

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: February 14, 2008
Item No.: 12.
Staff: Pierre Rivas

REZONE, PLANNED DEVELOPMENT, TENTATIVE MAP

FILE NUMBER: Z06-0011/PD06-0011/TM06-1412

OWNER: Marble Valley Ridge LLC c/o Thomas A. Reid

**APPLICANT/
ENGINEER:** CTA Engineering

REQUEST:

- (1) Rezone a 14.59 acre parcel containing 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD);
- (2) tentative map to subdivide the property into three single-family residential parcels ranging in size from 0.86 to 0.98 acres and one 11.82 acre open space lot to be reconfigured consistent with proposed rezone;
- (3) Development Plan (PD) requesting a building envelope on each single-family parcel of: 10,960 square feet on Parcel 1; 10,388 square feet on Parcel 2; and 7,450 square feet on Parcel 3.

Design waivers have been requested for the following:

- (1) To eliminate a 100-foot road frontage requirement and provide public and private access to proposed Open Space Lot A via driveway easements;
- (2) Allow Parcel 3 to have a lot configuration in excess of the 3:1 lot width to depth ratio.

LOCATION: South side of US Highway 50 approximately 1,500 feet west of the Cambridge Road interchange in the Cameron Park Community Region, Supervisorial District II. (Exhibit B)

APN(s): 119-310-39 and 119-320-26

ACREAGE: 14.59 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit D)

ZONING: Open Space (OS) and One-Family Residential (R1) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The property is a 14.59 acre parcel zoned for 10.2 acres of Open Space (OS) and 4.39 acres of One-Family Residential (R1). The property is identified as Open Space Lot A on the Cambridge Oaks Unit 3 final subdivision map I-107, approved under tentative parcel maps TM88-1111F/C and TM89-1188F. TM88-1111F/C and TM89-1188F were originally approved with a 10.2 acre Open Space Lot A and 61 residential lots; however, during processing of the maps the lots were reconfigured and only 57 residential units were constructed. As a result, 4.39 acres of the property (which was previously approved for four residential lots) is zoned One-Family Residential (R1). A boundary line adjustment was processed as part of final parcel map 48-69 in 2003 for a minor reconfiguration of the open space and Lot 44 of the existing Cambridge Oaks Unit 3 map.

This application was originally submitted to the County for review on April 25, 2006 at which time five single-family lots and one open space lot were proposed. Two redesigns have followed the original submittal. The project now requests three single-family lots and one open space lot. The project was deemed complete for processing on May 10, 2006.

STAFF ANALYSIS

Project Description: The request is to rezone a 14.59 acres parcel containing 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). A tentative map and Plan Development (PD) application requests to subdivide the 2.77 acres zoned for residential use into three single-family residential lots ranging in size from 0.86 to 0.98 acres. Proposed Open Space Lot A would be reconfigured and increased in size to include 11.82 acres. 0.85 acres of proposed Open Space Lot A would be encumbered by driveway easements providing access to Parcels 1, 2, 3, and Open Space Lot A to Crazy Horse Road. An existing 30 foot wide public and utility and driveway easement (which currently serve Lot 45 of final map I-107) would provide primary access to Parcel 1 from Crazy Horse Court. The driveway

easement provides primary access to parcels 2, 3, and Open Space Lot A from Crazy Horse Road for both public and private benefit.

Site Description: The project site is bound by US Highway 50 on the north, residential development on the east and south, open space on the east, and vacant land on the west. The elevation of the property varies from 1,250 feet along the southern property line where it abuts Cambridge Oaks Unit 3 and 1,040 feet along the western property line. A man-made berm exists midway along the northern property line (running parallel to the highway) and screens the eastern portion of the property. A pond is located along the eastern boundary of the project site and an intermittent stream flows from an off-site source across the northwest corner of the property in a southwesterly direction. These wetland features are classified as jurisdictional wetlands. An intermittent wetland exists off-site about midway along the northern property line. Approximately 45 percent of the site has protected natural slopes of 30 percent and steeper. With the exception of dirt fire access roads and man made berm, the majority of the site remains unaltered. The project site is comprised of 9.4 acres, or 64 percent, of oak woodland tree canopy with a high concentration of the canopy occurring along the westernmost portions of the site. Vegetation on the site includes a variety of grass and forbs including miners lettuce, hedgehog detail, wild oat, ripgut grass, medusa-head, rose clover, common vetch, field hedge-parsley, and common chickweed.

Adjacent Land Uses: Exhibits E and F illustrate the general area which transitions from the US Highway 50 corridor south and east to existing and planned residential areas. North of US Highway 50 is the El Dorado Hills Specific Plan Area as well as other residential and commercial uses. The area south of the site is designated High Density Residential (HDR) with various zoning. The following table identifies current zoning, land use designations, and uses on adjacent parcels:

	Zoning	General Plan	Land Use/Improvements
Site	OS / R1	HDR	Undeveloped
North	TC	HDR	US Highway 50
South	R1 / RE-5- PD / OS	LDR	Single-family homes on 0.5 to 1.0 acre lots and approved Marble Valley TM-PD pending final map recording
East	OS / R1	HDR	4.86-acre open space lot and single-family homes on R1lots
West	RE-5 / OS	LDR	The approved Marble Valley TM-PD pending final map recording

Project Issues: Discussion items for this project include: land use, rezone, and consistency; site planning and Planned Development (PD) components; sensitive site resources and oak woodland preservation; steep slopes and site development; Covenants, Conditions, and Restrictions (CC&Rs) and maintenance; driveways, emergency access and fire improvements; water and wastewater, grading and drainage; and public services.

Land Use and Rezone/Consistency

This project requested changes that would establish consistency with the site's High Density Residential (HDR) General Plan land use designation and other General Plan policies. The HDR designation allows single-family detached homes at density of one to five dwelling units per acre. At this density, 14 to 72 units could be allowed on the property. However, General Plan *Policy 2.2.5.19* enables the County to consider development below the density contemplated by the HDR designation, except in instances where the lower density would compromise the County's ability to meet its obligation for affordable housing, as required by State Law. Given the site's constraints, the request for three residential single-family detached homes is the most appropriate proposal for the property. This project would not compromise the County's ability to develop affordable housing because the property is not suitable for more intense development beyond what is currently proposed.

It is reasonable to anticipate the 11.82 acres to be re-designated Open Space (OS) and removed from the High Density Residential (HDR) land use inventory in the future. Another future option to clear up the issues related to the HDR could include a County initiated General Plan Amendment to adjust the land use designation in concert with the Housing Element Update.

The project would contribute to the general pattern of development in the vicinity which consists of residential homes in close proximity to US Highway 50. The project would develop three of the four units that were approved under Cambridge Oaks Unit 3 (TM88-1111F/C and TM89-1188F) but were never built and would grant a larger proportion of the property as open Space to a Homeowners' Association or appropriate mechanism, in perpetuity. In support of the Planned Development, the Open Space would become a public benefit and is being addressed at this time as it may have been overlooked during the processing of Cambridge Oaks Unit 3. Open Space Lot A would be granted to a Homeowners Association or appropriate mechanism; maintenance of which would be established in the project Covenants, Conditions, and Restrictions (CC&Rs) of a supplement to an existing CC&Rs. CC&Rs are discussed later in this report.

Site Planning/Planned Development Components

The site is located adjacent to US Highway 50 and as a result of the close proximity and effects of the freeway, a Site Plan Review (SPR) would be required prior to building permit issuance. The SPR would address site planning and ensure consistency with the approved tentative map and conditions of approval, including building envelope review and other design specifics related to the Development Plan and the mitigation that has been prepared for this project.

Improvements to the existing berm as well as sensitivity in site design to locate homes behind the berm would help further buffer the homes from the adjacent freeway. Exterior noise including outdoor gathering areas such as yards, balconies, decks, and patios, as well as interior noise must meet the noise standards identified in Tables 6-1 and 6-2 of the General Plan. With the proposed improvements to the existing berm, home siting, and architectural features, exterior noise levels

would be at or below 60 decibels. Window treatments and central air and heating units would reduce interior noise levels below daytime attenuation levels. Air quality issues are addressed with typical project conditions.

An aerial inspection of Cambridge Oaks Units 1-3 shows other homes in the immediate area have been allowed to develop as close as or closer to the highway than the homes proposed as part of this project. The existing homes located east of the project on Crazy Horse Road are buffered and partially screened from the freeway by a noise wall. This project proposes a more sensitive and natural integration improvements to the existing berm would be made to provide further buffering and screening for Parcels 2 and 3. Parcel 1 is located farthest from the freeway and will be completely screened within the existing oak canopy.

As part of the PD application, the project requests only minor deviations from development standards in order to provide flexibility in design as well as proper and innovative site planning. As mentioned earlier, the public benefit of this project would be the dedication of Open Space Lot A to be set aside in perpetuity. A design waiver requests include a waiver for Parcel 3 to allow a lot configuration in excess of the 3:1 lot width to depth ratio and a design waiver for deviation from the 100 foot road frontage requirement for each parcel which will be accessed via driveway easements. Justification for the requests is in the findings section which identifies a maintenance hardship should long, flag-shaped parcels be required to accommodate access. In addition, a flag-shaped configuration would create odd shaped lots. The proposed parcels are consistent with adjacent lots and thus more appropriate for the project site.

Building envelopes and setback lines have been illustrated on the tentative parcel map for each of the proposed single-family residential parcels. Typical setbacks for the requested R20,000 zone is 30 feet for the front yard, 10 feet for side yards, and 30 feet for rear yards. Since the new properties would have no road frontage, all of the yards on the property could be considered side yards requiring a 10 foot side yard setback. As illustrated, the minimum 10 foot side yard setback has been provided on Parcel 1; Parcels 2 and 3 would provide a minimum side yard setback of 20 feet. Building envelopes of 10,960 square feet, 10,388 square feet, and 7,450 square feet have been provided on Parcels 1, 2, and 3 respectively. The maximum building height within this zone is 40 feet; however, the applicant would be limited to a 2-story structure on each lot, unless the Planning Commission would desire that the most visible Parcels 2 and 3 to US Highway 50 be limited to a one story product. Staff would have no issue with a 2-story product on all properties because other similar development exists in the area and this project adds features, such as berms, buffering, and site planning to ensure sensitivity and compatibility. In support of the PD, over 30 percent of the project site would be set aside as common area open space.

Sensitive Site Resources and Oak Woodland Preservation

A comprehensive biological assessment was conducted by North Fork Associates for the project. Specific mitigation has been prepared based upon improvements identified on the tentative map and Development Plan, including building envelopes, driveways, and other on- and off-site improvements. Because the eastern parcel of the project site is comprised of Rare Plant Mitigation Area 1 and the western parcel is comprised of Mitigation Area 2, the payment of in-lieu fees would

satisfy County requirements and achieve consistency with applicable policies of the General Plan. It is important to note that such assessments and the mitigation developed for this project by the County would not relieve the applicant from the responsibility of obtaining state and federal take authority or permits, as required and necessary. Such permits are typically required for removal of listed (and specific) rare, threatened, and endangered plant or animal species, or for impacts to classified wetlands.

Based upon the suggestions of the biologist, Stebbins bindweed, as well as special-status animal species that include foothill yellow-legged frog, northwestern pond turtle, Cooper's hawk, raptors, and White-tailed kite would need to be protected during development activity. Mitigation measures protecting such resources would include surveys during bloom and breeding seasons, determination of existence or non-existence of such species, coordination and establishment of non-building buffers, installation of habitat fencing, and monitoring by a biologist prior to and during construction activities.

Three wetlands, covering an area of 0.17 acres, affect the project including an 'intermittent' stream and pond covering 0.16 acres that were classified as jurisdictional wetlands by the Army Corps of Engineers (ACOE) on January 24, 2007. An intermittent isolated wetland exists off-site about midway along the northern property line, 0.01-acres of which is located on-site. Mitigation, including wetland buffers, has been developed to protect these wetlands, including a 100-foot non-building buffer (established on the final map and future plans) around the intermittent stream and pond as well as a 50-foot buffer around the intermittent isolated wetland located midway along the northern property line.

Two potential project effects associated with the isolated intermittent wetland need to be considered: (1) potential connection of the project site to the water line located within Country Club Drive across US Highway 50 to be constructed using the jack and bore method (El Dorado Irrigation District (EID) Alternative #1); and (2) future potential driveway improvements within the wetland buffer. The connection under U.S. Highway 50 is not preferred or anticipated; however, the jack and bore method of construction is the least invasive and would not disturb sensitive areas within the 50 foot buffer as the improvements would be installed 5 to 10 feet below grade. See below for a further discussion on water service. Driveway improvements will be constructed within previously disturbed areas; no improvements are anticipated that would negatively impact sensitive resources outside the existing driveway footprint or within the wetland. All driveway improvements would need to be constructed on or south of the existing driveway footprint to protect the wetland from impacts.

While not anticipated, in the event a specific encroachment into the wetland buffer is requested by the applicant for either the EID improvements or driveway improvements adjacent to Parcel 2, an assessment would need to be conducted to determine no impacts to riparian habitat or wetlands would occur. The Deputy Director of Planning Services has the authority to approve such encroachments with such an acknowledgement prior to issuance of any grading and/or building permits, in accordance with Interim Interpretive Guidelines for El Dorado County General Plan *Policy 7.3.3.4.*

Approximately 64 percent, or 9.4 acres, of the 14.59 acre project contains oak canopy. Most of this canopy is located on the western portion of the project site. General Plan *Policy 7.4.4.4* requires 70 percent of this canopy, or 6.58 acres, be retained. This project proposes to remove only 0.36 acres of the 2.82 acres of oak canopy that could potentially be removed and would retain 9.04 acres. Several mitigation options exist under Option A and Option B (available upon County adoption) of General Plan *Policy 7.4.4.4*. One option includes replacement of impacted canopy as indicated on the oak replacement plan represented on the 'Preliminary Grading, Drainage, and Tree Plan.' Under this scenario, a total of 72 (1) gallon oak saplings could be replanted on a 0.36 acre area designated on the exhibit as tree replacement area. Mitigation and conditions have been included to address mitigation for removed oak trees, including preparation of an oak replacement plan prior to grading permit approvals.

Steep Slopes/Site Development

The site is comprised of 6.54 acres, or 45 percent, of slopes 30 percent or steeper. Currently, General Plan *Policy 7.1.2.1* and the interim guidelines provide specific direction about the potential effects and limitations of protected slopes as they relate to the subdivision of land. Both 'non-commercial' and commercial issues are discussed in the guidelines. Specifically, the guidelines identify that new non-commercial parcels must provide sufficient land area with slopes under 30 percent to accommodate anticipated development. In the event there is adequate site area for development, impacts to 30 percent slopes for access and road improvements are permitted.

Sufficient land area exists to allow for future residential development on the project site and more specifically on the new residential parcels. However, a site-specific slope detail illustrated on the 'Noise and Visual Analysis Exhibits' identified impacts to isolated and very minor man made slopes may be required for improving building pads and foundations. As part of a future Site Plan Review (SPR) application, the Commission could request adjustments to the building envelope and footprint be made to avoid these small areas of isolated steep slopes. There are reasonable use provisions for existing residential parcels; however, new residential parcels and clarity about impacts to isolated and insignificant slopes outside of a larger natural slope system are typically not discussed or clarified in the interim guidelines.

Covenants, Conditions, and Restrictions (CC&Rs) and Maintenance Responsibilities

Covenants, Conditions, and Restrictions (CC&Rs) would be required for the project to regulate the new parcels and provide continued monitoring and maintenance of the open space lot, existing and proposed improvements to the berm, oak replacements (if any), driveway easements, and related improvements. Conditions have been added that require the CC&Rs be filed concurrent with the final map.

A special review for drainage would be required by the Department of Transportation (DOT) Zone of Benefit (ZOB). A condition has been added that would require an engineer's report be prepared to determine the exact level of drainage impact this project would have on the Cambridge Oaks Zone of Benefit #98391 prior to filing the final map. Depending on the results of that report, this project may need to provide appropriate funding based on the effects to the ZOB. DOT has identified that

such effects and responsibilities would not be allowed to be managed by a Homeowner's Association (HOA) or through CC&Rs. An Irrevocable Offer to Dedicate (IOD) and/or associated drainage easements to the ZOB may be required. The IODs may be accepted or rejected by the County concurrent with the recording of the final map, depending upon the conclusions of the engineer's report. The effects of overall hydrologic impacts associated with this project are discussed later in this report.

Driveway and Emergency Access/Fire Improvements

The County Department of Transportation (DOT), El Dorado County Fire Protection District, and Planning Services provided a review and assessment for the project related to this category. Because there would be no public road improvements or dedications necessary for this project, site access and on-site circulation would be provided through the establishment of driveways and fire access easements that would connect the parcels to Crazy Horse Court and Road. Standard DOT conditions for site improvements related to grading and improvement activities would apply. A DOT issued encroachment permit would also be required to connect the driveways to Crazy Horse Road.

The El Dorado County Fire Protection District is in support of the driveway and fire access easements identified on the tentative map. The driveway and fire access easements would enhance accessibility and circulation into and out of the project. An existing 30 foot wide public utility and driveway easement and gate (which currently serves Lot 45 of final map I-107) would provide unrestricted primary access to Parcel 1 from Crazy Horse Court. The existing access gate would remain. Parcel 1 would be provided an entry device (electronic opener) to ensure continued accessibility. A fire rated opticom switch shall be added to the Knox box that exists for the gate to allow effective emergency vehicle access to this parcel. Gates would not be allowed across any of the other driveway easements established on Open Space Lot A. Other fire improvements for this project would include installation of two fire hydrants to connect to the EID water system, which is discussed in the next section and would provide adequate pressure for fire safety.

The applicant has requested a design waiver to deviate from the Design and Improvements Standards Manual (DISM) that requires 100 feet of road frontage for each new R20,000 zoned parcel. Each of the new residential lots has no road frontage and would be served by driveway easement for primary and fire access. The improvements necessary for these easements are illustrated on the tentative parcel map. The Fire Protection District identified a minimum 20 foot wide all weather fire access easement would need to be improved with 12 feet of asphalt and/or using a chip and seal with 4 feet of shoulders improved with 3 inches of aggregate base. In addition to these improvements, Traffic Impact Mitigation (TIM) fees would be assessed prior to the issuance of building permits.

Fire Facilities/Water/Wastewater

Several alternatives exist for providing water service to the site. The alternatives are based on the El Dorado Irrigation District (EID) Facilities Improvement Letter (FIL) that was submitted for review. Alternative #1 was previously considered under TM88-1111/tm89-1188; both Alternative #1 and #2 were considered under TM05-1403 and have been considered in the project Mitigated Negative Declaration. As such, these alternatives have been fully analyzed. Subsequent acknowledgements made between the project applicant and EID were provided to staff for review. The specific alternatives are as follows:

EID Alternative #1: This alternative requires a water line extension to connect the existing 8-inch water line in Country Club Drive to the existing 12-inch water line in Beasley Drive for potable and fire suppression purposes. This connection would provide the project with 1,000 gallons per minute (gpm) for a period of two hours with 20 pounds per square inch (psi) to satisfy the requirements of the Fire District. This alternative requires construction of improvements under U.S. Highway 50 using the jack and bore method. The connection under U.S. Highway 50 is not preferred or anticipated; however, the jack and bore method of construction is the least invasive and would not disturb sensitive areas within the 50 foot buffer as the improvements would be installed 5 feet to 10 feet below grade.

Should Alternative #1, be constructed differently than described above, a qualified biologist would provide a letter identifying any impacts for the specific encroachment into the wetland buffer. Should no impacts to riparian habitat or wetlands be identified, the Deputy Director of Planning Services could approve the request. Additional impacts to riparian habitat or wetlands would require additional environmental assessment; potentially as part of the grading or Site Plan Review (SPR). A no impacts Alternative #1 has been fully assessed for this project.

EID Alternative #2: This alternative requires a water line extension to connect the existing 12-inch water line in Beasley Drive to the existing 8-inch line in Flying C Road. This connection would provide the project with 1,000 gallons per minute (gpm) for a period of 2 hours with 20 pounds per square inch (psi) to satisfy the requirements of the Fire District. Minor on-site line extensions will be needed to install water services and hydrants.

Due to the small size of the project and nominal effect of adding three additional single family units to the EID system, the applicant and EID have agreed contribution of fees toward payment of Alternative #2 is the preferred option. As such, the applicant shall pay \$26,940 to EID (in lieu of the improvements) in addition to the Facilities Capacity Charges for the water meter award letter. The in-lieu payment is based on a 10 percent estimated cost to install Alternative #2 and would contribute to the required connection to be constructed by the approved Protzel tentative map (TM05-1403) and/or proposed Porter tentative map (TM07-1438), whichever occurs first.

There is an existing 6-inch EID sewer line located within Crazy Horse Court and Road. The FIL letter identified adequate capacity within the existing system to accommodate this project. This project would be required to connect to this existing sewer line.

Grading and Drainage

Site grading would be required for driveway improvements as well as preparation of building pads and envelopes for residential development on Parcels 1, 2, and 3. Modifications to the existing berm on Open Space Lot A adjacent to Parcel 3 are also proposed. It is estimated up to 1,000 cubic yards of material or soil may be excavated and re-distributed on-site to improve driveways, building areas for the residences, and for the berm.

A Preliminary Drainage Study was provided for review. The existing drainage system was found to have existing and adequate capacity to handle run-off without the need for improvements to facilities either on or off the project site. Parcel 1, which is located at the southwest corner of the property, drains into the Marble Creek channel across a flow distance of 850 feet. For Parcels 2 and 3, there are four sheds and the report identified these sheds with references made to the previous Preliminary Engineering Report for Cambridge Oaks Unit 1 – Phase 3 and Cambridge Oaks Unit 2 Development Master Drainage Study prepared January 28, 2001.

In addition to the Zone of Benefit issues raised earlier, there would be one 18 inch culvert installed beneath the driveway that would connect Parcels 1 and 2. The final grading and drainage plan will be designed to meet the *El Dorado County Grading, Erosion and Sediment Control Ordinance*. This would include implementation of pre-and post-construction Best Management Practices (BMPs) that would be designed into the project to reduce or eliminate project related runoff.

Public Services

There are a number of public amenities in the form of public parks and recreational opportunities within the County that are close to or within a short distance to this property. As with all subdivisions, this project shall be required to pay Quimby fees for the acquisition of parklands. In addition, the El Dorado Union High School District provides public high school services and the Buckeye Union School District provides five elementary and two middle schools for residents. School impact fees shall be assessed during the review of building permits to address any school impacts associated with the approval of this project. Police service is provided by the El Dorado County Sheriff's Department.

General Plan: This project is consistent with the policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below.

In support of *Policy 2.2.5.3* the rezone is a reduction, redistribution, and minor adjustment to a less intense One-Half Acre Residential (R20,000) zone, as well as a Planned Development (PD) zoning overlay with minor adjustments to the areas that would be zoned Open Space. The current 4.39 acres zoned as residential would be reduced to 2.77 acres. The open space areas would be increased and granted to a Homeowners Association or other mechanism, in perpetuity. With the improvements necessary for this project and based on the location of the project as part of an

existing, adjacent and similarly developed Cambridge Oaks Unit 3 subdivision, there would be adequate facilities and public services available to support this project.

The project is compatible with the existing pattern of development that has been allowed in the general area and is consistent with *Policy 2.2.5.21*. Because less intense zoning is proposed, the 19 conditions typically required to be assessed for rezones do not require a comprehensive discussion. Instead, the project application and submittal information has been reviewed to ensure consistency with this and other policies.

The HDR designation allows single-family detached homes at a density of one to five dwelling units per acre. At this density, 14 to 72 units could be allowed on the property. However, General Plan *Policy 2.2.5.19* enables the County to consider development below the density contemplated by the HDR designation, except in instances where the lower density would compromise the County's ability to meet its obligation for affordable housing, as required by State Law. Given the site's constraints, the request for three single-family residential detached homes is the most appropriate proposal for the property. This project would not compromise the County's ability to develop affordable housing because the property is not suitable for more intense development beyond what is currently proposed. By creating three residential lots and designating a large open space lot, *Policy 2.2.3.1* would be addressed because the project would designate an area that exceeds the minimum of 30 percent common area open space required for residential PD projects.

The project is not located within a Scenic Highway Corridor as identified by *Policy 2.6.1.3*. The designated Scenic Highway Corridor on US Highway 50 begins in Placerville, about 11 miles to the east. There is a Scenic Viewpoint identified on General Plan DEIR Figure 5.3-1 located to the west of this site; this project would not affect or be affected by that viewpoint because it is located in an area that has already been developed with similar single family residences.

In support of *Policies 5.2.1.3 and 5.3.1.1*, the project is located within the Cameron Park Community Region boundary and would connect to the existing EID water and wastewater system. Pursuant *Policy 5.4.1.1*, there is a negligible impact to the existing drainage facilities and system with the installation of one 18 inch culvert beneath the driveway connecting Parcels 1 and 2 which would be sufficient for this project.

Policy 5.7.1.1, 6.2.3.1, and 6.2.3.2 address fire suppression and services, which are being satisfied with the design of this project. Because this project would make certain improvements such as the installation of two fire hydrants and EID water connections with adequate pressure, the El Dorado Fire Protection District has identified adequate and nearby fire services would be available for this project.

A Noise Study was submitted based on *Policy 6.5.1.1* and addresses *Policy 6.5.1.3*. There is specific mitigation implemented into the project that would require proper site planning at both the Site Plan Review (SPR) and building permit review stage to ensure that noise generated by the freeway would be attenuated.

The site is comprised of 6.54 acres, or 45 percent, of slopes that are 30 percent or steeper. *Policy 7.1.2.1* and the interim guidelines clarifying the requirements limit the subdivision of 'non-commercial' land to ensure that there are adequate areas to develop residences without the need to impact protected slopes. Adequate site area exists on the new parcels to allow for residential development with only minor impacts to isolated and mostly insignificant slopes 30 percent and steeper.

By implementing specific mitigation for site improvements, including those necessary for EID and driveway improvements, impacts to jurisdictional as well as non-jurisdictional wetlands would be avoided. The drainage study identified a negligible effect for the drainage system and would not affect these areas because of the implementation of Best Management Practices (BMPs) into the final design of the drainage. This would address *Policies 7.3.3.1 and 7.3.3.4*. *Policy 7.3.3.5* is addressed by incorporating and protecting the wetland features in the design of the project.

Since the project site is located within Rare Plant Mitigation Areas 1 and 2, appropriate in-lieu fees would be assessed prior to building permit issuance in order to address *Policy 7.4.1.1* for impacts to rare plants. Mitigation has been prepared for certain special-status plant and animal species that would include site surveys, surveys for animal species prior to construction activities overlapping with breeding seasons, habitat protection, and consultations should they be necessary.

There is 9.4 acres of oak woodland tree canopy on the property. General Plan *Policy 7.4.4.4* requires 70 percent of this canopy, or 6.58 acres, be retained. This project would remove only 0.36 acres and would retain 9.04 acres, which is in excess of the required retention standard. Mitigation has been included to address the replacement of oak canopy based on adopted and pending County policy.

A Cultural Resources Study was submitted for review. The project provides mitigation and typical conditions to address the issues related to this category pursuant to *Policy 7.5.1.3*.

Zoning: As designed, this Development Plan requests minor deviations from development standards of the proposed One-Half Acre (R20,000) zone to provide flexibility in design as well as proper and innovative site planning. Parcel 3 requests a lot configuration in excess of the 3:1 lot width to depth ratio. A formal design waiver requests a deviation from the 100 foot frontage requirement for each residential parcel which will be accessed via driveway easements. As part of the request, the project would provide Open Space Lot A as public benefit. The minimum 0.5 acres lot size of the R20,000 zone has been met. Building envelopes and setback are established as part of the Development Plan as identified on the tentative map. Typical setbacks for the requested R20,000 zone is 30 feet for the front yard, 10 feet for side yards, and 30 feet for rear yards. Since the new properties would have no road frontage, all of the yards on the property could be considered side yards requiring a 10 foot side yard setback. As illustrated, the minimum 10 foot side yard setback has been provided on Parcel 1; Parcels 2 and 3 provide a minimum side yard setback of 20 feet. Development regulations established by the zoning ordinance and this Development Plan would be reviewed during Site Plan Review (SPR) for each of the new residential parcels.

Because this project was part of a prior tentative map that was processed by the same owner which has cumulatively created in excess of four new developable parcels, a tentative map would be required. There is a time limit of three years from the date of tentative parcel map approval to record a final map; otherwise the tentative map would expire. In addition to the three years, there are currently five one-year time extensions available to record the final map. Time extensions for the final map processing of a tentative parcel map would require that a timely filing be made a minimum of 60 days before the tentative parcel map expires.

Agency and Public Comments: Appropriate conditions from each reviewing agency are included in the project permit. The following agencies provided comments and/or conditions for this project:

El Dorado County Fire Protection District
El Dorado County Department of Transportation
El Dorado County Environmental Management
El Dorado County Air Quality Management District
Office of the County Surveyor
El Dorado Irrigation District
Cameron Park Community Services District

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study (Exhibit N) to determine any project-related impacts on the environment. Based on the Initial Study, staff determined that this project would reduce the potential for significant impacts by implementation of mitigation measures. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

NOTE: 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 forwarded to the California Department of Fish and Game for review and comments. In accordance with State Legislation (California Department of Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is used to help defray the cost of managing and protecting the state's fish and wildlife resources and will be forwarded to the California Department of Fish and Game via the County Recorder's Office.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the findings, including CEQA (Attachment 2);
2. Adopt the Mitigated Negative Declaration and mitigation monitoring program based on the Initial Study (Exhibit N);
3. Approve Rezone Z06-0011, Development Plan PD06-0011 as the official Development Plan, Tentative Map TM06-1412 subject to the conditions in Attachment 1; and
4. Approve the request for design waivers to eliminate the 100 foot required road frontage on all parcels and allow Parcel 3 to exceed the 3:1 width to depth ratio, based on Section 5 of the findings.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Applicant's Request for Design Waiver
Exhibit B	Plan Set (1-10)
Exhibit C	Vicinity Map
Exhibit D	Aerial Map
Exhibit E	General Plan Land Use Map
Exhibit F	Zone Map
Exhibit G	General Plan DEIR Figure 5.3-1 Scenic Corridor
Exhibit H	1994/95 USFWS National Wetlands Inventory Map
Exhibit I	Asbestos Review/Fault Buffer Map
Exhibit J	Soils Map
Exhibit K	Final Map I-107 (A-C)
Exhibit L	Parcel Map 48-69
Exhibit M	Assessor's Map (1-2)
Exhibit N	Initial Study (CEQA)

ATTACHMENT 1
CONDITIONS OF APPROVAL

Marble Valley Ridge
FILE NUMBER Z06-0011 / PD06-0011 / TM06-1412

Project Description

1. This rezone, development plan, and tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-N dated January 10, 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 substantial 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:

Rezone a 14.59 acre parcel containing 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). A tentative map and Development Plan to subdivide the 2.77 acres zoned for residential into three single-family residential parcels ranging in size from 0.86 to 0.98 acres; building envelopes and setbacks are identified on the tentative map. Parcel 1 shall, at a minimum, provide 10 foot side yard setbacks. Parcels 2 and 3 shall provide, at a minimum, 20 foot front and rear yard setbacks. Building envelopes of 10,960 square feet, 10,388 square feet, and 7,450 square feet have been provided on Parcels 1-3, respectively. Proposed Open Space Lot A would be reconfigured, increased in size to include 11.82 acres, and designated non-developable for residential uses to be maintained by a Homeowners Association or other mechanism, in perpetuity. Several alternatives exist for providing water service to the site. Due to the small size of the project and nominal effect of adding three additional single family units to the EID system, the applicant and EID have agreed contribution of fees toward payment of Alternative #2 is the preferred option. As such, the applicant shall pay \$26,940 to EID (in lieu of the improvements) in addition to the Facilities Capacity Charges for the water meter award letter. The in-lieu payment is based on a 10 percent estimated cost to install Alternative #2 and would contribute to the required connection to be constructed by the approved Protzel Tentative Map TM05-1403 and/or proposed Porter Tentative Map TM07-1438, whichever occurs first.

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 substantially conform to the project description above, tentative map, approved hearing exhibits, and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in substantial compliance with this project description, the tentative map, approved hearing exhibits, and

conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION

All mitigation measures listed in this section shall be placed as a note on all grading and/or improvement plan sets.

2. **MM Bio-1:** Prior to the issuance of building permits, the applicant shall pay the Rare Plant Mitigation Area 1 in-lieu fee for Parcels 2 and 3 and Rare Plant Mitigation Area 2 in-lieu fee for Parcel 1. The in-lieu fee shall be based upon the fee that is in place at the time of building permit issuance and shall be made to offset impacts within these mitigation areas based on adopted County policies.

Timing/Implementation: Prior to issuance of building permits

Enforcement/Monitoring: El Dorado County Planning

3. **MM Bio-2:** All grading, improvement, and building plans shall state: "It is the applicant and contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water Act for all on and/or off-site impacts. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction."

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-3:** Prior to initiation of the proposed grading or construction activities, a qualified biologist must conduct a site survey during the blooming season (May through June) and provide a report to Planning Services to determine the existence of Stebbins false bindweed. The survey shall be conducted for areas identified for development footprint, which includes the areas necessary for pad development and driveway improvements.

If no such species is found, no further measures shall be necessary.

- a. If such species are found within identified development areas and not planned for removal, the applicant shall obtain a letter from a qualified biologist providing recommendations for protection of such species, including, but not limited to, installation of habitat and/or biological

protection fencing (or similar) to protect and buffer such species from impacts.

- b. If such species are found within identified development areas and would be removed, consultations and approvals for such take must be made by the California Department of Fish and Game and/or the US Fish and Wildlife Services. A copy of any incidental take permits for related impacts (or similar acknowledgement) must be provided to Planning Services to place in the project file.

Timing/Implementation: Prior to initiation of grading or construction or activities

Enforcement/Monitoring: El Dorado County Planning

5. MM Bio-4:

30 days prior to initiation of any proposed grading or construction activities to occur within the nesting period of Cooper's Hawk and raptors (March 1st through August 31st), and White-tailed kite (February to October) a qualified biologist shall conduct a site survey and provide a report to Planning Services to determine the existence of such species.

- a. If no active nests are found, no further measures shall be necessary.
- b. If an active nest is found within 200 feet of an area identified for development, a qualified biologist shall record the location(s) on a site map.
- c. If the species is listed under the Federal or State Endangered Species Act, the appropriate federal or state agency shall be contacted for guidance.
- d. If the species is not federally or state listed but protected under the federal Migratory Bird Treaty Act of 1918, a qualified biologist shall establish a minimum 100 foot buffer (Environmentally Sensitive Area) around the nest tree.
- e. The biologist shall delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, and/stakes, etc. The buffer zone shall be maintained until the young have fledged. Construction activities shall not occur within 100 foot of a nest tree while young are in the nest.
- f. The biologist shall monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if the nesting birds appear to be adversely affected by construction activities.

Timing/Implementation: *Prior to initiation of grading or construction or activities*

Enforcement/Monitoring: *El Dorado County Planning*

6. MM Bio-5: Prior to imitation of any proposed grading or construction activities, a qualified biologist shall review the grading plans and submit a report to Planning Services identifying potential impact to on-site habitat, if any.

- a. If not impact are identified, no further measures shall be necessary.
- b. If impacts are identified, twenty-four hours prior to initiation of grading or construction activities, a qualified biologist shall conduct a preconstruction survey of on-site aquatic habitat to be impacted for foothill yellow-legged frog and northwestern pond turtle and submit a report to Planning Services. If no such species are found, no further measures shall be necessary.
- c. In the event foothill yellow-legged frog and/or northwestern pond turtle are found in areas of on-site aquatic habitat to be impacted, a qualified biologist shall provide a recommendation for relocation, shall relocate said species, and shall be present during all clearing and grubbing activities to occur within the impacted aquatic habitat. All foothill yellow-legged frog and northwestern pond turtle found during clearing and grubbing shall be relocated based on the recommendations of the biologist.

Timing/Implementation: *Prior to clearing and grubbing*

Enforcement/Monitoring: *El Dorado County Planning*

7. MM Bio-6: The applicant shall identify a 100 foot buffer from the edge of the pond located along the eastern property line and from the edge of the stream bank that flows in a southwesterly direction along the northwest corner of the project site, as well as a 50 foot buffer from the edge of the intermittent wetland located midway along the northern property line. The identification shall be made on the final map, Site Plan Review, grading, improvement, and building plans.

- a. Grading and construction activities shall not occur within the identified 100 foot buffers unless the applicant submits a letter prepared by a qualified biologist that states the specified encroachment would not result in any impacts to riparian habitat and/or wetlands.
- b. Although not preferred or anticipated, should EID Alternative #1 improvements be required under US Highway 50 to connect to the EID water line located within Country Club Drive construction can only occur

utilizing the jack and bore method previously approved and analyzed. Unless the applicant submits a letter prepared by a qualified biologist that states the specified encroachment would not result in any impacts to riparian habitat and/or wetlands, construction of improvements must begin and end outside of the identified 50 foot buffer and must remain 5 to 10 feet below the existing surface grade.

- c. Driveway improvements within the identified 50 foot buffer shall not encroach north (but can encroach south) of the existing driveway footprint unless the applicant submits a letter prepared by a qualified biologist that states the specific encroachment would not result in any impacts to riparian habitat and/or wetlands.

Timing/Implementation: *Prior to filling the final map, Site Plan Review (SPR), grading, improvement, and/or building plans approvals*

Enforcement/Monitoring: *El Dorado County Planning*

8. MM Bio-7:

Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of any one of the following options will reduce impacts to a less than significant level:

- a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.
- b. Payment of all fees required under Option B of General Plan Policy 7.4.4.4 to the county's Integrated Natural Resources Management Plan

(INRMP). Payment of fees shall be at a migration ratio of 2: 1 and based on all impacted oak woodland acreage. Payment of fees and successful completion of this alternative is dependent upon county adoption and implementation of the INRMP by the County and approval of Planning Services.

- c. Acquisition of an off-site conservation easement covering property with healthy oak woodland canopy area of 0.36 acres, equivalent to 100 percent of the oak canopy area proposed to be removed by the project. The conservation easement shall be in close proximity to the project site or within or adjacent to an Important Biological Corridor or Ecological Preserve, as designated in the General Plan. The conservation easement shall provide for the preservation of the area in perpetuity and shall include such terms, conditions, and financial endowments for monitoring and management deemed necessary by the County to ensure the long term preservation of the oak woodland area. The easement shall be in favor of the County or a County-approved conservation organization.

Timing/Implementation: Prior to approvals of grading permits

Monitoring/Enforcement: El Dorado County Planning

9. **MM Bio-8:** If option a. above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the replanted oak saplings and/or oak acorns for this project.

Timing/Implementation: Prior to issuance of occupancy permits

Monitoring/Enforcement: El Dorado County Planning

10. **MM Bio-9:** If option a. above is utilized, Covenants, Conditions, and Restrictions (CC&Rs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CC&Rs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the re-planted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.

Timing/Implementation: Prior to issuance of building permits, occupancy permits, and on-going

Monitoring/Enforcement: El Dorado County Planning

- 11. MM Cultural-1:** The applicant shall consult with Planning Services to coordinate the placement of a non-building buffer on the final map, Site Plan Review (SPR), grading, improvement, and/or building plans, based on the recommendations of the Cultural Resources Study. Planning Services staff shall review such plans and study to ensure the proper placement of the non-building buffer is made, to be labeled 'non-building buffer.'

Timing/Implementation: Prior to issuance of final map, Site Plan Review (SPR), grading, improvement, and/or building plans

Monitoring/Enforcement: El Dorado County Planning

- 12. MM Land Use-1:** The applicant shall submit a Site Plan Review (SPR) application for each of the newly created residential parcels to determine consistency with the approved rezone, tentative parcel map, and Planned Development (PD) application. The consistency determination shall be made based upon review of the tentative map, project exhibits, conditions of approval, mitigation measures, ordinances, and policies applicable at the time of the SPR review.

Timing/Implementation: Prior to issuance of building permits

Monitoring/Enforcement: El Dorado County Planning

- 13. MM Noise-1:** The backyard area Parcel 1 shall be located at the furthest distance possible away from U.S. Highway 50 and the proposed residence shall be sited between US Highway 50 and the backyard areas. At no time, shall backyard areas including, but not limited to, grassy or play areas, balconies, patios, and/or decks be located between US Highway 50 and the residential structure.

Timing/Implementation: Prior to SPR approval

Monitoring/Enforcement: El Dorado County Planning

- 14. MM Noise-2:** Prior to the issuance of building permits on Parcels 2 and 3, the applicant shall illustrate the use of a minimum Sound Transmission Class rating 32 for all second story bedroom windows. Parcel 1 shall require such treatments on all stories. Balconies, patios, and decks on Parcels 2 and 3 shall only be allowed behind and below the berm.

Timing/Implementation: Prior to issuance of building permits

Monitoring/Enforcement: El Dorado County Planning

- 15. MM Noise-3:** Prior to the issuance of building permits on Parcels 1, 2, and 3, the applicant shall illustrate central air and heating units will be installed to allow occupants to close doors and windows as desired to achieve compliance with applicable interior noise level criteria.

Timing/Implementation: Prior to issuance of building permits

Monitoring/Enforcement: El Dorado County Planning

Planning

16. 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 California 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.

17. This tentative map shall expire within 36 months from the date of approval unless a timely extension has been filed.
18. The applicant shall make the actual and full payment of planning processing fees for the rezone, planned development, and tentative map application prior to the County Recorder processing the final map.
19. Prior to the issuance of building permits, the applicant shall pay Quimby in-lieu fees to Planning Services pursuant to Subdivision Ordinance Section 16.12.090. The applicant 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.

20. A notice of Restriction on Open Space Lot A shall be filed concurrent with the final map restricting all future residential development activities in perpetuity. With exception to environmental protection and maintenance of the driveways, no future development activities shall be allowed on Open Space Lot A.
21. Concurrent with the final map recording and prior to the County issuing building permits on any parcel Covenants, Conditions, and Restrictions (CC&Rs) must be established for the project to address, at a minimum, the maintenance of Open Space Lot A, existing and proposed improvements to the berm, oak tree replacement and monitory (if any), driveway easements, and driveway encroachments. Planning Services shall review the Covenants, Conditions, and Restrictions (CC&Rs) to ensure consistency with project mitigation, permit conditions, and county standards.
22. At the discretion of the Deputy Director of Planning Services, the applicant can request specific encroachments into identified wetland buffers. The applicant shall submit a letter prepared by a qualified biologist that states the specified encroachment would not result in ay impacts to riparian habitat and/or wetlands. Should the report identify impacts, no such encroachments could occur without a Planning Commission decision, at a noticed public hearing with proper CEQA assessments. Fees associated with the processing of a Planning Commission request for such encroachments shall be paid by the applicant.
23. The Site Plan Review (SPR) on Parcels 1, 2, and 3, shall substantially conform to exhibits labeled 'Noise and Visual Analysis Exhibit Parcels 1-3' and the tentative map for building envelops and established setbacks, location of building pads associated to steep slopes, finished floor elevations, fence lines, backyard areas shielded from noise sources, and site line building elevations to US Highway 50. SPRs processing fees shall be based on a deposit and 'Time and Materials Agreement' for reimbursement for County time spent on such reviews.
24. Central air and heating units shall be screened from public view. Roof mounted units shall not be allowed. The location of outdoor equipment associated with central air and heating units shall be shown on the Site Plan Review (SPR) plans and building plans for each parcel.
25. Propane tanks shall be screened from public view. The location of propane tanks shall be shown on the Site Plan Review (SPR) plans and building plans for each parcel.
26. Prior to the issuance of building permits, the applicant shall connect to the existing El Dorado Irrigation District (EID) water lines and provide a copy of the meter award letter to Planning Services to be placed in the project file.
27. Prior to occupancy, the applicant shall connect to the existing El Dorado Irrigation District (EID) 6 inch sewer line located in Crazy Horse Road.
28. At no time shall gates be installed across the driveway easements for Parcels 1, 2, and 3. The existing gate serving parcel 45 of final map I-107 located across the existing 30 foot wide public utility and driveway easement shall remain. Primary driveway access and gate

openers shall be made available to property owners of Parcel 1 of this project, in perpetuity. At no time shall primary driveway access for Parcel 1 occur over and across the primary driveway access for Parcel 2 which connects to Crazy Horse Road.

29. All fencing shall be designed to meet the County's Fence Ordinance Section 17.14.155. All fencing shall be kept free of graffiti and each individual property owner shall be responsible for meeting this requirement.
30. Common area lighting is not permitted. All necessary outdoor lighting shall be designed to meet the County's Lighting Ordinance Section 17.14.170.
31. For Parcels 1, 2, and 3, the CC&Rs shall contain a provision regulating refuse and recycling materials and storage. Such storage shall occur out of public view and shall only be located curbside on trash/recycling pick-up days.
32. Prior to the approval of occupancy permits for each parcel, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval numbered 19 thru 33. The applicant shall provide evidence that each of these conditions have been satisfied and such information shall be included in the project file for reference.
33. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
34. 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.

Cameron Park Community Services District

35. Prior to the recording of the final map, the applicant shall form a Home Owner's Association or other mechanism and establish the CC&Rs for the project.
36. Prior to the approval of building permits, the applicant shall consult with the Cameron Park Community Services District (CPCSD) to address requirements associated with the

Landscaping and Lighting Assessment District (LLAD), including, but not limited to, the payment of fees in place at the time of building permit issuance.

37. Prior to the issuance of building permits, the applicant must make the payment for all applicable Park and Recreation impact fees. Fees shall be assessed based on the fees in place at the time of building permit issuance.

Department of Transportation (Zone of Benefit)

38. Prior to final map recording, the applicant shall provide written confirmation of how the project may or may not affect the Cambridge Oaks Zone of Benefit #98391 shall be provided in the form of a professionally prepared Engineer's Report consistent with the requirements for the formation of a zone of benefit, except that no legal description and boundary map are required (Exhibits A and B to the Report). The report shall contain a map depiction of the entire existing zone of benefit, including the existing drainage facilities as well as the plan for the proposed project, Marble Valley Ridge Estates TM 06-1412. The cost apportionment shall include the existing facilities and any additional facilities that are planned and depicted for Marble Valley Ridge Estates.
39. Any additional drainage facilities built in the project area that tie into the existing drainage facilities shall be maintained by the zone of benefit, not by the HOA.
40. Prior to the recordation of the final map, the applicant shall consult with the Department of Transportation Zone of Benefit to consider the requirement of an irrevocable offer of dedication (IOD) for drainage easements and maintenance based on the written confirmation be provided.
41. Prior to the recordation of the final map, if there are no additional facilities added with the proposed project, the plans and Engineer's Report will serve as written confirmation. If additional facilities are proposed, the Engineer's report will serve as written confirmation that the apportioned cost requirements for all facilities in the zone will not exceed the current per parcel annual special tax amount of \$200.00.

Department of Transportation

42. The applicant shall obtain an encroachment permit from DOT and construct the roadway encroachment (with the minimum required sight distance) from the on-site driveways onto Crazy Horse Road to meet County Standard Plan 103A-1, prior to the recordation of the map.
43. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site shared driveways and drainage facilities, prior to the recordation of the final map.
44. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said

easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.

45. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
46. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading plans shall incorporate the findings of detailed geologic and geotechnical investigations.
47. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
48. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
49. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
50. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

51. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
52. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

El Dorado County Fire Protection District

53. Prior to the issuance of building permits, the applicant must consult with the El Dorado County Fire Protection District about required fees, plan reviews, and/or site visits for this project. Plan review fees are \$120.
54. Prior to the approval of building permits, the applicant shall consult with the Fire District to install two new fire hydrants. Hydrants will be Muller model 200 Centurion and are approved as shown.
55. Minimum fire flow required is 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of two hours.
56. A 20 foot wide all weather fire access road is required to connect Parcels 1 and 3. This may be accomplished with 12 feet of asphalt and/or using a chip seal or pavement with 3 inches of aggregate base shoulders.
57. Access driveways to Parcels 2 and 3 shall not be gated.
58. A Fire District approved opticon gate opening device shall be added to the Knox key switch that is in place.

Environmental Management

59. Prior to approval of grading and/or improvement plans, the applicant shall provide an Asbestos Dust Mitigation Plan (ADMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). The ADMP shall comply with the requirements of Rule 223, 223.1, and/or 223.2.
60. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
61. All project architectural coatings shall adhere to AQMD Rule 215.

62. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
63. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacturer's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.
64. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal combustion engines, the applicant shall submit an authority to construct application to be reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

County Surveyor

65. 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 surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyor's Office.
66. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).

ATTACHMENT 2 **FINDINGS**

FILE NUMBER Z06-0011/PD06-0011/TM06-1412

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:

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, Cultural Resources, Land Use/Planning, and Noise categories. By including mitigation for these two categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for 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 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 REZONE FINDING

2.1. *That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.*

The rezone changes 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) of the 14.59 acre lot to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). The Development Plan that has been developed for this project provides a design of larger parcels in the least sensitive parts of the property and maintains a large proportion (over 30 percent) as common area open space, which meets the PD requirements for residential projects. The open space would be restricted from future residential development in perpetuity as non-developable open space and would be maintained by a Home Owners Association. General Plan *Policy 2.2.5.19* allows the County to consider

development below the density contemplated by the High Density Residential (HDR) General Plan land use designation because development of the project on this site would not affect the County's ability to meet its affordable housing obligations under State Law. Given the sit's constraints, the request for three single-family residential detached homes and one large open space lot is the most appropriate proposal for the property. More intense residential uses would not be appropriate based on overall site constraints, access, and the location of the project site within an existing single-family residential subdivision. This project also meets applicable policies outlined by the General Plan including those for public access and services, public utilities, improvements that will be necessary for this project, noise attenuations, removal and replacement, and retention of oak woodland tree canopy, protection of special-status plant and animal species, protection of slopes, and protection of cultural resources in compliance with the policies established by the General Plan.

3.0 PLANNED DEVELOPMENT FINDINGS

3.1 That the Development Plan is consistent with the General Plan.

As proposed, the Development Plan and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project provides a creative solution to provide the density that was approved but not built for the Cambridge Oaks Unit 3 tentative parcel map. It also preserves open space. The project and the Development Plan would provide consistency with the zoning and land use designation, in that the 4.39 acres that is currently zoned for residential would be reduced to 2.77 acres to allow for residential development. The Development Plan provides adequate site areas on each of the three new parcels and specific improvements for driveway connections over driveway easements, an improvement to an existing berm, proper building envelopes and building setbacks, and general site design which address the policies required by the General Plan. The Design waivers would allow for consideration of parcel 3 which exceeds the 3:1 lot width to depth ratio and reduction of the road frontage. No other deviations have been requested. The driveways would all be established as easements over the Open Space Lot A and maintenance of which would be set forth in project CC&Rs. The CC&Rs would also maintain other project specific elements including, but not limited to, oak replacement (if any) for the project.

3.2 The proposed development is designed to provide a desirable environment within its own boundaries.

This project provides more than 30 percent common open space as required for a residential PD project. The 11.82 acres that that will be designated as Open Space Lot A would be maintained in perpetuity. Because the driveways are to be dedicated easements, the 0.85 acres that would be dedicated would provide continued accessibility for both the new residential parcels as well as the public. The driveways would be a combined public and private benefit that would be maintained for accessibility into the open space area and for the residences.

The location of the proposed new homes on larger lots and the impacts necessary for improvements associated with this project maintains and protects site resources. The project also promotes a balance between the new residences, the new open space Lot A and the existing Cambridge Oaks

Unit 3 residential subdivision, as well as US Highway 50 located on the north. Protection for oak canopy includes impacts to only 0.36 acres of the existing 9.4 acre of the canopy on-site. The project would retain 9.04 acres of the canopy and would replace canopy in appropriate areas (if necessary), while siting homes in a sensitive manner to protect the remaining oak trees. Protected slopes 30 percent and steeper would not be affected because only isolated and very small areas of 30 percent slope may be affected. Such slopes are not part of a larger slope system and are not located on a ridgeline. Impacts to isolated and insignificant slopes will not create an inconsistency. As part of a future Site Plan Review (SPR) process required for each of the new residential parcels, minor adjustments could be made should these slopes necessitate preservation. Wetlands, special status plant and animal species would be protected with this project.

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

Based on the information that has been provided, the project meets all of the required zoning requirements for lot size, setbacks, and other specifics associated to the creation of three residential single-family and one open space parcel. Because a requirement of this project is to process a Site Plan Review (SPR) prior to issuance of building permits for individual residential lot development, a subsequent review shall be made for zoning ordinance regulations, and more specifically based on the PD criteria established for this project. The project requests only one deviation from lot design standards for parcel 3 in that it is in excess of the allowed 3:1 lot width to depth ratio. The PD allows a project to make such a request. With the establishment of a large public benefit open space lot, the request can be justified.

3.4 *The site is physically suited for the proposed use.*

This property is located within the Cameron Park Community Region and is part of the Cambridge Oaks Unit 3 subdivision. That subdivision was originally approved with a 10.2 acre Open Space Lot A and 61 residential lots; however, during processing of the maps the lots were reconfigured and only 57 residential units were constructed. The remaining area designated for residential development was set aside. This project proposes to correct the isolated area of R1 residential zoning that was created by that project. The site is largely undeveloped, but there are areas of the property that are suitable for the type of large lot single-family residential development that is proposed. As designed, the project would fit on the new parcels and would blend with the site. Sensitive site resources would be protected. The site is physically suitable for the type of uses proposed.

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 services are available or will be provided as conditioned by installation of driveway and encroachments, water and wastewater line extension (or in-lieu fees), and fire suppression facilities and improvements such as two fire hydrants and through driveway connections between the three residential parcels over Open Space Lot A. Adequate fire and police protection, parks and recreational opportunities, as well as schools exist in the area. These public services will be

available for this planned development.

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

This project protects sensitive site resources and appropriately places development on the project site. The site is physically suitable for the type of development proposed, in that it places the Open Space Lot between the residences and the adjacent US Highway 50. Existing berms would be improved to further screen and separate the residences and the freeway. The areas that would be developed are the least sensitive and areas that are most sensitive would be retained and maintained as open space, in perpetuity. The project would not significantly detract from, and would visually blend with the natural and scenic values of the site, as well as with the general area.

4.0 TENTATIVE MAP FINDINGS

4.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative map, including design and improvements, is consistent with the policies of the General Plan. The General Plan HDR land use designation allows a maximum density of one to five units per acre. However, *Policy 2.2.5.19* allows the County to consider development below the density because it would not affect the County's ability to meet its affordable housing requirements. The tentative map proposes to subdivide 2.77 acres of the property into three single family residential parcels, while maintaining 11.82 acres as Open Space Lot A. Each of the new parcels would have permanent access over driveway easements serving each residential parcel. These driveway easements would also be available for public access to open space lot.

As part of the project, infrastructure including driveway improvements, water and wastewater utility improvements, connections to the El Dorado Irrigation District (EID) system, fire hydrants and adequate water pressure will be provided. With the mitigation and conditions that have been established for this project, the impacts have been assessed and it has been found that there will be minimal impacts or effects associated with this project. The project will implement County grading and drainage standards to ensure proper grading and improvements area included in the final design.

4.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

The rezone changes 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) of the 14.59 acre lot to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). The Development Plan that has been developed for this project provides a design of larger parcels in the least sensitive parts of the property and maintains a large proportion, over 30 percent, as open space as required for a residential PD project. Design waivers being requested for the project to establish parcels without road frontage and allow Parcel 3 to exceeding the 3:1 lot width to depth ratio standard. This would

allow for a traditional residential parcel design and provide public and private benefit via easements to open space and private parcels. Maintenance responsibilities for the easement would be set forth CC&Rs to be developed for this project. Additional review for development regulations established by the zoning ordinance, as well as conformity with the PD specifics would be made as part of a future Site Plan Review (SPR) process required for each residential parcel to be conducted prior to issuance of building permits. All grading, drainage, and improvements shall be designed to meet the County standards during the review of final grading plans. As such, the project conforms to the standards and requirements of the County's Zoning Ordinance and Minor Land Division Ordinance.

4.3 *The site is physically suitable for the proposed type and densities of development.*

This property is well suited within an established neighborhood and blends with the existing Cambridge Unit 3 subdivision. The project provides larger lot residential development and maintains, in perpetuity, a large proportion of the area as open space. The site has areas that are developable and is physically suitable for the density and type of development that is proposed.

4.4 *The proposed subdivision is not likely to cause substantial environmental damage*

As designed, the Development Plan would locate the single-family lots in the least sensitive portions of the project site; as such, the project will not have a significant impact on the environment. Parcel and driveways improvements will be directed to the least sensitive portions of the property. These areas are generally flat and comprised of little to no resources. A minimal amount of oak canopy is planned to be removed; replanting may occur (if necessary) based on the plan that has been developed for this project. The impacts to oaks are well below that which is allowed by the General Plan. The project straddles Rare Plant Mitigation Areas 1 and 2; in-lieu fees will be assessed during the building permit review phase. This meets the adopted County policies for related impacts within these areas. Wetlands will be protected, as will special status plant and animal species not covered by the in-lieu fee option.

5.0 DESIGN WAIVER FINDINGS

The Design and Improvements Standards Manual (DISM) requires minimum of 100 feet of road frontage and that lots not exceed a 3 to 1 ratio of the lots width to depth. These requests can be justified based on the following:

4.1 *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.*

The site is currently comprised of residential and open space zoning on one lot, all of which currently lacks street frontage. The site is accessed three points, two off Crazy Horse Road and one off Crazy Horse Court. However, by allowing driveway easements over the open space lot to access each of the newly proposed parcels, it would allow the creation of more uniform lots. An added benefit for lack of road frontage would be that which is experienced by the private residential property owners. The driveway easements connecting each residential lot to Crazy Horse Road would be set forth in the project CC&Rs. The easements would provide a combined public and

private benefit for access into the open space areas. The driveways on the Open Space Lot A would be maintained by CC&Rs, a Homeowners Association or other mechanism, in perpetuity. Parcel 3 exceeds the 3:1 width to depth ratio minimally and not of significance. Parcels 1 and 2 meet the standard.

4.2 *Strict application of the design or improvement requirement of this chapter would cause extraordinary and unnecessary hardship in developing the property.*

The existing parcel does not have 100 feet of read frontage; as such, it is impossible to provide the required 100 foot of road frontage for the new parcels. There will be extraordinary or unnecessary hardships in requiring 100 feet of road frontage because the maintenance responsibilities for such large sections of driveway would be that of individual property owners. Maintenance responsibilities will be identified in the CC&Rs and implemented by a Homeowners Association or other mechanism.

4.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.*

There would be an added benefit of this project in the creation and improvement of driveways that would provide better circulation for emergency vehicles. The waivers would not change any of the circumstances of the property and would promote public safety, emergency vehicle, and pedestrian circulation. There would be no detriment to the public health, safety, convenience, or well being.

4.4 *The waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

Justification of the requested design waivers can be made and this decision 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.