

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: February 14, 2008
Item No.: 8.
Staff: Jonathan Fong

**GENERAL PLAN AMENDMENT/REZONE/PLANNED
DEVELOPMENT/TENTATIVE SUBDIVISION MAP**

FILE NUMBERS: A07-0005/Z07-0012/PD07-0007/TM07-1440, Summerbrook

APPLICANT: Imran Aziz & Amar Ghori/ Holloway Land Company

ENGINEER: CTA Engineering and Surveying/ Olga Sciorelli

REQUEST: The project consists of the following requests:

1. General Plan Amendment amending the General Plan land use designation from Rural Residential (RR) to Low Density Residential (LDR);
2. Rezone for parcel 102-210-12 from Exclusive Agricultural (AE) to Estate Residential Five-Acre/ Planned Development (RE-5/ PD) and rezone for parcel 102-220-13 from Estate Residential Five-Acre (RE-5) to Estate Residential Five-Acre/ Planned Development (RE-5/ PD);
3. Planned Development to allow use of the Density Bonus Planning Concept and to allow flexibility in the Development Standards of the RE-5 Zone District;
4. Tentative Subdivision Map, to create 29 lots ranging in size from 58,591 square feet (1.33-acres) to 97,184 square feet (2.23-acres) with approximately 35 acres of open space; and
5. Design Waiver request for the following: to reduce the right-of-way width requirement for A Street, B Street, C and D Courts from 60 feet to 50 feet.

LOCATION: The project is located on the north side of Green Valley Road 500 feet west of the intersection with Bass Lake Road, Supervisorial District IV. (Exhibit A)

APN: 102-210-12 & 102-220-13. (Exhibit D)

ACREAGE: 90.0 acres

GENERAL PLAN: APN: 102-210-12 Rural Residential (RR)
APN: 102-220-13 Rural Residential (RR)
(Exhibit B)

ZONING: APN: 102-210-12 Exclusive Agricultural (AE)
APN: 102-220-13 Estate Residential Five-Acre (RE-5)
(Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Recommend conditional approval

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

Project Description: The project request is for a General Plan Amendment, Rezone, Planned Development and Tentative Subdivision Map. Discussed below are important project characteristics.

General Plan Amendment: The project would require a General Plan Amendment to change the General Plan Land Use Designation from Rural Residential (RR) to Low Density Residential (LDR).

Rezone: The project would require a rezone to change the zoning of APN 102-210-12 from Exclusive Agriculture (AE) to Estate Residential Five-Acre/ Planned Development (RE-5/ PD). The zoning of APN 102-210-13 would be changed to add the Planned Development zoning overlay to change the parcel zoning to RE-5/PD.

Planned Development: The project request includes a Planned Development application which would allow flexibility in the Development Standards of the RE-5 zone district and would allow the utilization of the Density Bonus provisions. The project would create lots which do not meet the minimum parcel size requirements of the RE-5 zone district. As discussed in the General Plan section below, the project would be a clustered development. Planned Development findings have been made to allow for the flexible design. The Density Bonus would allow the project to exceed the maximum density allowed within the LDR land use designation. The density increase would be allowed due to the proposed 35-acres of open space proposed as part of the project.

Public Water/ Private Septic Systems: The project would be served by EID public water and individual septic systems. An EID water line is located in the project vicinity beneath Green Valley Road and would require connection to the project site. The proposed septic systems and disposal

areas have been reviewed and approved by Environmental Management.

EID/ Cameron Park Community Services District (CSD) Annexation: In order to obtain EID public water service for the project, the site would require annexation into the EID service boundary. Due to the site location adjacent to the Cameron Park CSD Sphere of Influence boundaries, the CSD has requested the project annex into the CSD boundaries (Exhibit F). These annexations would require approval from LAFCO to extend the required district boundaries.

Road Improvements: The project would be conditioned to perform onsite and offsite road improvements. The project would be served by two points of access onto Green Valley Road and two cul-de-sac roads. ‘B’ Street would connect to ‘A’ circle which would be a one-way roundabout road connected to ‘C’ and ‘D’ Court and ‘A’ Street. ‘A’ Street would be a right-in/ right-out road onto Green Valley Road. The project would be required to perform road widening and bicycle lane improvements along the frontage on Green Valley Road. As recommended by the traffic study prepared for the project, the intersection at Green Valley and Deer Valley Road, would require signalization. The Department of Transportation has approved a Capital Improvement Project to widen the Green Valley Road/ Deer Valley Road intersection (Exhibit K). The required signalization would be consistent with the proposing improvements to the intersection. The project has been conditioned by DOT to install these improvements.

Site Description: The project site is comprised of 90-acres of undeveloped land. The parcels have been historically used as grazing lands for cattle and horses. As shown on the Community Region Boundary Map (Exhibit G), the project site abuts the Cameron Park Community Region to the east and to the south. Vegetation onsite is characterized by native grasslands and oak woodland habitat. Approximately 1.60-acres of Jurisdictional Waters of the U.S. are located onsite. The jurisdictional waters are made up of wetlands, seeps, and intermittent and ephemeral drainage channels (Exhibit H). Slopes are mild, with the majority onsite slopes falling below the 30 percent range.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	AE/RE-10	RR	Rural residential/grazing uses
North	RE-10	RR	Single-Family Residences
South	RE-5/R-20K	LDR/ PF/RR	Single-Family Residences/ School Site
East	AE/RE-10/R2A	RR/MDR	Single-Family Residences
West	RE-10	RR	Single-Family Residences

The project site is surrounded by medium and low density residential development and agricultural land uses. As discussed below, the project has been designed with minimum lot sizes and setbacks to buffer the proposed residential uses from the agriculturally-zoned parcels to the south. The project would be compatible with the surrounding residential land uses in the area.

General Plan: The project would require a General Plan Amendment from Rural Residential (RR) to Low Density Residential (LDR). The proposed 29 lot subdivision would also require use of the Density Bonus planning concept to allow density above the maximum permitted within the LDR land use designation. A detailed discussion has been provided below.

Planned Development: The application request includes a Planned Development which pursuant to **General Plan Policy 2.2.3.1** requires a minimum of 30% commonly owned open space. The project has dedicated approximately 39% of the site as open space. The following table demonstrates conformance with this requirement.

Planned Development Required Open Space

Project Size	90-acres
Required Open Space	30-acres
Proposed Open Space	35-acres
Percent Open Space Required	30% open space
Percent Open Space Proposed	39% open space

The proposed open space would comply with the General Plan requirements for Planned Developments.

Density Bonus: The project includes a request to utilize the Density Bonus provision. Use of the Density Bonus would allow the project to provide an increased residential density beyond that allowed within the proposed LDR land use designation. **General Plan Policy 2.2.4.1** establishes specific criteria associated with use of the Density Bonus provision. In addition to the number of base units permitted by the land use designation, one and one-half additional units may be allowed for each unit of developable land dedicated to public benefit. **General Plan Policy 2.2.3.2** specifically exempts bodies of water such as perennial lakes, streams and rivers from calculable developable land for the purposes of the Density Bonus provision.

The project site is 90-acres and includes a General Plan Amendment to change the project site land use designation to LDR. The Low Density Residential land use designation permits a density range of one dwelling unit per 5-10 acres (du/a). The 90-acre site would yield a maximum density of 18 residential units. A total of 35.32-acres of developable land would be dedicated within open space lots. The Delineation of Waters of the U.S. prepared for the project identified a total of 0.09-acres of land which would be excluded from the Density Bonus provision in accordance with **General Plan Policy 2.2.3.2**. This would yield a total of 35.23-acres of land eligible for the Density Bonus provision. The 35.23-acres of land would yield 7.05 base residential units consistent with the allowable density within the LDR land use designation and the proposed RE-5 Zone District. The Density Bonus would allow for one and one-half additional units or 10.6 additional residential units. The project request for 29 lots includes the 18 base residential units and the additional 10.6 Density

Bonus units to provide a project proposed 29 residential units. Therefore the proposed 29-lot subdivision would be consistent within the LDR land use designation utilizing the Density Bonus provision.

Oak Canopy Retention: The proposed project would impact oak woodland habitat, which pursuant to General Plan Policy 7.4.4.4 requires retention and replacement of the affected habitat. The initial arborist report identified 8.5-acres of oak woodland canopy on the site (*Initial Arborist Report and Inventory, Sierra Nevada Arborists, May 2006*). The project would remove 0.98-acres of oak woodland habitat from the project site. As established in the Interim Interpretative Guidelines for General Plan Policy 7.4.4.4, dead diseased or dying oak canopy may be excluded from the retention requirements of Policy 7.4.4.4. As determined by the arborist report, 0.57-acres of onsite canopy is determined to be dead, diseased, or dying. The project site contains approximately 8.5-acres of oak canopy which would require 90% retention. The project would remove 0.41-acres of healthy canopy which would require replacement.

Onsite replacement would be required as part of the project. The submitted Tree Preservation and Replacement Plan has identified sufficient areas to replace the impacted canopy. All healthy oak canopy removed from the site shall be replaced as specified in General Plan Policy 7.4.4.4 and the Interim Interpretative Guidelines for General Plan Policy 7.4.4.4. Replacement of the removed canopy shall be at a density of 200 tree saplings per acre, or 600 acorns per acre. A replanting and monitoring program would be required to ensure the long term survival of the replaced canopy. The project would include Mitigation Measures to ensure compliance with this policy (Mitigation Measure No. 5). The proposed removal and replacement would be consistent with the retention requirements of Policy 7.4.4.4.

Traffic and Circulation: The applicant was required to prepare a traffic study for the project to determine project related impacts to the road system in the area. The traffic study was prepared by Kimley-Horn and Associates dated April 2007. The study determined that onsite and offsite road improvements would be required as part of the project.

The Department of Transportation was distributed the project during the 30-day review period and recommended conditions of approval for the project. The project would be required to include road widening and sidewalk improvements along Green Valley Road consistent with **General Plan Policy TC-5a**. The intersection of Green Valley Road and Deer Valley Road would be signalized and acceleration and deceleration lanes would be constructed consistent with the approved Capital Improvement Project #66114. The onsite roads would be constructed to the provisions of Standard Plan 101C to provide for a 24 foot wide road surface.

Agricultural Compatibility: The project site is zoned Exclusive Agriculture and is located adjacent to agriculture-zoned lands which requires review by the Agricultural Commission. The project was presented to the Agriculture Commission on May 9, 2007. Pursuant to **General Plan Policy 8.1.4.1** the Agriculture Commission is required to forward recommendations to the approving authority regarding the impacts of the proposed development on agriculture uses. The Agricultural Commission recommended denial of the project based on the following findings:

- 1) *The project does not meet the allowable density within the Rural Residential Land Use Designation;*
- 2) *The project would create an island effect wherein agricultural lands would be negatively affected;*
- 3) *The project would significantly destroy the buffering effect of existing large parcels adjacent to agricultural lands; and*
- 4) *The project is proposed to be located on historical grazing lands which should be protected by 40-acre minimum parcel sizes.*

In accordance with **General Plan Policy 8.1.4.4** the following findings must be made by the approving authority prior to approval of the project:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and**
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and**
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.**

As required by **General Plan Policies 8.1.3.1** and **8.1.3.2** a 200-foot buffer and 10-acre minimum parcel size would be required for parcels located adjacent to agriculture-zoned parcels. The required 200-foot setback and minimum parcel size has been shown on the Tentative Map.

The project parcel and the parcel to the south (APN 102-030-10) are the remaining agriculture-zoned parcels in the area (Exhibit L). A Pre-Application Meeting was held on August 14, 2007 for APN 102-030-10 to consider a General Plan Amendment and Tentative Map to allow for single-family residential and commercial land uses. The parcel is located at the intersection of Green Valley Road and the future extension of Silver Springs Parkway.

The project would create a residential project consistent with the surrounding residential land uses. The required buffers and minimum lot sizes for agricultural compatibility have been provided. Findings of Approval have been included in Attachment 2 of the staff report.

Rezone: The project request includes a rezone which pursuant to **General Plan Policy 2.2.5.3** requires that the following criteria to be evaluated prior to approval of a Rezone request:

- 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;**

Discussion: The project would be served by EID public water and private septic systems. The Facilities Improvement Letter (FIL) submitted by EID dated November 2006 indicated that adequate public water is available to serve the project.

2. Availability and capacity of public treated water system;

Discussion: The project would not connect to public treated water systems.

3. Availability and capacity of public waste water treatment system;

Discussion: The project would not connect to public waste water treatment systems.

4. Distance to and capacity of the serving elementary and high school;

Discussion: The project site is located within the Rescue Union School District. Prior to building permit issuance for each of the proposed lots, payment of school fees would be required.

5. Response time from nearest fire station handling structure fires;

Discussion: The project site is located within the Rescue Fire Protection District. The District has reviewed the project and has determined with the requested conditions of approval, the District would be able to provide adequate fire protection to the site.

6. Distance to nearest Community Region or Rural Center;

Discussion: As shown on the Community Region Map (Exhibit G), the project site abuts the Cameron Park Community Region Boundary to the east and to the south.

7. Erosion hazard;

Discussion: The grading necessary for the onsite and offsite road improvements would be required to comply with applicable grading and erosion control policies established by the County. The Department of Transportation would review the grading plans to verify conformance with established policy. Adherence to these rules would ensure that erosion hazards would be prevented.

8. Septic and leach field capability;

Discussion: The project would be served by private septic wastewater facilities. The El Dorado County Department of Environmental Health reviewed the septic test reports submitted with the project and determined that the proposed systems would have adequate capacity to serve the proposed development.

9. Groundwater capability to support wells;

Discussion: The project would be served by public water and would not require wells.

10. Critical flora and fauna habitat areas;

Discussion: The project site is located within Rare Plant Mitigation Area 1 which is defined as lands not known to contain Special Status Plant Species, but with soil types capable of supporting them. As required by Section 17.71 of the Zoning Ordinance and Board of Supervisors Resolution 205-98 payment of the Mitigation Area 1 mitigation fee would be required prior to building permit issuance.

11. Important timber production areas;

Discussion: The project site does not contain or is adjacent to any important timber production areas.

12. Important agricultural areas;

Discussion: A portion of the site and the adjacent parcel to the south are zoned Exclusive Agriculture (AE). As discussed in the General Plan section above, the project includes a 200 foot setback and 10-acre minimum parcel size for parcels adjacent to the AE-zoned parcel to the south. The setback and minimum parcel size would be consistent with applicable General Plan policies.

13. Important mineral resource areas;

Discussion: The project site does not contain or is located adjacent to any important mineral resource areas.

14. Capacity of the transportation system serving the area;

Discussion: The Department of Transportation has reviewed the traffic study prepared for the project. DOT has determined that completion of the required road improvements and payment of Traffic Impact Mitigation Fees prior to building permit issuance would reduce impacts to the existing traffic system in the area.

15. Existing land use pattern;

Discussion: The project site is located directly adjacent to the Cameron Park Community Region boundary. The site is surrounded by existing residential development and to the south by an agriculture-zoned parcel. The residential lands are zoned RE-10, RE-5, and R2A. The project would allow for development consistent with the RE-5 zone district. The project would be consistent with the surrounding land use pattern.

16. Proximity to perennial water course;

Discussion: The project site is characterized by oak woodland habitat and wetland and drainage channels. A Jurisdictional Wetland Delineation was prepared by Foothill and Associates dated February 2007 which identified a total of 1.60-acres of wetlands and streams subject to regulation by

the U.S. Army Corps of Engineers. As part of the project, portions of the onsite wetlands and streams would be filled to accommodate the development. As required by **General Plan Policy 7.3.3.4** and in accordance with the Clean Water Act, a 404 permit, Water Quality Certification and Streambed Alteration Agreement would be required for filling any jurisdictional wetlands. Mitigation Measures requiring these permits have been included as conditions of approval (Mitigation Measures No.2 and No.3).

A Biological Resource Assessment was performed by Foothill Associates dated December 2006 and a Focused Rare Plant Study was performed by David Bise dated May 2007. The assessment did not identify Special Status Pine Hill Endemic Plant Species on the project site. The assessment did conclude that the onsite oak woodland habitat may provide suitable nesting areas for birds protected by the Migratory Bird Treaty Act. Mitigation Measures have been included as part of the project to require onsite surveys prior to construction activities to avoid disturbance of any protected species (Mitigation Measure No. 2).

Any perennial streams that would not be impacted would require a 100-foot setback as required by **General Plan 7.3.3.4**. A 50-foot setback would be required from wetlands and intermittent streams. The required setback from these onsite riparian features have been shown on the tentative map.

17. Important historical/archeological sites;

A Cultural Resources Study was prepared for the project which identified two significant cultural resources on the site. One of the resources includes a 700-foot dry-laid fieldstone rock wall. Portions of the wall would require removal to construct the proposed access roads. As recommended by the Cultural Resource Assessment, prior to removal of any portions of the wall, the applicant would be required to document the wall with the California Department of Parks and Recreation. The portions of the wall which would not require removal would remain. A Mitigation Measure requiring the applicant to document the wall prior to any road construction has been included as a condition of approval (Mitigation Measure No. 6). The project would be required to designate Conservation Easements to protect the portions of the wall not removed as part of road construction. This requirement has been included as a condition of approval (Mitigation Measure No. 7).

18. Seismic hazards and present of active faults;

Discussion: The project site does not contain or is adjacent to seismic hazards or active faults. Adherence to standard construction practices would prevent any seismic related hazards.

19. Consistency with existing Conditions, Covenants, and Restrictions;

Discussion: The project parcels do not have any existing CC&R's. CC&R's would be required for the maintenance of the onsite roads and preservation of the proposed open space lots. The CC&R's would require review and approval from DOT, Planning Services, and the Cameron Park Community Services District.

Noise: The project would be located along Green Valley Road, which would subject the proposed residential use to significant noise impacts. **General Plan Policy 6.5.1.8** establishes that new noise-sensitive land uses shall not be permitted in areas where transportation noise sources exceed the levels specified in Table 6-1. Table 6-1 establishes that the maximum allowable noise exposure for transportation noise sources for residential land uses is 60dB for outdoor activities and 45dB for interior spaces. The noise analysis prepared by Bollard Acoustical Consultants for the project dated November 2006 recommended the construction of a noise wall along the rear yards of the clusters nearest Green Valley Road and along the rear yard of Lot 6 which is located near Green Valley Road. The construction of these sound walls would reduce interior noise levels below the 45dB level as required by the General Plan. The sound walls would also reduce exterior noise levels below the 60dB level as required by the General Plan. A Mitigation Measure requiring the sound wall has been included as a condition of approval for the project (Mitigation Measure No. 8).

Air: An air quality assessment was prepared by Rimpo and Associates dated January 2007. The Air Quality Management District reviewed the assessment and determined that standard conditions of approval would minimize the potential impacts resulting from the project. These conditions have been included as part of the project and are included in Attachment 2 of the staff report.

Emergency Access and Protection: The project is located within the Rescue Fire Protection District. The Department was distributed the project and recommended conditions of approval. **General Plan Policies 6.2.3.1** and **6.2.3.2** require new development to demonstrate that adequate emergency access, water flow, and personnel are available to serve the project. As discussed above, the FIL prepared for the project has demonstrated that adequate fire flow would be available to serve the project.

Conclusion: Findings of consistency with the General Plan are provided in Attachment 2.

Zoning/ Planned Development: The project request includes a Planned Development Application. The PD would allow flexibility in the Development Standards of the RE-5 Zone District. The project would cluster the residential units to avoid additional impacts to the natural features of the site.

Development Standards: Section 17.28.210 A-H of the Zoning Ordinance establishes the requirements for development within the RE-5 Zone District:

A. Minimum lot area, five acres

The project would create 29 residential lots ranging in size from 58,591 square feet (1.33-acres) to 97,184 square feet (2.23-acres). The proposed lots would be less than the minimum lot area established for the RE-5 zone. The reduced lot sizes would be required to allow for the clustered development proposed. As discussed above, the project would dedicate approximately 39 percent of the site as open space. The open space area would avoid development impacts to oak habitat and riparian areas.

B. No maximum building coverage.

Future development of the residential lots would include single family residences and accessory buildings. The project would not conflict with this requirement.

C. Minimum Lot Width, one hundred feet.

The project request is for a clustered development which would result in varying lot widths and dimensions. The proposed lots would be consistent with the minimum lot width requirements of the RE-5 Zone District.

D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)

As shown on the Tentative Map, the project would require modified setbacks. The proposed front and rear setbacks would comply with the required 30 foot setback; however, the side setback would be proposed at 15 feet. The reduced setbacks would be required due to smaller lot sizes proposed. As discussed in the General Plan section above, the project has been designed to comply with the required 200 foot setback and 10-acre minimum parcel size for parcels adjacent to the agriculture-zoned parcel to the south. The proposed parcels would be surrounded by open space to the north, south and west. The proposed parcels along the eastern portion of the site are adjacent to existing residential development.

E. Minimum agriculture structural setbacks of fifty feet on all yards;

The project would require reduced setbacks. As shown on the Tentative Map, the proposed setbacks would be 30 feet for the front and rear and 15 feet for the side setbacks. To be consistent with applicable General Plan polices, the required 10-acre minimum parcel size and 200 foot setback have been provided. Any non-compatible land uses would be required to adhere to the 200 foot setback from the Agriculture-zoned parcel to the south.

F. Maximum building height, forty- five feet (45') (Ord 4236, 1992)

No development is proposed on the lots. Future development on each lot would require compliance with the maximum height requirements of the RE-5 zone.

G. Minimum dwelling unit area, six hundred square feet of living area and two rooms:

Future development of each lot would require compliance with the minimum dwelling unit size of the RE-5 zone.

H. Location of the Parcel in Relation to Surrounding Land Use. The success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will

be required on the inside of a boundary where land zoned estate residential five acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprises. Noncompatible uses are defined as, but not limited to:

- 1. Residential structures,**
- 2. Nursing homes,**
- 3. Public and private schools,**
- 4. Playgrounds,**
- 5. Swimming pools,**
- 6. Fish ponds. (Ord. 3606 §15, 1986; Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))**

The parcels that abut the Agriculture-zoned parcels would be recorded with a 200-foot setback as required by the General Plan. Any noncompatible land uses listed above would be required to be constructed outside of the recorded setback.

As mentioned above, the project includes the Planned Development application which allows modifications to the Development Standards of the Zoning Ordinance. Relief from this standard would be acceptable and Planned Development Findings of Approval have been included in Attachment 2.

Conclusion: The proposed lots would not be consistent with the Development Standards of the RE-5 Zone District. However, the Planned Development application would allow for flexibility in the application of those standards. The project would cluster the units in order to avoid impacts to the oak woodland habitat and riparian features onsite. The clustering would result in 39 percent of the site remaining as dedicated open space. The clustering of the units would potentially result in parking conflicts which has been addressed by the installation of guest parking onsite. The project meets the requirements of the Planned Development Planning concept and Planning Services finds the project is consistent with the Zoning Ordinance.

Design Waiver(s) Discussion: One Design Waiver has been requested as part of the project:

- A. Design Waiver request for the following: to reduce the right-of-way width requirement for A Street, B Street, C and D Courts from 60 feet to 50 feet.**

The onsite roads have been designed to comply with the County Design Manual Standards. The Department of Transportation has reviewed the Design Waiver request and has recommended approval of the request. Design Waiver findings have been included in Attachment 2 of the staff report.

ENVIRONMENTAL REVIEW

Staff has reviewed a Mitigated Negative Declaration (Exhibit M) prepared by Planning Services staff. Based on the Initial Study, staff finds that the project could have a significant effect on air quality, biological resources, cultural resources, air quality, noise and transportation. 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 \$1,926.75 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 \$1,876.75 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 recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve General Plan Amendment A07-0005 and Rezone Z07-0012 based on the findings in Attachment 2;
4. Approve Planned Development Application PD07-0007 and Tentative Subdivision Map Application TM07-1440, adopting the development plan as the official development plan, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:

(1) Design Waiver request for the following: to reduce the right-of-way width requirement for A Street, B Street, C and D Courts from 60 feet to 50 feet.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1Mitigation Measures and Conditions of Approval

Attachment 2.....Findings of Approval

Exhibit A.....Vicinity Map

Exhibit B.....General Plan Land Use Map

Exhibit C.....Zoning Map

Exhibit D.....Assessor’s Parcel Map Page

Exhibit E.....Tentative Map

Exhibit F.....Cameron Park CSD Map

Exhibit G.....Community Region Boundary Map

Exhibit H.....Biological Constraints Map

Exhibit I.....Aerial Photo

Exhibit J.....Farmland Exhibit

Exhibit K.....Capital Improvement Plan #66114

Exhibit L.....Agriculture-Zoned Parcels in Project Vicinity

Exhibit M.....Environmental Checklist & Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

A07-0005/Z07-0012/PD07-0007/TM07-1440, Summerbrook

I. PROJECT DESCRIPTION

1. This Planned Development and Tentative Subdivision Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked A-L dated February 14, 2008 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:

PD07-0007/ TM07-1440 consists of a Planned Development and Tentative Subdivision Map to create 29 residential lots ranging in size from 58,591 to 97,184 square feet. The Planned Development will allow for flexibility in the Development Standards of the RE-5 Zone District. The proposed lots will not meet the minimum parcel size, and setbacks of the zone district. The project will use the Density Bonus Planning Provision to allow for the increased density. Four open space lots would be created totaling 35.2-acres. Access shall be provided via a common access roadway providing two points of access onto Green Valley Road. The project shall connect to EID public water and private onsite septic systems.

One Design Waiver is approved to reduce the right-of-way width requirement for A Street, B Street, C and D Courts from 60 feet to 50 feet.

The lots shall conform to the table listed below:

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
1	72,210	52,075
2	84,610	61,799
3	76,126	53,831
4	75,109	53,221
5	74,684	53,097
6	78,165	57,016
7	59,947	40,737
8	65,119	45,245
9	72,860	51,324
10	73,559	51,875

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
11	68,425	47,618
12	71,492	49,314
13	87,828	58,614
14	66,605	45,983
15	65,076	44,053
16	64,296	43,315
17	69,338	46,722
18	65,294	44,058
19	69,631	44,231
20	84,794	60,053
21	97,184	56,799
22	78,828	46,876
23	71,325	44,745
24	72,277	51,315
25	91,113	67,809
26	76,837	52,584
27	58,591	39,367
28	62,775	41,096
E	74,379	52,642
A	826,816	Open Space
B	455,334	Open Space
C	190,580	Open Space
D	65,144	Open Space
R	270,072	Right-Of-Way

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. CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. Prior to onsite construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The

survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or a biologist until determines that the nests are no longer active. The survey results shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services shall verify that the above measure has been incorporated on the project grading plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

3. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each crossing or any activities affecting the onsite riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit.

MONITORING: Planning Service shall verify the agreement has been obtained and necessary mitigation measures incorporated on the plans prior to issuance of a grading permit.

4. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the U.S. Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project.

MONITORING: Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

5. All healthy oak canopy removed from the site shall be replaced as specified in General Plan Policy 7.4.4.4 and the Interim Interpretative Guidelines for General Plan Policy 7.4.4.4. Replacement of the removed canopy shall be at a density of 200 tree saplings per acre, or 600 acorns per acre. A tree planting and preservation plan shall be required prior to issuance of a grading permit. A maintenance and monitoring plan shall be required for a minimum of 15 years after replanting to ensure a survival rate of at least 90%. The arborist report, planting and maintenance plan and all necessary documents to demonstrate compliance shall be provided to Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services staff shall review the arborist report, tree planting and replacement plan prior to issuance of a grading permit.

6. The applicant shall document the dry-laid fieldstone rock wall to the satisfaction of the California Department of Parks and Recreation and Planning Services. Planning Services

shall review and approve the documentation of the resource prior to issuance of grading permit.

MONITORING: Planning Services shall receive proof of documentation of the resource with the California Department of Parks and Recreation prior to issuance of a grading permit .

6. The applicant shall preserve all portions of the dry-laid fieldstone rock wall not removed as part of road construction. The rock wall shall be located within designated Conservation Easements and shall remain in perpetuity. Planning Services shall verify the placement of the Conservation Easements prior to filing the final map.

MONITORING: Planning Services shall review and approve the Conservation Easements prior to filing the final map.

8. The applicant shall construct a six-foot high sound wall along the rear yards of lot 6. The sound wall shall be constructed to the satisfaction of an Acoustical Consultant or appropriately certified professional prior to final building inspection of Lot 6. Planning Services shall verify location of sound wall on improvement plans prior to issuance of a permit.

MONITORING: Planning Services shall verify that the sound wall meets the requirements established by the Noise Assessment prepared for the project. The applicant shall show the sound wall on the improvement plans.. Planning Services shall verify the construction of the sound wall prior to issuance of a building permit for this Lot 6.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

9. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
10. The subdivider shall be subject to a \$150.⁰⁰.The appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

11. All open space lots shall be dedicated to a Homeowner's Association or similar entity with an appropriate maintenance program. Planning Services shall review and approve the program prior to filing the final map.
12. All open space lots shall be dedicated prior to filing of a final map for any phase. Planning Services shall review and approve the open space lots prior to filing the final map.
13. CC & R's shall be subject to review and approval by County Counsel. The applicant shall submit the CC & R's to Planning Services prior to filing the final map.
14. The final map shall include a 100-foot non-building setback from all ponds and a 50-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F. Planning Services shall review and approve the setbacks prior to filing the final map.
15. The final map shall include a 200 foot setback for all residential structures adjacent to agriculture-zoned lands. Planning Services shall verify the placement of the setback prior to filing the final map.
16. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
17. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
18. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
19. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be

notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

20. 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.

21. All fees associated with the tentative subdivision map shall be paid prior to filing the final subdivision map.
22. Prior to issuance of a grading permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

Department of Transportation

23. The applicant shall construct or re-construct the following roadways. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map:

Table 1		
ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
Green Valley Road(on-site)	Overall 40 ft roadway (60 ft ROW), per Std. Plan 101B	12 foot through lanes, 8 foot shoulders, Type 2 vertical curb & gutter and 6 foot sidewalk, per DISM Std. Plan 104 & 110. Required turn pocket channelization and acceleration/deceleration lanes will necessitate additional roadway improvements and right of way.
A & B Street	36 ft roadway (50 ft ROW) per Std Plan 101B	Std Plan Type 1 rolled curb and gutter (no sidewalk). Std Plan Type 2 vertical curb & gutter shall extend from Green Valley Road to the gate structures.
A Circle	20 ft roadway (28 ft ROW) per Std Plan 101B	Std Plan Type 2 vertical curb and gutter (no sidewalk) and Std Plan Type 3 barrier curb on the interior radius. One way road. 40 ft minimum radius returns required @ roadway intersections
C & D Court	36 ft roadway (50 ft ROW) per Std Plan 101B	Std Plan Type 1 rolled curb and gutter (no sidewalk)

Notes for Condition 1 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 the curb.
 *With approved waiver.

24. The applicant shall improve the existing signalized intersection on Green Valley to accommodate the primary access to this site (B Street) as the fourth leg of this signalized intersection. The applicant shall make all necessary modifications to this signalized intersection to meet current El Dorado County Standards. In addition, these signal modifications shall include signal timing coordination and or the placement of conduit to the proposed signal at the Green Valley/ Silver Springs Parkway intersection. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.
25. The applicant shall design and construct a right in/right out at the intersection of A Street and Green Valley Road. This design shall include providing a raised traffic island, curbing, and/or striping to prevent left turn movements at this intersection according to the provisions of the Caltrans Highway Design Manual. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

The applicant shall signalize the Green Valley/ Deer Valley Road intersection to meet current El Dorado County Standards, as required in the approved traffic study. These required improvements shall address all geometric issues, i.e. required right and left turn channelization and acceleration/deceleration lanes improvements and shall adhere to the Caltrans Highway Design Manual. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

The applicant shall sign and strip a Class 2 bike lane along both sides of Green Valley Road, from the signalized intersection at B Street to the intersection of Deer Valley Road. The Class 2 bike lane shall be constructed as required and according to the provisions of the El Dorado County Bicycle Transportation Plan. The striping and signing shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

Funding and a bid-ready package for improvements to Green Valley Road, including reconstruction of the existing signal at the Green Valley Road/ 'B' Street intersection, all necessary turn pocket channelization and acceleration/deceleration lanes, additional frontage improvements including road widening, placement of curb, gutter, and sidewalk, and signing and striping of the Class 2 bike lane along Green Valley Road, from 'B' Street to Deer Valley Road, all underground utilities as required, together with a road improvement agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first grading permit. Landscaping and irrigation plans shall be reviewed by the El Dorado Hills Community Services District and shall be reviewed and approved by the Department of Transportation.

The County will only assure award of the public contract between March 1 and September 1, and the Department of Transportation will schedule the bidding process for a bid opening date to occur within 70 days of receipt of the funding and bid-ready package if the package is received between January 1 and July 1. The term bid-ready presumes that the improvement plans, detailed schedule for improvements, and all other documents and processes have been thoroughly reviewed and approved by Department of Transportation staff prior to the submittal of the bid-ready package. The County Engineer, County Counsel, and the County Board of Supervisors are the final authority regarding the completeness of any bid-ready package.

Certificates of occupancy shall not be issued for any residential building until the improvements are substantially complete as determined by the Department of Transportation.

A complete bid-ready package shall include plans, specifications, right-of-way acquisition (if necessary), utility agreements executed with all impacted utility, relocation work completed/scheduled, environmental clearance for both on-site and off-site work complete, all necessary regulatory/encroachment permits secured, and all documents for bidding the contract signed and sealed by a registered civil engineer. If the funding and the complete bid-ready package for the improvements are provided to the County by the applicant prior to final map processing, the final maps can record without need for additional security for these improvements. The County will award and administer public contract(s) for this work.

The road improvement agreement or subdivision improvement agreement shall include provisions that the applicant provides supplemental funds to the County as necessary to pay for any change orders generated through the construction phase, that the developer's

engineer be available to provide engineering services in support of the project during construction, and that said designer will indemnify the County per the County's standard indemnification language.

The applicant may enter into a reimbursement agreement with the County for providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, of the improvements to the extent they are included as eligible in the applicable County and Specific Plan fee programs. Reimbursement shall be consistent with the PFFP and the *El Dorado County Department Of Transportation Guidelines For Traffic Fee Program Reimbursement Projects*, including the requirement that the project is bid consistent with the State of California Public Contract Code.

In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel or alternative arrangement to the satisfaction of the Department of Transportation.

26. The applicant shall obtain an encroachment permit from DOT and shall construct the encroachments of the on-site access roadways onto Green Valley Road to the provisions of County Standard Plan 103D or as specified in the approved traffic study for this project.
27. As authorized in Table TC-1, note 2 of the General Plan, the applicant shall verify or irrevocably offer to dedicate (IOD), in fee, 30 feet of right of way plus additional right of way as noted in Table 1, for the on-site portion of Green Valley Road and the appropriate slope easements along the entire property frontage, prior to filing the final map. This offer will be accepted by the County.
28. A vehicular access restriction shall be established along the entire frontage of Green Valley Road, except for the proposed intersections of A & B Street and A Circle, except for the proposed intersections of A & B Street and C & D Court, prior to or concurrently to filing the final map.
29. A vehicular access restriction shall be established along A Circle except for the proposed intersections of A & B Streets and C & D Courts, prior to or concurrently to filing the final map.
30. The applicant shall join and/or form, prior to filing the final map, an entity satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Green Valley Road.
31. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such

analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

32. 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 commence 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 Unit, 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% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

33. The applicant shall adhere to all DOT standard conditions as specified on Attachment A that were provided to the applicant at the TAC on July 2, 2007.

Air Quality Management District

34. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
35. Burning of vegetative wastes that result from "Land Development Clearing" shall be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
36. The applicant shall adhere to all District rules during project construction.

Rescue Fire Protection District:

37. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 2,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. The District shall verify that adequate fire flow is available prior to filing the final map.
38. The applicant shall install Mueller Dr Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall be determined by the Fire District. The District shall review and approve the location of fire hydrants prior to filing the final map.
39. Fire hydrants shall be painted with safety red enamel and marked in the roadway with a blue reflective marker as specified by the Fire District and Fire Safe Regulations. The District shall review and approve these improvements prior to filing the final map.
40. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the California Fire Code. The District shall review and approve these improvements prior to filing the final map.
41. The applicant shall prepare a Fuel Modification and Wildland Fire Safety Plan. The Plan shall be prepared by a Registered Forester. The District shall review and approve the Plan prior to filing the final map.
42. The minimum turning radius within cul-de-sac roads shall be designed to a 40-foot inside and 60-foot outside radius. The District shall review and approve the design of all cul-de-sac roads prior to filing the final map.
43. "A" Circle shall provide a minimum 20 foot roadway surface with a six foot truck apron. The District shall review and approve the design of "A" circle prior to filing the final map.
44. All roads less than 40 feet wide shall install "No Parking- Fire Lane" signage. The signage shall be in conformance with the California Fire Code. The District shall review and approve the signage prior to filing the final map.
45. All gates shall meet the Rescue Fire Protection District standards. The District shall review and approve the gates prior to filing of the final map.
46. All houses shall be setback 30 feet from all property lines. The District shall review and approve the location of all houses prior to issuance of a building permit.

47. The construction of this project shall comply with all codes and regulations as required by the California Building Code, Fire Code, and Fire Department Requirements. The District shall review and approve plans prior to issuance of any permit for this project.

Surveyor's Office

48. 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.
49. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER A07-0005/Z07-0012/PD07-0007/TM07-1440, Summerbrook

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 pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources, Air Quality, Cultural Resources, Noise, and Transportation categories. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 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 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 TENTATIVE MAP FINDINGS

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

The project is designated as Rural Residential. The proposed 29-lot subdivision will be consistent with the allowed density in the proposed LDR land use designation with the application of the Density Bonus planning concept. The project will be consistent with General Plan policies relating to public utilities, traffic, noise, air quality, riparian impacts,

and oak woodland habitat. The Mitigation Measures included as part of the project would minimize environmental impacts associated with the project.

2.2 The design or improvements of the proposed division are consistent with the General Plan.

The subdivision includes the Planned Development planning concept which is designed to minimize impacts to the natural resources on the project site. The proposed clustered development will be used to avoid additional impacts to the oak woodland habitat, wetlands onsite and buffering from the adjacent agriculture-zoned parcel to the south.

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

The project has been designed to utilize the developable areas of the site. Slopes exceeding 30 percent have been avoided and the project will minimize the impacts to the existing wetlands. All oak woodland habitat impacts will be consistent with the General Plan and Interim Interpretative Guidelines. Any natural resources that will not be impacted will be included in the require 30 percent open space areas.

2.4 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The project includes a Planned Development application which will allow the units to be clustered on the project site. The project will be designed to minimize the impacts to the natural resources on the site. Any environmental impacts will be minimized through the project design and implementation of Mitigation Measures.

2.5 The design of the subdivision or the improvements are not suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

Adequate fire protection measures have been included as conditions of approval of the project. Adequate emergency access is available and additional fire hydrants will be required for the residential units. The public water system servicing the project will provide adequate fire flow for the project.

2.6 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.

The required road improvements will be consistent with the County Design Manual. The required signalization of Deer Valley Road and Green Valley Road will be consistent with the approved Capital Improvements Plan. All existing easements across the property for

utilities and infrastructure would remain or be relocated in a manner acceptable to the affected agency.

3.0 PLANNED DEVELOPMENT FINDINGS

3.1 That the PD zone request is consistent with the general plan.

The PD would be consistent within the proposed LDR land use designation. The proposed use and density is allowed within the LDR land use designation and the application of the Density Bonus Planning Concept.

3.2 That the proposed development is so designed to provide a desirable environment within its own boundaries.

The clustered development will include 35-acres (39% of the site) of open space to preserve the oak woodland habitat and wetlands. The proposed road improvements would provide adequate access for the proposed lots.

3.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

The modifications to the Development Standards of the RE-5 zone are justified by the clustered development. The reduced lot widths would be required in order to provide the proposed open site on the site.

3.4 That the site is physically suited for the proposed uses.

The project has been designed to utilize the developable areas to the greatest extent possible. The clustered development will minimize the potential impacts to the site.

3.5 That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

Adequate public water services are available for the project. The required road improvements are consistent with the approved CIP project in the area.

3.6 That the proposed uses do not significantly detract from the natural land and scenic values of the site.

The project would preserve the oak woodland habitat not impacted as part of the project in an open space lot. The project has been designed to blend in with the existing features of the site.

4.0 AGRICULTURAL COMPATIBILITY FINDINGS

4.1 Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities.

The project site is currently adjacent to existing residential and agricultural land uses. The proposed residential development will be consistent with residential land uses. The required setbacks and minimum lot sizes will be provided as required by the General Plan.

4.2 Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected.

The project site is currently an island of agriculture-zoned parcels and is surrounded to the north, east and west by residential zoned lands. The project will maintain the required setback and minimum parcel size requirements from the agriculture-zoned parcel to the south.

4.3 Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

The project site is surrounded by residential development. The site does not provide a buffering affect between agriculture lands and residential lands.

5.0 DESIGN WAIVER APPROVAL FINDINGS

To reduce the Right-of-Way widths for the onsite roads from 60 feet to 50 feet.

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

The proposed access road system meets the current County standards. The additional right-of-way will not be required.

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

The project includes a Planned Development application to allow for clustering of the units and reduced lot sizes. The additional right-of-way will not conflict with the objectives of the Planned Development to cluster the development away from the onsite natural resources.

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

The reduced right-of-way will not impede emergency access and will not result in a hazardous development. The proposed road system can be accommodated within the reduced right-of-way.

5.4 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 proposed road system is consistent with the Fire Safe Regulations and County Design Manual. The reduced right-of-way will not conflict with any applicable policies relating to roadway design.