



PLACERVILLE OFFICE:

2850 FAIRLANE COURT
PLACERVILLE, CA. 95667
(530) 621-5355
(530) 642-0508 Fax
Counter Hours: 8:00 AM to 4:00 PM
planning@co.el-dorado.ca.us

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD., SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 Fax
Counter Hours: 8:00 AM to 4:00 PM
tahoebuild@co.el-dorado.ca.us

EL DORADO HILLS OFFICE:

4950 HILLSDALE CIRCLE, SUITE 100
EL DORADO HILLS, CA 95762
(916) 941-4967 and (530) 621-5582
(916) 941-0269 Fax
Counter Hours: 8:00 AM to 4:00 PM
planning@co.el-dorado.ca.us

MEMORANDUM

DATE: November 19, 2007 Agenda of: January 10, 2008
TO: Planning Commission Item #: 8.b.
FROM: Jason R. Hade, AICP, Senior Planner
SUBJECT: TM05-1398/Thousand Oaks, Unit 3 Revised Map

BACKGROUND: TM05-1398, Thousand Oaks, Unit 3, was approved by the Planning Commission on August 10, 2006, and subsequently appealed to the Board of Supervisors by an adjacent property owner. Issues raised by the appellant were identified and addressed in the agenda item transmittal to the Board on September 12, 2006. After expressing concern regarding the irregular lot shapes and septic issues, the Board referred the matter back to the Commission. The applicant was directed to revise the tentative subdivision map accordingly and submit the revisions to staff for further review. A revised map was submitted to Planning Services on October 3, 2006. At the hearing of December 14, 2006, the Planning Commission continued the project to the hearing of February 22, 2007 and directed staff to revise the previously approved mitigated negative declaration to address the new environmental issues raised at the hearing and identified within the environmental review section below. Additional time was also required to circulate the revised environmental document to the State Clearinghouse. The Planning Commission approved a revised tentative subdivision map at the hearing of April 12, 2007. The decision was again subsequently appealed by an adjacent property owner. After hearing public testimony on May 15, 2007, the Board of Supervisors granted the appeal in part and directed that the map be sent back to the Planning Commission for a parcel reduction. As such, the applicant submitted a revised two lot tentative subdivision map on August 31, 2007.

ANALYSIS: Staff analyzed the revised map for General Plan policy and zoning ordinance consistency and determined that it is consistent with all applicable policies and development standards. All proposed lots would continue to meet the minimum parcel size. Findings for approval of the revised map are included within Attachment 2.

Access: Access to lot one would be provided by a driveway from St. Ives Court while lot two would be served by connecting to Mineshaft Lane.

Irregular Shaped Lots and Frontage: While proposed Lots 1 and 2 are still irregularly shaped, they have been re-designed to be more regularly shaped to address concerns raised by the Board

of Supervisors. A design waiver request was submitted and previously approved by the Planning Commission to allow the irregular shaped lots and frontage for Lot 2 to be less than 100 feet as shown on the tentative map. Proposed frontage for Lot 1 exceeds 100 feet while proposed frontage for Lot 2 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 previously proposed.

On-Site Sewage Disposal: Environmental Management staff reviewed and approved the proposed on-site sewage disposal areas for the revised map on October 15, 2007 with no recommended conditions of approval.

ENVIRONMENTAL REVIEW

Staff revised a previously prepared initial study based on the revised project. 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 level considered to be less than significant. Therefore, a 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. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Adopt the revised Mitigated Negative Declaration based on the Initial Study 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 tentative map TM05-1398 as the 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 waiver since appropriate findings have been made as noted in Attachment 2:
 - a. Irregularly shaped lots and frontage for Lot two to be less than 100 feet as shown on the tentative map.

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

I. PROJECT DESCRIPTION

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 July 12, 2007 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 two lots ranging in size from 1.22 to 7.18 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 one while lot two will be served by connecting to Mineshaft Lane.

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.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. To further reduce impacts to the El Dorado bedstraw, the applicant shall collect seed from the El Dorado bedstraw plants on lot number one 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 number one prior to final map recordation.

Monitoring: The qualified botanist shall submit a letter to Development Services once the seeds have been properly sowed on proposed lot one.

3. To further reduce impacts to the El Dorado bedstraw, the applicant shall transplant the El Dorado bedstraw plants found on lot number one to suitable habitat near the existing El Dorado bedstraw plants on proposed lot number one under the supervision of a qualified botanist prior to final map recordation.

Monitoring: The qualified botanist shall submit a letter to Development Services once the seeds have been properly transplanted on proposed lot one.

4. To protect existing and propagated El Dorado bedstraw plants, the applicant shall record a deed restriction on lot number one for the area between the pond and the existing house, as shown on Attachment 1, "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.

Monitoring: The applicant shall submit one monitoring report prepared by a qualified botanist to Planning Services within one year of plant seed sowing and transplantation. Monitoring shall include an assessment of the population of El Dorado bedstraw and activities within the deed restriction area.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

5. 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 finds 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.
6. 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.
7. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
8. 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.

9. 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.
10. 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 B. A 100-foot setback from all ponds and wetlands shall be shown for septic systems.
11. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lot.
12. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
13. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the 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.

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

Air Quality Management District

15. Prior to the start of project construction, an asbestos dust mitigation plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
16. If naturally occurring asbestos is encountered during project construction, all project driveways and roads shall be paved or require the application of a minimum of three inch depth asbestos free gravel.
17. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

18. The applicant shall contact the AQMD prior to commencement of any burning. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
19. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day;
 - Using track-out prevention devices at construction site access points;
 - Stabilizing construction area exit points;
 - Covering haul vehicles;
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour; and
 - Replanting disturbed areas as soon as practical and other measures, as deemed appropriate to the site, to control fugitive dust.

Department of Transportation

20. The applicant shall obtain an encroachment permit for and construct a Standard Plan 103B-1 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.
21. A non-vehicular access restriction shall be placed across lot 2 for lot 1 with the filing of the final map.
22. 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.
23. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
24. 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.
25. 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.

El Dorado County Fire Protection District

26. 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.
27. Any future proposed project gates are subject to fire district approval.

Surveyor's Office

28. 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.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER TM05-1398

1.0 CEQA FINDINGS

- 1.1 El Dorado County 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.
- 1.2 The County 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 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately 0.24 dwelling units per acre. This is consistent with the General Plan land use designation of MDR for the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits a maximum density of one dwelling unit per acre and parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 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.

3.0 ZONING FINDINGS

3.1 The subdivision contains two lots which are consistent with the development standards outlined in Section 17.28.080 of the Zoning Ordinance, including a minimum lot area of one acre. Proposed lot sizes range from 1.22 to 7.18 acres consistent with the minimum parcel sizes permitted under the Zoning Ordinance.

3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.060.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.

4.1.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 0.24 dwelling units per acre.

4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit A) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds 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 level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.* Access to lot one will be provided by a driveway from St. Ives Court while lot two will be served by connecting to Mineshaft Lane. As such, the existing access points are sufficient to serve the two proposed lots.

4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and will

require fire safe driveways and sprinkler systems. Fire issues are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Irregularly shaped lots and frontage for lot two to be less than 100 feet as shown on the tentative map.

5.1.1 *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 lot two to be 100 feet.*

5.1.2 *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 not permit the subdivision of the subject site because of its existing irregular lot shape.*

5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waiver will permit the re-configuration of an existing irregularly shaped lot. Because the lots will be served by existing access points, only minor traffic impacts will result from project implementation.*

5.1.4 *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. The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.*