



**Access Issues:** As proposed, Lot 1 would be served by an existing driveway from St. Ives Court while access to Lots 2 and 3 would be provided by an improved existing driveway connecting to Mineshaft Lane.

**Driveway/Roadway Width:**

A 10-foot wide fire safe driveway with a standard fire safe turnout is shown on the revised map as required by Condition 10. The applicant previously requested and received approval from the Planning Commission for a design waiver request to reduce the required width of the on-site access road from Mineshaft Lane to the proposed driveway to Lot 3 from the 24-foot wide requirement established by Standard Plan 101B to the improvement detailed in Condition 10. As approved at the Planning Commission hearing of August 10, 2006, the improvements described above were acceptable to the Planning Commission, applicant, and Fire District as well as the Department of Transportation and Planning Services staff. No further issues regarding the reduced driveway/roadway width were raised at the Board of Supervisors hearing in September 2006.

**Common Driveway Maintenance:** Department of Transportation staff recommends that to ensure that the proposed common driveway is adequately maintained, a common driveway maintenance agreement between Lots 2 and 3 be recorded prior to filing the final map. A condition has been added to address this issue in Attachment 1.

**Irregular Shaped Lots and Frontage:** While proposed Lot 1 is nearly identical in shape to that of Lot 1 on the previous map, Lots 2 and 3 have been revised to be more regularly shaped. A design waiver request was submitted and previously approved by the Planning Commission to allow the irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map. Proposed frontage for Lots 2 and 3 is nearly 100 feet at the setback line. Although the previously approved design waiver request outlined above is still requested by the applicant, the revised map reflects lots which are more consistent with the development standards than previous efforts.

**On-Site Sewage Disposal:** Environmental Management staff has reviewed and approved the proposed on-site sewage disposal areas on the revised map as indicated in Attachment 6. Previous leach field locations were modified so that each lot has its own leach field, and the proposed leach fields do not cross property lines.

**ENVIRONMENTAL REVIEW**

Staff previously prepared an initial study and several revisions to determine if the project would have a significant effect on the environment. Based on new biological resources issues raised at the hearing of December 14, 2006, it was determined that the previously considered mitigated negative declaration needed to be revised. Staff revised the environmental document to address several biological resources issues including rare plant, potential streambed alteration and septic system impacts. Based on the revised initial study, staff found that the project could have a significant effect on air quality, biological resources, cultural resources, and hazards and hazardous materials. However, the project has been modified to incorporate the mitigation

measures identified in the initial study which will reduce the impacts to a less than significant level. Therefore, a revised final Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game (CDFG). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.<sup>00</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.<sup>00</sup> processing fee, is forwarded to the CDFG and is used to help defray the cost of managing and protecting the State's fish and wildlife resources. Under the revised statute effective January 1, 2007, a project proponent asserting a project will have no effect on fish and wildlife should contact the CDFG and the CDFG will review the project, make the appropriate determination, and in "no effect" cases, the CDFG will provide the project proponent with documentation of exemption from the filing fee requirement.

## **RECOMMENDATION**

Staff recommends the Planning Commission take the following actions:

1. Adopt the revised Mitigated Negative Declaration based on the Initial Study and subsequent revisions prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval in Attachment 1;
3. Approve TM05-1398 as the revised findings can be made as noted in Attachment 2, based on the analysis in the staff report and the conditions of approval in Attachment 1; and
4. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
  - a. Irregularly shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and
  - b. Permit the existing driveway serving proposed Lots 2 and 3 to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B.

## **ATTACHMENTS**

Attachment 1: Conditions of Approval  
Attachment 2: Findings  
Exhibit A: Revised Mitigated Negative Declaration  
Exhibit B: Revised Map

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**FILE NUMBER TM05-1398**

**CONDITIONS OF APPROVAL**

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B "Revised Map," dated September 13, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: TM05-1398 consists of a tentative subdivision map to create three lots ranging in size from 1.138 to 4.056 acres on an 8.4 acre site. Water will be provided to the lots by the El Dorado Irrigation District, and sewage disposal will be provided by individual on-site septic systems. A driveway from St. Ives Court will provide access to Lot 1 while an improved existing driveway from Mineshaft Lane will provide access to Lots 2 and 3.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**MITIGATION MEASURES**

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

2. 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.
3. To further reduce impacts to the El Dorado bedstraw, the applicant shall collect seed from the El Dorado bedstraw plants on Lot 1 at an appropriate time of year, as determined by a qualified botanist, and sow the seed in suitable habitat near the existing El Dorado bedstraw plants on proposed Lot 2 prior to final map recordation. The qualified botanist shall submit a letter to Planning Services once the seeds have been properly sowed on proposed Lot 2.

4. To further reduce impacts to the El Dorado bedstraw, the applicant shall transplant the El Dorado bedstraw plants found on Lot 1 to suitable habitat near the existing El Dorado bedstraw plants on proposed Lot 2 under the supervision of a qualified botanist prior to final map recordation. The qualified botanist shall submit a letter to Planning Services once the seeds have been properly transplanted on proposed Lot 2.
5. To protect existing and propagated El Dorado bedstraw plants, the applicant shall record a deed restriction on Lot 2 for the area between the pond and the existing house, as shown on Attachment 2, "Deed Restriction Area," to include the existing and propagated El Dorado bedstraw plants prior to final map recordation. The deed restriction shall restrict tree removal, landscaping, and other activities incompatible with the continued growth of the El Dorado bedstraw. Within one year of seed sowing and transplantation, the qualified botanist shall submit a monitoring report to Planning Services verifying that the plants are growing.
6. 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.
7. 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.
8. 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.

### **Department of Transportation**

9. 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.
10. The applicant shall improve the on-site access, from Mineshaft Lane to the proposed driveway for lot three, as a 10-foot wide fire safe driveway with a standard fire safe turnout to be constructed between the convergence of the driveways to lots two and three and the cul-de-sac, prior to filing the final map.

11. 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.
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.

#### **Planning Services**

19. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.

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.
21. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
22. The final map shall include a 25-foot non-building setback from all ponds and a 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.
23. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lots.
24. A common driveway maintenance agreement between lots two and three shall be recorded prior to filing the final map.
25. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
26. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
27. 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 the County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

The subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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

**ATTACHMENT 2**  
**FINDINGS**

**TM05-1398R**

**1.0 CEQA FINDING**

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration 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 1.138 acres to 4.056 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. 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 physically suited for the proposed three lots because sufficient buildable area exists on Lots 1, 2, and 3 when a 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. As a result of 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. Minimal project grading is proposed.

### **3.0 DESIGN WAIVERS**

Irregularly 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 driveway serving proposed lots two and three to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B.

#### **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 ground 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 I of Chapter 16 of the County Code or any other ordinance applicable to the division.**

As the requested design waivers are expected to result in less grading and tree removal, they will not nullify the objectives of Article I of the *El Dorado County Subdivisions Ordinance* to insure that growth and development of the county is orderly. The design waivers will also not invalidate the policies of the General Plan or development standards within the *Zoning Ordinance*.