of: August 10, 2006
TO: Planning Commission Item #: 8.a.
FROM: Jason R. Hade, AICP, Senior Planner
SUBJECT: TM05-1398/Thousand Oaks, Unit 3 Revised Conditions and Findings

REQUEST: At the Planning Commission hearing of July 13, 2006, the Commission directed staff to revise the conditions of approval and findings, as necessary, to allow for the approval of the tentative subdivision map with a minimum setback of 25 feet from the ponds and wetlands at the subject site. The requested revisions are discussed below with revised conditions of approval attached as Attachment 1 and revised findings attached as Attachment 2. An addendum to the prepared mitigated negative declaration (MND) is also attached.

DISCUSSION: Based upon biological information submitted by the applicant (Exhibit I in original staff report), the Planning Commission determined that the requested 25-foot minimum setback from the ponds and wetlands would be sufficient to protect the wetland and riparian area at the subject site as required under General Plan Policy 7.3.3.4. The Commission further directed staff to require a 100-foot septic system septic from the water features. Condition 22 (previously Condition 23) has been modified to reflect these setback requirements. Environmental Management staff reviewed the revised tentative subdivision map and determined that the applicant has satisfied Condition 19, as outlined in the attached memorandum dated July 18, 2006 (Attachment 4). As such, staff recommends Condition 19 be deleted. Deletions are indicated as ~~struck through~~ while additions are indicated as underlined.

An addendum to the mitigated negative declaration has also been prepared and is attached as Attachment 3. The addendum modifies the discussion concerning "Land Use Planning" previously discussed on page 16 of the environmental document. As the prepared mitigated negative declaration fully analyzed all potential impacts for the three proposed lots, no further mitigation measures are necessary.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Adopt the mitigated negative declaration based on the initial study and subsequent addendum prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as revised conditions of approval in Attachment 1;
3. Approve TM05-1398 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the revised conditions itemized in Attachment 1; and
4. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a. Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on the tentative map; and
 - b. Permit the existing roads to remain as they currently exist.

ATTACHMENTS

Attachment 1 - Revised Conditions of Approval

Attachment 2 - Revised Findings

Attachment 3 - MND Addendum

Attachment 4 - Environmental Management Memorandum, July 18, 2006

**ATTACHMENT 1
REVISED CONDITIONS OF APPROVAL**

FILE NUMBER TM05-1398

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

1. Avoidance Measures 1 through 4 as outlined in the attached Air Quality Analysis for Proposed Residential Subdivision of Assessor's Parcel Number 070-300-15, El Dorado County, CA, Sycamore Environmental Consultants, September 8, 2005.
2. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
3. 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.
4. A Notice of Restriction shall be recorded concurrently with the filing of the final map for each lot requiring the installation of sprinklers for fire suppression in all homes constructed at the subject sites to the satisfaction of El Dorado County Fire Protection District.

CONDITIONS OF APPROVAL

Department of Transportation

5. The applicant shall obtain an encroachment permit for and construct a Standard Plan 103C driveway connection onto the cul-de-sac of Mineshaft Lane and Standard Plan 103B-1 driveway connection onto the cul-de-sac of St. Ives Court.
6. The applicant shall improve the on-site access, from Mineshaft Lane to the proposed driveway to for lot three, to the standard of a 24 wide roadway per Standard Plan 101B (including signage as necessary – stop signs, street name signs, “not a county maintained road,” etc.) prior to filing the final map.

7. The applicant shall irrevocably offer to dedicate a sufficient road and public utilities easement for the on-site access road for lot two and three. Sufficient easement width is defined as the width needed to accommodate all existing and required roadway, drainage and utility improvements.
8. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
9. If burning activities are to occur during the construction of the project improvements, the applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
10. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District.
11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the 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. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director
12. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
13. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
14. 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.
15. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage and geotechnical reports in PDF format and the record drawings in TIF format.

Surveyor's Office

16. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.

El Dorado County Fire Protection District

17. Driveways serving each home are to be 10-feet wide, have a 13-foot six-inch vertical clearance, and be capable of supporting a 40,000 pound load. If a driveway becomes longer than 300 feet in length, a fire safe turnaround will be required subject to fire district review and approval.
18. Any future proposed project gates are subject to fire district approval.

Environmental Management Department

- ~~19. Adequate on site sewage disposal system and repair area shall be identified on the revised tentative subdivision map subject to Environmental Management Department review and approval prior to final map approval.~~

Planning Services

- ~~20~~ 19. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
- ~~21~~ 20. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
- ~~22~~ 21. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
- ~~23~~ 22. ~~At time of improvement plan and final map submittal, the applicant shall submit a final map reflecting the merging of Lots 1 and 2.~~ The final map shall include a ~~100~~ 25-foot non-building setback from all ponds and a ~~50~~ 25-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F. A 100-foot setback from all ponds and wetlands shall be shown for septic systems.
- ~~24~~ 23. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lots.

ATTACHMENT 2 REVISED FINDINGS

FILE NUMBER TM05-1398

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 FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration and Addendum together with the comments received and considered during the public review process. The Mitigated Negative Declaration and Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 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 based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 Tentative subdivision map TM05-1398 consists of an application to create three lots ranging in size from 1.83 acres to 3.34 acres. A design waiver request was submitted to allow the following: (1) Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on the tentative map; and (2) Permit the existing roads to remain as they currently exist.

The tentative subdivision map shall only be approved or conditionally approved if all of the following findings are made:

2.1.1 The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.

As proposed, the tentative map conforms to the Medium-Density Residential General Plan land use designation. ~~With the merging of Lots 1 and 2 as detailed above, the tentative map is consistent with the General Plan policies.~~ Pursuant to General Plan Policy 7.3.3.4, the Planning Commission has reviewed detailed biological information, prepared by Sycamore Environmental Consultants on December 21, 2005, and has determined that a 25-foot minimum non-building setback from the identified ponds and wetlands at the subject site is sufficient to protect the water quality and habitat value of the man-made ponds and wetlands in this ephemeral drainage. A building setback of 25-feet from the ponds and wetlands will have a less than significant impact on the Northwestern Pond Turtle and no impact on the California Red-Legged Frog. Because the biological report was completed and submitted prior to the adoption of the *Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4* on June 22, 2006, the report is considered adequate for the purposes of establishing consistency with General Plan Policy 7.3.3.4 in this case. As such, the tentative subdivision map is consistent with all applicable General Plan policies, including Policy 7.3.3.4.

2.2.2 The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed and with the approval of the requested design waivers, the tentative map conforms with the development standards within the One-acre Residential (R1A) Zone District and the Major Land Division Ordinance.

2.2.3 The site is physically suitable for the proposed type and density of development.

As originally proposed, the site is ~~not~~ physically suited for the proposed three lots because ~~of the lack of a sufficient buildable area exists~~ on Lots 1, 2, and 3 when 25-foot pond and wetland setbacks, building setbacks, tree canopy retention standards, and septic area repair and replacement area requirements are applied to the site. ~~For this reason, merging proposed Lots 1 and 2 will address these constraints.~~ As a result of this action the 25-foot non-building setback from the ponds and wetlands, the site is physically suitable for the proposed type and density of development.

2.2.4 The proposed subdivision is not likely to cause substantial environmental damage.

The proposed subdivision is not likely to cause substantial environmental damage with the application of 25-foot pond and wetland setbacks consistent with General Plan Policy 7.3.3.4. No project grading is proposed.

3.0 DESIGN WAIVERS

Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and permit the existing roads to remain as they currently exist.

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

The irregular shape of the proposed lots does not permit the frontage of each lot to be 100 feet. Access to the proposed lots will be provided by driveway connections and driveways linked to St. Ives Court and Mineshaft Lane which are existing County maintained roads.

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

Strict application of the design and improvement requirements would require a wider driveway resulting in an increased amount of project grading and potential tree removal. The Department of Transportation and El Dorado County Fire Protection District have reviewed the design waiver request and support a driveway width of 10 feet.

3.3 The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The waivers will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the design waivers will allow the subdivision to better fit within the context of the surrounding residential uses.

3.4 The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

ATTACHMENT 3 MITGATED NEGATIVE DECLARATION ADDENDUM

TM05-1398 / Thousand Oaks Unit No. 3
Environmental Checklist/Discussion of Impacts

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. LAND USE PLANNING. <i>Would the project:</i>				
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			✓	

Discussion:

A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or
- Conflict with adopted environmental plans, policies, and goals of the community.

- a) The project will not result in the physical division of an established community.
- b) As proposed, the project is consistent with the development standards contained within the El Dorado County Zoning Ordinance with the approval of the two design waiver requests. ~~However, the project conflicts with General Plan Policy 7.3.3.4 which requires that the County apply a minimum setback of 100 feet from all perennial streams, rivers, lakes and 50 feet from intermittent streams and wetlands.~~ The applicant has proposed a 25-foot setback from the ponds and wetlands at the subject site. A letter submitted by the applicant from Sycamore Environmental Consultants dated December 21, 2005 concludes that “we believe a building setback of 25 feet for the construction of a home on the northern end of the parcel is sufficient to protect the water quality and habitat value of the man-made ponds and wetlands in this ephemeral drainage.” *(Building setbacks to ponds and wetlands on APN 070-300-15, Sycamore Environmental Consultants, December 21, 2005)* The Planning Commission has reviewed the submitted biological documentation and concurs with the report’s findings that the proposed 25-foot non-building setback from the ponds and wetlands is sufficient to protect the water features and habitat area. Therefore, the proposed tentative subdivision map is consistent with the applicable General Plan policies, including Policy 7.3.3.4. As no conflict exists between the project and applicable land use policies, potential environmental impacts are considered to be less than significant.
- c) As discussed in Section IV Biological Resources, parts a, b and f, the submitted biological resources evaluation concluded that the proposal will not conflict with any applicable habitat conservation plan or natural community conservation plan.

FINDING: For the “Land Use Planning” section, the project will not exceed the identified thresholds of significance.