

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** November 9, 2006  
**Item No.:** 7.a.  
**Staff:** Mel Pabalinas

**TENTATIVE SUBDIVISION MAP**

**FILE NUMBER:** TM05-1397 (Promontory Village 6, Phase 3)

**APPLICANT:** MJM Properties, LLC

**AGENT:** David Burke/Larry Ito

**REQUEST:** The project consists of:

- 1) A tentative subdivision map creating 35 parcels, ranging in size from 0.71 to 1.43 acres, on a 39.78-acre site (Exhibit B).
- 2) Design waiver of the following county road standards:
  - a. Reduction of the right-of-way on Karavi Drive from 60 feet to 28 feet;
  - b. Reduction of the right-of-way on Kymata Court from 60 feet to 38 feet.

**LOCATION:** West of Karavi Drive, approximately 50 feet north of its southernmost intersection with Capetanos Drive, in the El Dorado Hills area (Exhibits A and B).

**APN:** 112-700-27 and 112-810-10

**ACREAGE:** 39.78 acres

**GENERAL PLAN:** Adopted Plan (AP) (Exhibit B)

**ZONING:** The Promontory Specific Plan (PR-SP) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15182 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional approval

## **BACKGROUND**

The Board of Supervisors originally approved The Promontory Specific Plan on November 4, 1997. A subsequent amendment to the plan was approved on September 28, 1999 in response to a Settlement Agreement following litigation. The amendment included a development cap of 1,100 dwelling units allocated between eight residential villages, reduced specific road standards, and use of open lined drainage. Village 6 received a maximum allocation of 158 units.

On October 20, 1998, the Village 6 tentative map was approved under application TM97-1333 comprising of 122 custom home lots and a three-acre park site as Phases 1 and 2, respectively. Phases 1, 2a, and 2b of Village 6 subsequently received final map approvals for a total of 120 parcels. In February 2001, under TM97-1333R, the Planning Commission approved revisions to Village 6 conditions of approval related to road standards, in particular, omitting requirements for sidewalks for specific roads.

## **ANALYSIS**

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the entitlements and associated issues for Planning Commission's consideration are provided in the following sections.

### **Project Description**

#### *Tentative Subdivision Map*

Village 6, Phase 3, is a Class I subdivision map consisting of 35 custom residential lots (Exhibit D). The lot sizes range from 27,000 (0.63 acre) to 80,000 square feet (1.83 acres) corresponding with each lot's slope gradient. Twenty-eight lots (4-9, 12, 13, and 16-35) are designated "Hillside Large-Lot, Single-Family Detached" (HLL SFD) while the remaining seven lots (1-3, 10-11, and 14-15) are assigned "Large-Lot Single-Family Detached" (LL SFD). If approved, Village 6 will have a total of 155 parcels in compliance with the Specific Plan. The Phase 3 tentative map will be developed as the final phase of this village.

Access to the site is via Village Center and Sophia Parkway by way of Beatty Drive, and from Gillette Drive and El Dorado Hills Boulevard by way of Capetanos Way. Internal circulation will consist of Karavi Drive, an upland one-way loop off of Capetanos Way, and Kymata Court, a private, two-way residential cul-de-sac accessed off Beatty Drive. The roads will be constructed in a terracing formation along the contours of the hillside. The residential units and driveway access points will front the downhill side of the roads. The uphill side of both roads will not provide driveway access but will front the rear yards of the uphill lots. A conservation easement will be recorded on the rear half of each lot, prohibiting the removal of trees and rocks and the placement of structures.

El Dorado Irrigation District (EID) will provide sewer and water service. Ten-inch water main stubs exist at the southwest corner of Kymata Court and Beatty Drive and at either terminus of Capetanos Drive. Proposed sewer lines will be constructed via a 20-foot easement from Karavi Drive downhill

to Kymata Court towards Beatty Drive. A submittal of a Facility Plan Report (FPR) is required for review and approval by EID.

Given the shape of the surrounding topography and terracing design of the roads along the contours of the hillside, drainage will naturally flow downhill to a drainage inlet. In conformance to the Settlement Agreement, the project will utilize 1,400 linear feet of lined open drainage channel and 2,400 linear feet of piped drainage.

*Design Waiver- County Road Standard*

In accordance to Section 16.08.020 of the El Dorado County Subdivision Ordinance, the applicant is requesting a design waiver for the reduction of the minimum 60-foot right-of-way for a minor residential street within the Class I subdivision. As proposed, Karavi Drive would be constructed with a maximum right-of-way of 28 feet (20-foot road width, no sidewalks) while Kymata Court would be 38 feet (36 foot wide road width, no sidewalks). These proposed right-of-ways and road widths conform to the approved roadway sections identified in the Circulation Plan of the Promontory Specific Plan and Settlement Agreement. The required findings for the waivers are further discussed below.

**Site Description**

Village 6 is on the western ridge of El Dorado Hills between the 740 and 1,050 foot elevation and features varied topography. The Phase 3 development consists primarily of steeper slopes ranging from 20 to 40 percent. Vegetation consists of oak woodland and seasonal grasses. Oak tree canopy covers over 20 acres of the project site. The natural drainage of the site flows downhill northwesterly.

**Adjacent Land Uses**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	Promontory Specific Plan (PR-SP)	Planned Area (AP)	Undeveloped
<b>North</b>	One-Family Residential (R1)	High Density Residential (HDR)	Governor’s West subdivision
<b>South</b>	Promontory Specific Plan (PR-SP)	Planned Area (AP)	Promontory Village 6 Phase 2
<b>East</b>	Promontory Specific Plan (PR-SP)	Planned Area (AP)	Promontory Village 6 Phase 2
<b>West</b>	Promontory Specific Plan (PR-SP)	Planned Area (AP)	Promontory Open Space

## Issues

### **Design Waiver**

Section 3.4 (Circulation Plan) of the Promontory Specific Plan states that publicly owned streets shall comply with Hillside Design Standards of the El Dorado County Design and Improvement Standard Manual, unless design waivers are approved in accordance with Section 16.08.020 of the El Dorado County Subdivision Ordinance. The proposal includes a design waiver request for a reduction in the 60-foot right-of-way for Karavi Drive and Kymata Court to 28-foot and 38-foot width, respectively. These proposed widths conform to the identified sections in the Circulation Plan of the Promontory Specific Plan.

Serving a maximum of 22 custom home lots, Karavi Drive is an upland one-way residential road to be constructed within a 28-foot right-of-way. Subject to Condition 2 recommended by the Department of Transportation, the road section consists of a 16-foot wide asphalt portion (approved under the Settlement Agreement) with Type 1 rolled curb and gutter on the lot side and Type 2 vertical curb and gutter on the non-vehicular side. Parallel parking will be limited on the lot side of the street only. Sidewalks are not required as approved under the revision of the Village 6 tentative map TM97-1333R.

Serving a maximum of 13 custom home lots, Kymata Court is an upland two-way privately maintained and owned residential cul-de-sac with optional gated entrance constructed within a 38-foot wide right-of-way. Subject to Condition 2 recommended by the Department of Transportation, the road section consist of 36-foot wide section with Type 1 rolled curb and gutter on the lot side and Type 2 vertical curb and gutter on the non-vehicular side. Parallel parking will be limited on the lot side of the street only. No sidewalk is required for this road.

Each waiver request shall be evaluated separately against the findings required under §16.08.020(a) (2) of the Subdivision Ordinance.

1. Karavi Drive to conform to upland one-Way standards of a 28-foot right-of-way.
  - a. There are special conditions or circumstances peculiar to the property which would justify the adjustment.
- b. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

*Discussion: Karavi Drive has been identified in the Promontory Specific Plan to be one-way minor residential collector serving a maximum of 22 custom home lots. The road section is a continuation of the approved section stubbed at either end of Capetanos Drive.*

*Discussion: Strict application of the right-of-way standard requirement would conflict with previously adopted road sections identified in the Promontory Specific*

*Plan and would be inconsistent with existing street stubs matching the reduced right-of-way for Karavi Drive.*

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

*Discussion: Karavi Drive will be constructed within a reduced the right-of-way of 28 feet conforming to the specific plan and Department of Transportation standards as conditioned. The road will serve a maximum of 21 residential lots, all fronting on one side (downhill) of Karavi. On-street parking will be limited on the downhill side of the street.*

- d. The adjustment would not have the effect of nullifying the objectives of any other law or ordinance applicable to the subdivision.

*Discussion: The requested reduced right- of- ways match the standards under the specific plan and are subject to recommended Department of Transportation conditions. Therefore, if granted, the waiver would not have any nullifying effect on other laws or ordinance.*

2. Kymata Court to conform to upland two-way standards of a 38 foot right-of-way.

- a. There are special conditions or circumstances peculiar to the property which would justify the adjustment.

*Discussion: Kymata Court has been identified in the Promontory Specific Plan to be private upland two-way cul-de-sac serving a maximum 13 residential lots. The map has been conditioned to meet County road construction standards.*

- b. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

*Discussion: Strict application of the right-of-way standard requirement would conflict with previously adopted road sections identified in the Promontory Specific Plan.*

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

*Discussion: Kymata court will be constructed within a reduced the right-of-way of 38 feet conforming to the specific plan and Department of Transportation standards as conditioned. The private road will serve a maximum of 13 residential lots, all fronting on one (lot) side of street. On-street parking will be limited on the downhill side of the street.*

- d. The adjustment would not have the effect of nullifying the objectives of any other law or ordinance applicable to the approved special use permit.

*Discussion: The requested reduced right-of-ways match the standards under the specific plan and are subject to recommended Department of Transportation conditions. Therefore, if granted, the waiver would not have any nullifying effect on other laws or ordinance.*

#### **Agency Comments- El Dorado Hills Fire Protection District**

As detailed in the letter from El Dorado Hills Fire Protection District, Division Fire Chief Fred Russell objects to the proposed width of the asphalt portion of one-way street, Karavi Drive, of 16 feet (Attachment 3). This objection is based on the proposed road width's inconsistency with County Design and Improvement Standards and California Fire Safe Regulations. However, this road width section conforms to the approved standard under the amendment of the Specific Plan subject to the Settlement Agreement in order to minimize impervious coverage and runoff and retain the rural character of the development. The road would be constructed within the 28-foot right-of-way in accordance with the Specific Plan and as conditioned (Condition 2) by the Department of Transportation. Moreover, Karavi Drive will be constructed matching the existing street stubs at both ends of the Karavi Drive originally approved in the Village 6, Phase 2B, Improvement Plan by the County and El Dorado Hills Fire Protection District.

#### **GENERAL PLAN**

The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and has been determined to be consistent with the General Plan. The General Plan designates the subject site as Adopted Plan (AP) in conformance with the boundaries of the Promontory Specific Plan. The following General Plan policies apply to this project:

#### **Land Use Policy**

**Policy 2.2.1.2:** Land use types and densities within the County.

**Discussion:** The Board of Supervisors approved The Promontory Specific Plan on November 4, 1997, and its subsequent amendment on September 29, 1999. The plan and associated maps under the specific plan has been accepted and adopted by the current General Plan. The General Plan Land Use Map designates the Promontory Specific Plan as an Adopted Plan (AP).

The Promontory Specific Plan anticipates a maximum build out of 1,100 lots allocated between eight residential villages. The residential density ranges from 0.76 to 2.15 dwelling units per acre, and the maximum development per village varies from 63 to 178 units. It must be noted that the density signifies a mathematical average value for each village and not a limitation of development for each village.

Village 6 anticipates the creation of a maximum of 158 custom residential lots encompassed within 168 acres, resulting to a density of 0.94 dwelling units per acre. The proposed subdivision map

Village 6, Phase 3, consisting of 35 parcels on 39.78 acres, has a density of 1.14 dwelling units per acre. If approved, Village 6 will have a total of 155 parcels in compliance with the allotted cap for the village. The proposed subdivision conforms to the density range for residential development under the Promontory Specific Plan, and therefore, the project conforms to the General Plan policy.

**Policy 7.4.4.4:** Oak Woodland impacts mitigation measures.

**Discussion:** Mitigation Measure 4.8.1 of The Promontory Specific Plan Final Environmental Impact Report (1997) includes three components of oak woodland mitigation: 1) protective measures during construction; 2) compensation for impacted oak woodland; 3) post-construction monitoring of preserved and replaced trees.

The Promontory Specific Plan area encompasses approximately 252 acres of oak tree canopy for a total of 25 percent canopy cover. The policy identifies compensation for loss of canopy in the form of either retention or replacement; the required retention for the entire plan is 85 percent of the canopy. In order to implement this mitigation measure, an Oak Tree Protection, Re-vegetation, and Monitoring Plan was submitted for the specific plan. An updated version was provided summarizing the implemented oak tree mitigations from previously approved maps and anticipated mitigation for upcoming maps including the subject phase, Villages 7 and 8, and the Village Center. The Oak Tree Canopy Map and Table 1, included as Exhibits E and F, provide additional details.

Based on Table 1, all approved development to date, including major roads, offsite water line improvements, the Village Center, and central and southern open space areas required 66.99 acres of oak canopy replacement. Utilizing the available oak tree mitigation planting areas of street landscape corridors, residential lots and open space areas, a total of 177.65 acres of oak canopy cover will be planted, resulting in a 265 percent replacement rate.

Village 6, Phase 3, contains 20.91 acres of tree canopy, of which 4.94 acres are proposed to be removed leaving 15.97 acres preserved, matching the required 85 percent canopy retention. The required canopy replacement is calculated at 1.8 acres. Coupled with 16.06 acres of on-site mitigation planting areas, the map will increase the overall replacement rate 281 percent for the Specific Plan area. Therefore, the proposed measures adequately mitigate oak tree impacts on the project site and conform to the overall oak woodland mitigation goal for the Specific Plan specified under the Oak Tree Protection, Re-vegetation, and Monitoring Plan.

### **Transportation and Circulation Policy**

**Policy TC-1b:** Minimum road rights of way of 60 feet width.

**Discussion:** The project proposal includes a request for consideration of a design waiver of the minimum right-of-way. The required findings for the waiver are further detailed below.

**Policy TC-Xa:** County shall make a finding that:

- 1) Residential development, of five or more units, shall not result in or worsen Level of Service F during weekday peak hour.
- 2) County shall not add segments to roads operating at LOS 'F'.

- 3) The developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impact.
- 4) County tax revenues shall not be used to offset traffic impacts from new development.

**Discussion:**

- 1) The applicant has provided a Traffic Impact Study for the Promontory Village 6, Phase 3, by Fehr and Peers, dated April 6, 2006. The results of this study demonstrate that the project does not result or worsen Level of Service F, as all roads are LOS E or better.
- 2) No additional segments to the subject roads are being made.
- 3) Subject to Condition 2, the applicant is required to pay traffic impact fees to cover the cost of road capacity improvements.
- 4) Subject to Condition 2, the applicant is required to pay traffic impact fees to cover the cost of road capacity improvements.

Comment [LI1]: Typo changed from 2 to 3

**Policy TC-Xb.C:** County shall ensure development will not generate traffic in excess of 10-year Capital Improvement Program.

**Discussion:** The applicant has provided a traffic study to determine mitigation measures necessary to offset any traffic impacts. The mitigation measures are in conformance and subject to the 5 year CIP.

**Policy TC-Xe&f:** Developer must construct or ensure adequate funding is available to construct roads needed to maintain level of service, if the project worsens traffic.

**Discussion:** The applicant has provided a traffic study that states that the project will worsen traffic, however, mitigation measures and the 5-year CIP will reduce impacts to a less than significant level.

**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.

**Discussion:** Subject to Condition 2, the applicant is required to pay traffic impact fees prior to issuance of building permit.

**ZONING**

The tentative map is subject to Section 17.22.675 of the County Zoning Ordinance requiring a determination for consistency with the adopted Specific Plan. The Promontory Specific Plan acknowledges that, given the steep hill sides and wooded areas of the site, selected lots within Village 6 are subject to the “Hillside Large-Lot Single Family Detached” (HLL SFD) and “Large-Lot Single Family Detached” (LL SFD). These standards establish minimum parcel sizes and lot frontages (as determined by the slope graph according to the El Dorado County Design and Improvement Standard Manual) and development/building envelopes.

The slope map indicates that 43 percent of the site consists of a 30 percent slope or greater, with 42 percent of the site between the 21 to 29 percent criteria (Exhibit G). Specifically, lots 4-9, 12, 13, and 16-35 are identified as HLL SFD with lot sizes ranging from 27,000 to 80,000 square feet, while

lots 1-3, 10-11, and 14-15 are designated LL SFD ranging from 27,000 to 49,000 square feet. The lot frontages vary according to the slope of each parcel ranging from 90 to 345 feet, exceeding the minimum required for each lot. Further, staff has reviewed and verified the extent of development on each parcel in conformance to the Building and Development Envelopes required in the Hillside Large-Lot Single Family Development standards (Exhibit H).

In accordance with the Promontory Specific Plan and Design and Improvement Manual, the proposed parcels conform to both the HLL SFD and LL SFD zoning standards as allowed under the Specific Plan. Therefore, the map is consistent with the zoning ordinance.

### **ENVIRONMENTAL REVIEW**

This project qualifies as Categorically Exempt from the requirements of CEQA pursuant to Section 15182 of the CEQA Guidelines. This guideline states that “where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section. (b) Scope. Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments.” As discussed under the General Plan and Zoning sections of this staff report, the proposed tentative map is in conformity with The Promontory Specific Plan. No impacts have been identified which were not discussed and mitigated in the Specific Plan EIR. No further environmental analysis is necessary. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption

### **RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15182; and
2. Approve TM05-1397 with the requested design waivers the based on the analysis in the staff report and required findings noted in Attachment 2, subject to the conditions of approval in Attachment 1.



# ATTACHMENT 1 CONDITIONS OF APPROVAL

## FILE NUMBER TM05-1397

The project consists of a tentative subdivision map creating 35 custom residential parcels and a design waiver of the 60-foot County right-of-way standard. The Class I subdivision comprises of parcels ranging in size from 27,000 to 80,000 square feet corresponding with each lot's slope gradient. Lots 4-9, 12, 13, and 16-35 are designated "Hillside Large-Lot, Single-Family Detached" (HLL SFD) while lots 1-3, 10-11 and 14-15 are assigned "Large-Lot Single-Family Detached" (LL SFD). The site is accessed via Karavi Drive and Kymata Court which connects to Beatty Drive. Sewer and water service will be provided by EID.

The request includes a design waiver for the reduction of the minimum 60-foot right-of-way for a minor residential street within the Class I subdivision. Karavi Drive would be constructed with a maximum right-of-way of 28 feet (20-foot road width, no sidewalks) while Kymata Court would be 38 feet (36 foot wide road width, no sidewalks). The proposed right-of-ways and road widths conform to the approved road standards identified in the Promontory Specific Plan and Settlement Agreement.

### CONDITIONS

1. This project is subject to the Traffic Impact Mitigation measures identified in the Promontory Environmental Impact Report and the Traffic Impact Study prepared for the Promontory, Village 6, Phase 3, by Fehr and Peers, dated April 6, 2006, involving the El Dorado Hills Boulevard/Francisco Drive Intersection. This mitigation measure is funded in the 5 Year CIP (CIP Project 72332), which requires payment of fees for the 2004 General Plan Transportation Impact Mitigation Fee Program at time of building permit.
2. This project is subject to the 2004 General Plan Transportation Impact Mitigation Fee Program. Applicant shall pay traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
3. A vehicular access restriction shall be designated along Beatty Drive (specifically Lots 1, 24 through 34) and along the downhill side of all lots that have double frontage.
4. All roads shall be constructed in conformance with the Promontory Specific Plan and the Design and Improvements Standard Manual with the following widths:

Comment [LI12]: Changed to 24 from 26

ROAD NAME	PROMONTORY REFERENCE	ROAD WIDTH	EXCEPTIONS/NOTES
Karavi Drive	Upland One Way	20 ft (28 ft R/W)*, plus parking , utility and slope easements	Hillside Development Area; Type 1 rolled curb & gutter – lot side; Type 2 vertical curb and gutter non-vehicular access side; parking bays not required ADT<350. No Sidewalks
Kymata Court	Upland Two Way	36 ft (38 ft R/W)*, plus parking, utility and slope easements	Hillside Development Area; Type 1 rolled curb & gutter – lot side; Type 2 vertical curb and gutter non-vehicular access side; parking bays not required ADT<350. No Sidewalks

Comment [L13]: Added no sidewalks

Comment [L14]: Changed from 28 to 36

Comment [L15]: Added no sidewalks

Comment [L16]: Typo changed from 6 to 4

Comment [L17]: Added for clarification.

Notes for Condition 4 table:

Road widths in the preceding table are measured from curb face to curb face. Curb face for rolled curb and gutter is 6" from the back of curb.

\*With approved waiver but consistent with the Specific Plan and prior approvals.

Beatty Drive and Alexandra Way from the intersection of Beatty Drive to the intersection of Sophia Parkway shall be constructed in conformance with the requirements of the Promontory Specific Plan and the Design and Improvements Standard Manual.

5. A notice of restriction shall be recorded on all lots where off street parking is required in lieu of the additional on street parking spaces or bays. As an alternative, the Promontory (or Village) CC&Rs shall include a provision for off street parking to compensate for lack of parking normally required on street.
6. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, the Promontory Master Drainage Study (July 1997, CTA) and the Willow-Humbug Creek Watershed Memorandum of Understanding between the County of El Dorado and the City of Folsom, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with above referenced documents.
7. An irrevocable offer of dedication for rights of way (R/W) shall be made, in fee, of the widths shown in the preceding table for the proposed roads, with slope, pedestrian, and parking easements where necessary. Said offer may be rejected at the time of the final map, in which case a County Service Area Zone of Benefit or Homeowner's Association shall be established in order to provide for the long term maintenance of the roads.
8. An irrevocable offer of dedication, in fee, shall be made of 50 feet in radius for the cul-de-sac, with slope, pedestrian and parking easements where necessary. Said offer may be rejected at the time of the final map, in which case a County Service Area Zone of Benefit or Homeowner's Association shall be established in order to provide for the long term maintenance of the roads.
9. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements with gated access across fenced property

lines. This drainage shall be by closed conduit wherever possible, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.

10. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
11. The subdivider shall be required to form a County Service Area Zone of Benefit or Homeowner's Association to fund drainage facilities maintenance and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
12. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
13. The County reserves the right to impose additional reasonable conditions relating to the filing of multiple final maps and phasing on the tentative map. Reasonable conditions, at a minimum, will include a letter of approval from the El Dorado Hills Fire Department and a finding of substantial compliance with the approved tentative map from the Development Services Director or designee.
14. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, 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 prepared by a civil engineer or land surveyor, of the land necessary to be acquired to complete the off site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off site improvements.
  - c. An appraisal prepared by the professional appraiser of the cost of land necessary to complete the off site improvements.
  - d. A completed CEQA analysis.

15. The developer shall obtain approval of project grading and improvement plans, including erosion control plans, and cost estimate consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.
16. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance.
17. The final map shall show all utility, road and drainage easements pursuant to the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the county Engineer. Said easements shall be irrevocably offered to the County.
18. Grading 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. No building permits shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.
19. The timing of construction and method of re-vegetation shall be coordinated with the El Dorado Resource Conservation District (RCD). An erosion and sediment control plan shall be part of the project grading and improvement plans, incorporating the El Dorado County Minimum Construction Site Storm Water Management Practices (March 31, 2004) and submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve such plans and the developer shall implement said plan on or before October 15.
20. The contractor shall deploy measures sufficient to achieve compliance with the County's Grading Ordinance and, for projects which involve one acre or more of disturbed soil or are part of a larger common plan of development that encompasses one acre or more of disturbed soil, shall comply with the State Water Resources Control Board's NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
21. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
22. Subdivision improvements shall include driveways for all lots with street cuts or fills, along their frontages, of six feet or more difference in elevation, or as found necessary for reasonable access by the County Transportation Director.

Driveways shall be installed in a manner and location acceptable to the County Department of Transportation and shall meet standard County driveway requirements.

As an alternative, downhill lots with fill in excess of six feet may have a Notice of Restriction filed on the lot which allows structural driveway access only. The CC&Rs shall include provisions for the following: construction of driveways shall be at the time of building permit for each individual lot. The Promontory Architectural Design Review Committee (PARC) shall review the placement of individual homes and driveways within the project. Site improvement plans for each lot shall be prepared by a Civil Engineer registered to practice in the State of California, based on the PARC approved site plans and shall include slope stabilization and erosion control methods acceptable to the El Dorado County resource Conservation District. Provisions for the disposal of excess fill material shall be incorporated into the individual lot grading and/or building permit(s), filed with the Building Department.

Lots where the street at the access point is in excess of a six foot cut or fill height shall be indicated on the final map. The developer shall demonstrate, in conjunction with the improvement plans, that each lot is accessible by County Standards, including the provision of this condition.

For driveways in cut slopes, the County Engineer may require test pits to be excavated at the point of deepest excavation for the proposed driveway, utilizing a 19 to 21 foot class loader/backhoe or equivalent, to demonstrate the constructability of the proposed driveway. Driveways shall be constructed with the street improvements where said equipment is unable to perform excavation of the test pit.

23. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado Hills Fire Protection District. The spacing of the hydrants shall not exceed 500 feet and shall be shown on the improvement plans, subject to the approval of the fire protection district.
24. All driveways serving this project shall be designed to a maximum grade of 20 percent. Any driveway exceeding this requirement shall be submitted to the Fire Department and may require that the dwelling install a fire sprinkler system on accordance with NFPA 13D requirement.
25. Pursuant to General Plan Policy 7.4.5.1, a tree survey, preservation, and replacement plan shall be prepared and filed with the County prior to issuance of a grading permit. The plan shall include but not be limited to the following:
  - a. Building envelopes shall be identified for all parcels within the area where trees occur.
  - b. The building envelopes shall be positioned to minimize disturbance to oak trees.

- c. Protection measures shall be specified for construction activities and for long-term use of the parcels.
  - d. CC&Rs shall be prepared that include recommendations for oak tree preservation prepared by a qualified arborist.
  - e. The CC&Rs shall include a provision that removal of any oaks 24 inches and above at breast height is prohibited before, during, and after construction, unless recommended by a qualified arborist that the tree is not healthy.
  - f. The plan shall demonstrate conformance with Policy 7.4.4.4, regarding the preservation or retention of 85 percent of the existing tree canopy.
26. A fire safe management plan, acceptable to the El Dorado Hills Fire Protection District and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
27. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
28. 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.
29. 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.
30. As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possessing of the property.

**OTHER DEPARTMENT OR AGENCY STANDARD CONDITIONS**

31. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
32. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.

- 33. The applicant shall provide a letter from SBC shall verify that easements for SBC utilities are accurately shown on the final map.
- 34. Applicant shall provide verification that a joint trenching agreement has been established with the cable television provider.

**MITIGATION MEASURES**

The following are the applicable adopted mitigation measures from the Promontory Final EIR certified on November 4, 1997. The reference numbers are from the EIR.

Within or following the mitigation measure in italics are notes or abbreviations added to clarify implementation of the mitigation measure. The following legend defines the abbreviations used:

<b>Stage in Process in Which Condition Must be Satisfied</b>	<b>Abbreviation</b>
Tentative Map	<i>T.M.</i>
Shown on Improvement Plans	<i>I.P.</i>
Final Map	<i>F.M.</i>
Building Permit(fees paid with building permit issuance or design criteria in CC&Rs or Design Notebook)	<i>B.P.</i>

- 4.2.1a. Prior to approval of any project site improvement plans and the commencement of construction activities, the project applicant shall locate construction staging areas as far as reasonably possible from existing residential areas. Construction staging areas shall be identified on project site improvement plans and approved by the El Dorado County Department of Transportation (*I.P.*)
- 4.2.1b. During construction activities, the project applicant shall limit the amount of daily construction equipment traffic by staging construction equipment and vehicles on the project site at the end of each work day rather than removing them. (*I.P.*)
- 4.2.1c. Prior to any construction activities requiring complete or partial closure of existing roadways surrounding the project site, the project applicant shall perform the following tasks to the satisfaction of the El Dorado county Department of Transportation:  
Provide written notice to property owners along affected roadways one week prior to roadway closures.  
  
To ensure public safety, clearly mark and secure roadway construction areas.  
Steel plates shall be placed over open trenches at the end of each work day to restore vehicle access to all residents.  
  
Roadway closure shall not occur during the a.m. or p.m. peak hour traffic periods. (*I.P.*)
- 4.3.1a. Prior to County approval of project site grading plans, the following item shall be included in the grading plans: Project site grading shall avoid disturbing and or removing rock outcroppings and oak trees to the maximum extent feasible. (*I.P.*)

- 4.5.2a. Widen Green Valley Road from two lanes to four lanes from El Dorado Hills Boulevard to the El Dorado County line. *This mitigation measure is accomplished by inclusion in the CIP, paid for by the collection of fees for the 2004 General Plan Transportation Impact Mitigation Fee Program at time of building permit. (B.P.)*
- 4.5.3. The project applicant shall be responsible for their fair share cost of the following improvements:
- Widen the northbound Francisco Drive approach to include dual left turn lanes, one exclusive through lane, and one exclusive right turn lane;
- Widen the westbound Green Valley Road approach to include one exclusive left turn lane, two exclusive through lanes, and one exclusive right turn lane;
- Widen the eastbound Green Valley Road approach to include dual left turn lanes, two exclusive through lanes, and one exclusive right turn lane; and
- Modify the existing traffic signal equipment as necessary to accommodate the intersection widening. *This mitigation measure is accomplished by inclusion in the CIP, paid for by the collection of fees for the 2004 General Plan Transportation Impact Mitigation Fee Program at time of building permit. (B.P.)*
- 4.5.6. Install a traffic signal at the Latrobe Road/U.S. Highway 50 Eastbound Ramps intersection. *This mitigation measure is accomplished by inclusion in the CIP, paid for by the collection of fees for the 2004 General Plan Transportation Impact Mitigation Fee Program at time of building permit. (B.P.)*
- 4.5.8. The project applicant shall be responsible for contributing their fair share of the cost to reconstruct the El Dorado Hills Boulevard/Latrobe Road interchange with U.S. Highway 50. *This mitigation measure is accomplished by inclusion in the CIP, paid for by the collection of fees for the 2004 General Plan Transportation Impact Mitigation Fee Program at time of building permit. (B.P.)*
- 4.6.1 Prior to approval of improvement plans for subsequent development, the project applicant shall demonstrate to the County and District their compliance with Rule 223 of the El Dorado Air Pollution Control Districts Rules and Regulations handbook in written report form. This fugitive dust prevention and control plan shall briefly list all Best Management Practices (BMP) to be implemented for the control of fugitive dust emissions throughout the construction phase. *(I.P)*
- 4.6.2.a The County shall encourage subsequent site development to incorporate the use of Best Available Control Technologies (BACT) for the control of construction exhaust emissions. The EDCAPCD shall be consulted to determine the appropriate BACT measures available (regular tune-ups, cleaner burning conventional fuels, alternative fueled vehicles and equipment). *(I.P)*

- 4.6.2.b Prior to future final map approvals, the project applicant shall demonstrate to the County and the EDCAPCD concerning feasible transportation alternatives in order to reduce construction worker vehicle trips and associated vehicle exhaust emissions. *(F.M.)*
- 4.6.3. Prior to future final map approvals, the project applicant shall demonstrate to the County and the EDCAPCD their compliance with Rules 215 and 225 of the EDCAPCD's Rules and Regulations handbook for the control of ROG emissions from architectural and asphalt coatings. *(F.M.)*
- 4.6.4. Prior to future final map approvals, the project applicant shall demonstrate compliance with the El Dorado Air Pollution Control District's open burning rules contained in Regulation III. *(F.M.)*
- 4.6.5. Implementation of the following measures would reduce, but not eliminate, the significant air quality impacts:
- Prior to future final map approvals, the project applicant shall demonstrate that only EPA certified stoves and fireplaces inserts are installed in homes. Standard masonry fireplaces, uncertifiable by the EPA, shall not be constructed. EPA certified stoves and fireplace inserts have a 70 to 90 percent lower particulate emission rate than conventional stoves and fireplaces. *(F.M.)*
- 4.7.1a. Construction activities shall be limited to the hours of 7:00 a.m. to 6 p.m. on weekdays and the hours of 8:00 a.m. to 5 p.m. on Saturday and Sunday. *(I.P.)*
- 4.8.1. Mitigation for project impacts to trees shall include measures for tree protection, revegetation and compensation and monitoring. All aspects of the following measures must be implemented to ensure mitigation/compensation for the impact.
- The project applicant shall develop and implement a Tree Protection Plan to minimize direct and indirect impacts to oak woodland on the project site during construction and operation phases of the proposed project. The Plan shall require the use of buffers to prevent or reduce the effects of disruption in the hydrologic or edaphic (growing) environment of heritage trees. Canopy cover retention within oak woodlands shall meet the requirements of General Plan Policy 7.4.4.4. The elements of the Tree Protection Plan shall appear as standards in the tentative subdivision maps, improvement plans and subdivision CC&Rs. The Plan shall be implemented prior to ground clearing, grading, or other construction activities that may impact oak trees. Unless stated otherwise, all measures shall be the sole responsibility of the project applicant.
  - The County or project applicant (with County approval) shall engage a qualified project biologist or equivalent professional to oversee all aspects of construction monitoring that pertain to oak tree protection. The County would be responsible for reviewing the monitoring program. The project applicant shall be responsible for

reimbursing the County for all costs related to the compliance monitoring of the project.

- The project biologist shall be responsible for contractor education and shall monitor all construction activities in areas supporting sensitive biological resources. The project biologist shall be responsible for scheduling and/or implementing pre-construction tree surveys and shall inform the County, the project engineer and the project general contractor if there are construction activities that threaten protected oak trees for which no mitigation measures have been identified in this EIR.
- The project biologist shall clearly mark on project maps all oak trees and oak woodlands to be avoided and provide these maps to the contractor. These areas shall be designated as “no construction” or “limited construction” zones. These areas shall be flagged by the project biologist prior to construction activities. IN some cases, trees may need to be fenced or otherwise protected from direct or indirect impacts, as determined by the project biologist.
- The Tree Revegetation Plan shall consist of an implementation and a monitoring component. Because the exact extent of tree loss can only be determined after the final grading plans and building envelopes are defined, a detailed analysis of: 1) the precise number and species of trees to be removed, and 2) the specific mitigation areas to be planted, shall be developed and identified as part of the tentative and final map processes, in compliance with General Plan Policy 7.4.5.1. Lost tree canopy cover must be replaced at the percentage required under Policy 7.4.4.4 of the County General Plan.
- The Monitoring and Management Plan shall identify monitoring and management techniques for a recommended time period (as determined during the development of the Plan) following implementation. The plan shall establish success criteria (performance standards) and shall describe steps to be taken to replace vegetation not meeting the success criteria (contingency plans). Performance standards could relate to the number of trees, species and sizes of trees, area of canopy, or a combination. Appropriate data sampling and statistical treatment of data shall be developed and utilized.
- The preliminary mitigation plan (based on the elements presented in this EIR) shall be submitted for review prior to approval of subsequent tentative subdivision maps. A draft mitigation plan (including draft versions of the Tree Protection Plan, Revegetation Plan and Monitoring and Management Plan) shall be submitted with the applications for tentative subdivision maps and other subsequent approval. The final mitigation plan shall be submitted as part of the final subdivision map process or prior to approval of a grading permit for improvement plans, whichever occur first. Prior to implementation, the final plan shall be approved by the County. The project applicant shall identify and secure sources of funding and personnel to

carry out all identified measures outlined above before any tree removal or grading permits issued by the County. *(T.M.)*

- 4.8.3. The project applicant shall hire a biologist(s) approved by the County to conduct protocol surveys for the species listed in Table 4.8-2 as having a high potential to occur on the property or as being a “potential resident” of the property, which includes bald eagle (*haliaeetus leucocephalus*), long eared bat (*myotis evotis*), long eared myotis (*myotisvolans*), yuma myotis (*myotis yumanensis*), cooper’s hawk (*accipter cooperi*), sharp shinned hawk accipter (*striatus*), long-eared owl (*aso otus*), short-eared owl (*asio flammeus*), ferruginous hawk (*buteo regalis*) northern harrier (*circus cyaneus*), white tailed kite (*elanus leucurus*) and burrowing owl (*speotyto cunicularia*). In addition, the biologist shall also conduct protocol surveys for any new special status species that may occur on the project site, which are listed by CDFG and/or USFWS subsequent to the certification of this EIR. Results of the protocol surveys shall be submitted to the CDFG and/or USFWS, as required, and to the County prior to approval of subsequent tentative subdivision maps. If no sensitive species are located on-site, no further mitigation is necessary. If listed species are located on the property, the applicant and the County shall enter into formal consultation with the appropriate resource agency and begin preparation of a Biological Assessment or Habitat Conservation Plan, as applicable. The precise mitigation/compensation for direct and indirect impacts to sensitive species will depend on agency consultation and agreements. The project applicant shall implement all measures identified by the CDFG and USFWS to protect and mitigate impacts to listed and other special status species. *(T.M.)*
- 4.9.1a. Prior to approval of the improvement plans for site development, the project applicants shall hire an engineering geologist or equivalent professional to prepare a site specific geotechnical report that will include the following:
- Identification of areas of potential slope hazards and measures to minimize the project’s impact to slope stability.
- Identification of areas susceptible to soil erosion and measures to minimize the project’s impact on soil erosion.
- Determination of the suitability of excavated material as engineering fill, topsoil, or other type of reuse on site. *(I.P.)*
- 4.9.1b. To the maximum extent practicable, project development shall avoid areas determined by the site specific geotechnical report to have unstable ground conditions. *(I.P.)*
- 4.9.1c. Prior to approval of the improvement plans for site development, the project applicant will submit an erosion control plan to the County. Erosion control measures will include techniques such as physical and vegetative stabilization measures and runoff diversion measures. Additionally, the plan will specify measures for reuse or disposal of excavated material. If excavated material is suitable for use at the project site, the plan should minimize elapsed time between excavation and reuse and provide adequate stockpile

coverage and protection from wind and water erosion during the entire storage period. If excavated material is unsuitable for reuse at the project site, the plan will include specific information regarding the eventual reuse or disposal site, transportation methods, disposal reuse management, and schedule. The plan will be consistent with the El Dorado County Grading, Erosion and Sediment Control Ordinance and the El Dorado County Resource Conservation District's Erosion sediment Control Guidelines. (I.P.)

- 4.9.1.d. Stabilize grading areas left unprotected during the rainy season, as specified by the El Dorado County Grading, Erosion and Sediment Control Ordinance. Stabilization measures may include National Pollutant Discharge Elimination System (NPDES) Construction Activity best management practices such as hydroseeding, geotextiles and mats, and straw bale or sandbag barriers. (I.P.)
- 4.9.1e. Implement water quality mitigation measures, including retention of vegetation and avoidance of grading activities near water channels to the maximum extent feasible. Water quality mitigation measures are described in detail in Section 4.10, Hydrology and Water Quality. (I.P.)
- 4.9.2a. Prior to approval of the improvement plans for site development, a seismicity report will be completed by an engineering geologist or equivalent professional regarding possible damage from seismic shaking and secondary hazards such as landsliding, liquefaction and lateral spreading. This report will include:
- An analysis of seismic hazards anticipated at the project site from regional faults.
  - A discussion and recommendations for seismic mitigation at the project site.
- Recommendations may include use of reinforced concrete foundations and avoidance of potentially unstable foundation materials. (I.P.)
- 4.9.2b. The project applicant will incorporate the recommendations of the seismicity report into the design for all structures proposed at the project site. All Structures will be designed for Seismic Zone 3 and will designed to withstand the anticipated seismic hazards determined in the seismicity report. Plans for structures shall be reviewed by the County prior to approval of the improvement plans and building permits. (I.P., B.P.)
- 4.10.1 Prior to approval of improvement plans for site development, the project applicant shall submit erosion control plans and hazardous materials control program to the County consistent with El Dorado County's Grading, Erosion, and Sediment Control ordinance and El Dorado Resource Conservation District's Erosion sediment Control Guidelines. The plan should include Best Management Practices to minimize and control pollutants in storm water runoff. Suggested water quality control practices should include the following:

Construction Measures

Native vegetation will be retained where possible. Grading and excavation activities will be limited to the immediate area required for construction.

Stockpiled topsoil shall be placed in disturbed areas outside of natural drainage ways. Stockpile areas shall be designated on project grading plans.

No construction equipment or vehicles will disturb natural drainage ways without temporary or permanent culverts in place. Construction equipment and vehicle staging areas will be placed on disturbed areas and will be identified on project grading plans.

If construction activities are conducted during the winter or spring months, storm runoff will be regulated by temporary onsite detention basins.

Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) will be employed for disturbed slopes until permanent revegetation is established.

No disturbed surfaces will be left without erosion control measures during the winter and spring months.

Sediment will be retained onsite by a system of sediment basins, traps or other appropriate measures.

Immediately after the completion of grading activities, erosion protection will be provided for finished slopes. This may include revegetation with native plants (deep rooted species for steep slopes), mulching, hydroseeding, or other appropriate methods.

Energy dissipaters will be employed where drainage outlets discharge into areas of erodible soils or natural drainage ways. Temporary dissipaters may be used for temporary storm runoff outlets during the construction phase.

A spill prevention and countermeasure plan will be developed identifying proper storage, collection and disposal measures for pollutants used onsite. No-fueling zones shall be indicated on grading plans and shall be situated at least 100 feet from natural drainage ways.

#### Operation Measures

All storm drain inlets will be equipped with silt and grease traps to remove oil, debris, and other pollutants, which will be routinely cleaned and maintained. Storm drain inlets will also be labeled "No Dumping – Drains to Streams and Lakes".

Parking lots will be designed to allow as much runoff as feasible to be directed toward vegetative filter strips to help control sediment and improve water quality.

Storm runoff from service stations or other similar uses will be treated with an oil/water separator.

Permanent energy dissipaters will be included for permanent outlets.

The detention/retention basin system of the site will be designed to provide effective water quality control measures design and operation features of detention/retention basins will include:

1. Construct basins with a total storage volume that permits adequate detention time for settling of fine particles even during high flow conditions.
2. Maximize the distance between basin inlets and outlets to reduce velocities, perhaps by using an elongate basin shape.
3. Incorporate some below grade area within the main detention basin for sediment settling.
4. Allow vegetation to reduce velocities and naturally filter water by encouraging vegetation establishment and ensuring adequate water supply to maintain vegetation cover.
5. Establish basin maintenance responsibility and schedules to periodically remove basin sedimentation, excessive vegetation growth and debris that may clog basin inlets and outlets. *(I.P.)*

4.10.5b. Prior to approval of improvement plans for site development, the project applicant shall prepare a hydrologic study in conformance with the El Dorado County Drainage Manual which would support the project drainage plans. The project applicant shall submit both the hydrologic study and drainage plans to the County for review and approval. The drainage plans shall clearly demonstrate that buildout peak storm runoff flows from the project site will remain at or below existing peak storm runoff flows. The drainage plan will provide details on ultimate location and design of retention/detention basins and other drainage facilities, as well as a maintenance program for all drainage facilities. The drainage plan shall also identify the 100 year floodplain on the project site, or verify that no 100 year flood zones will exist on the site. The drainage plan shall be in conformance with the El Dorado County Drainage Manual, as well as any additional requirements set forth the in the City of Folsom/El Dorado County drainage agreement described in Mitigation Measure 4.10.5a. *(I.P.)*

4.11.2. The project applicant shall implement the following measured to minimize potential impacts to undiscovered cultural resources:

- a. Prior to approval of subsequent tentative subdivision maps for project development, the project shall retain a qualified archeologist to perform an archeological survey for the tentative subdivision map area. The archeological survey shall employ current field survey and record search methods and standards. Significant archeological resources discovered shall be recorded and avoided and/or mitigated, pursuant to state and federal standards. The

findings of the archeological survey shall summarized in a report and submitted to the County prior to tentative subdivision map approval. *(T.M.)*

b. In the event that any prehistoric or historic subsurface cultural resources are discovered during construction related earthmoving activities, all work within 20 meters of the resources shall be halted and the project applicant shall consult with a qualified archaeologist to assess the significance of the find. If any find were determined to be significant by the qualified archaeologist, then representatives of the project applicant, El Dorado County, and the qualified archaeologist would meet to determine the appropriate course of action. If the discovery includes human remains, Section VIII of CEQA Guidelines Appendix K would be followed, requiring coordination with the Native American Heritage Commission if human remains are of Native American origin. All significant cultural materials recovered would be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist accord to current professional standards. *(I.P.)(B.P.)*

## **ATTACHMENT 2 FINDINGS**

### **FILE NUMBER TM05-1397**

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**

- 1.1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15182 stating that “where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section.

The proposed subdivision is not likely to cause substantial environmental damage because there is no additional project impacts beyond the effects previously analyzed and mitigated in the Promontory Specific Plan EIR. No further environmental analysis is necessary. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption

- 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 Development Services Department/Planning Services at 2850 Fairlane Court Placerville, CA, 95667.
- 1.3. The applicant has provided updated information regarding the compliance with the Oak Tree Protection, Re-vegetation and Monitoring Plan as required under the Mitigation Monitoring Reporting Program for the Promontory Specific Plan.

##### **2.0 General Plan**

- 2.1 The project is located within the Promontory Specific Plan with a designation of Adopted Plan (AP) under the El Dorado County General Plan Land Use Map. The General Plan has recognized and adopted the plans, policies and maps associated with the Specific Plan.

##### **3.0 Zoning Code**

- 3.1 The subdivision conforms to the lot standards identified in the Promontory Specific Plan creating custom built lots with appropriate sizes, frontages and building envelopes. Therefore, the proposed subdivision map is consistent with the El Dorado County Zoning Code.

#### **4.0 Administrative-Tentative Subdivision Map**

- 4.1 The proposed residential tentative map conforms to the applicable land use, density, and design and improvement standards identified in the Promontory Specific Plan. The project site is physically suitable to accommodate the proposed 35 custom residential lots, public utilities, and associated improvements in accordance to the standards Promontory Specific Plan and Settlement Agreement.

#### **5.0 Design Waivers**

##### **5.1. Karavi Drive to conform to upland one-way standards of a 28-foot right-of-way.**

- 5.1.1 There are special conditions or circumstances peculiar to the property which would justify the adjustment or waiver. Karavi Drive has been identified in the Promontory Specific Plan to be one-way minor residential street serving a maximum of 22 custom home lots. The road section is a continuation of the approved section stubbed at either end Capetanos Drive.
- 5.1.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because it would conflict with previously adopted road sections identified in the Promontory Specific Plan and would be inconsistent with existing street stubs matching the reduced right-of-way for Karavi Drive.
- 5.1.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because Karavi Drive will be constructed within a reduced the right-of-way of 28 feet conforming to the specific plan and Department of Transportation standards as conditioned. The road will serve a maximum of 21 residential lots, all fronting on one side (down hill) of Karavi. On-street parking will be limited on the downhill side of the street.
- 5.1.4 This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division. The requested reduced right of ways matches the standards under the specific plan and subject to recommended Department of Transportation conditions.

##### **5.2 Kymata Court to conform to upland two-way standards of a 38 foot right-of-way.**

- 5.2.1. There are special conditions or circumstances peculiar to the property which would justify the adjustment or waiver. Kymata Court has been identified in the Promontory Specific Plan to be private upland two-way cul-de-sac. This road would serve a

maximum 13 residential lots. The map has been conditioned to meet county road construction standards.

- 5.2.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because it would conflict with previously adopted road sections identified in the Promontory Specific Plan.
- 5.2.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because Kymata court will be constructed within a reduced the right-of-way of 38 feet conforming to the specific plan and Department of Transportation standards as conditioned. The private road will serve a maximum of 13 residential lots, all fronting on one (lot) side of street. On-street parking will be limited on the downhill side of the street.
- 5.2.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division. The requested reduced right of ways matches the standards under the specific plan and subject to recommended Department of Transportation conditions.