

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



Agenda of:	April 24, 2008
Item No.:	9.a.
Staff:	Tom Dougherty

SUBDIVISION MAP

FILE NUMBER: TM07-1462/Whispering Oaks

APPLICANT: Whispering Oaks Partners, Arlen and Patricia DiBartolo and Robert and Lynda Calvert

REQUEST: A tentative subdivision map creating eight parcels, ranging in size from 5.04 to 7.16 acres. (Exhibit F)

LOCATION: On the east side of State Route 193, at the southeast corner of the intersection with Shoemaker Road in the Georgetown area. (Exhibit A)

APN: 060-330-21 (Exhibit B1)

ACREAGE: 43.6 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit D)

ZONING: Estate Residential Five-Acre (RE-5) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, based on the Initial Study prepared by staff.
2. Approve Tentative Subdivision Map TM07-1462 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The 43.604-acre parcel was created by Parcel Map 10-137 which was recorded May 12, 1976. The subject application was deemed complete on December 18, 2007.

STAFF ANALYSIS

Project Description: Tentative subdivision map creating eight parcels, ranging in size from 5.04 to 7.16 acres, on a 43.604-acre site. The project proposes an encroachment onto Shoemaker Road and a cul-de-sac turnaround at the terminus of the access road within the parcel. Water is proposed to be supplied by extensions of the existing Georgetown Divide Public Utility District facilities that exist at Shoemaker Road and State Route 193. Individual septic facilities are proposed for each lot. The existing single-family dwelling located on proposed Lot 4 would remain but all the accessory buildings would be removed.

Site Description: The 43.6-acre parcel is located between the 2,520 to 2,600 elevations above sea level. The high points are located within roughly the center of the parcel running north and south and slopes and drains predominately to the east and west. The majority of the trees are conifers with a small percentage of indigenous oak trees and shrubs. There are remnant non-indigenous fruit trees and Scotch broom shrubs in the disturbed areas. There is an existing 2,453 square-foot single-family home originally built in 1957 and five small accessory buildings with all supporting facilities and infrastructure.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential, two single-family dwellings, (43.6 acres).
North	RE-5/RE-10	LDR	Residential, northwest, vacant and single-family dwellings, (two parcels, 5 and 7.6 acres and size, northeast, vacant, (portion of one parcel, 64 acres in size).
South	RE-10	LDR	Residential, vacant, (one parcel, 54 acres in size)
East	RE-10	LDR	Residential, vacant, (one parcel, 64 acres in size).
West	RE-5	LDR	Residential, single-family dwellings, (seven parcels, 2.1 to 3.4 acres in size), Pine Forest Acres subdivision to the west of State Route 193 which adjoins the parcel.

Discussion: Exhibits A and B1 to B4 illustrate that the general neighborhood consists of 2.1 to 64-acre parcels in five-acre zones with all parcels adjoining the subject parcel in all directions except for to the west. Those to the west on the opposite side of State Route 193 are less than the minimum five-acre required size and all surrounding parcels have the low-density land use designation. The proposed parcels are compatible with the surrounding development.

Project Issues: Discussion items for this project include land use and zone compatibility, road improvements, water and sewer improvements, fire safety, existing site design for grading and improvements, and available public services.

Land Use and Zone Compatibility: This site's land use designation is LDR and the property is located within the Georgetown Rural Center. The LDR allows a density of one dwelling unit per five acres on parcels ranging in size between 5.0 and 10.0 acres. As illustrated on the General Plan Consistency Matrix Table 2-4, which defines compatible zones with the correct land use, the RE-5 zone is consistent with LDR designation, given that the proper infrastructure and services are available to support an increase in density allowed by the zone. This project would provide the required infrastructure necessary to serve the subdivision.

The existing pattern of development in this neighborhood is more representative of two to five-acre parcels in the vicinity of State Route 193 and generally get larger in an easterly and westerly direction the further from the highway and the available infrastructure and utilities they are.

Water System Improvements and Fire Safety: The site is located in the Georgetown Divide Public Utility District (GDPUD) service area. There are existing potable water delivery facilities at the intersection of Shoemaker Road and State Route 193. The lots would be required to meet the required fire flow needed for fire protection as determined by the Georgetown Fire Protection District. Pursuant to the Fire District, these standards would include the installation of three dry-barrel hydrants supplied by a loop main capable of maintaining a fire flow of 1,000 gallons per-minute. That would require tapping into the existing 10-inch line at Shoemaker Road and State Route 193 and adding a six-inch line east along Shoemaker into the encroachment into the proposed subdivision where it would follow the access road and turn west towards State Route 193 where it would tunnel under to connect to the ten-inch line on the west side of the road. The project has been conditioned to meet this requirement prior to filing the final map.

Public Services: There are a number of public amenities in the form of public parks and recreational opportunities within the County, and many are close to the area. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid at the time of filing the final map to the Georgetown Divide Recreation District. The formula for the acres or "A" from Section 16.12.090 B3 would be (8 dwelling units) (2.8 persons/dwelling units) (3 acres/1,000 persons = A. In this case "A" of acres of parkland would be 0.0672. That number is then used in the formula from Section C2 when the assessed value is received from the Assessor's Office.

In addition, the Black Oak Mine Unified School District provides schools for residents. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

Water and Sewer: There is an existing domestic metered water system account for the subject parcel with the Georgetown Divide Public Utility District (GDPUD). The resulting parcels for the current proposal would be required to establish separate domestic water service accounts. The applicant would be responsible for the installation of all improvements, to the District's Standards and Specifications, necessary to provide these services. The exact improvements required would be determined by an applicant supplied modeling of the system which would be given to GDPUD to

analyze to see if the proposed system is adequate to supply the domestic water at the correct pressure.

The applicants submitted an onsite sewage disposal capability report for the subject parcel that has been reviewed by the Environmental Health Division. The report demonstrates that the site is suitable for adequate septic disposal. The Environmental Health Division will review specific septic designs that accompany future development plans to ensure that the final septic disposal design meets County standard.

Access: There would be eight parcels that would utilize Shoemaker Road, which is not County maintained, as the primary feeder road to the proposed subdivision interior road upon approval of the subject tentative subdivision map. The Department of Transportation recommended width and surface improvements to the interior access road to County Standard Plan 101C terminating at a turnaround at proposed Lots 1 and 2 to the provisions of Standard Plan 114. The encroachment onto Shoemaker Road would be required to meet Standard Plan 103D and Shoemaker Road would be required to meet Standard Plan 101C standards. The Shoemaker approach to State Route 193 would be required to be improved to Caltrans approach standards to a 24-foot width. A shoulder bypass lane would be required on the east side of State Route 193 on the opposite side of the Shoemaker encroachment to permit southbound traffic from Georgetown to pass a vehicle that is turning left into Shoemaker Road. The project has been conditioned to comply with El Dorado County Department of Transportation and Caltrans requirements.

Noise and Visual Impacts from Transportation Sources: The residential use that would result from an approval of this application request is listed under Table 6-1 of the General Plan as being a use subject to maximum allowable noise exposures from transportation source. Table 5.10-3 of the Draft Environmental Impact Report, May 2003, the portion of State Route 193 from Main Street (Georgetown) to Shoo Fly Road in Kelsey, in order to reduce the outdoor exposure to noise levels that would meet those levels defined in Table 6.1, a 109-foot, non-building setback would be required measured from the centerline of the near-travel lane. Pursuant to the submitted tentative subdivision map, this equates to an 80-foot setback from the western parcel boundary.

Comments were received from the Georgetown Advisory Committee with concerns for the safety of the ingress location on State Route 193 and with the visual screening of the homes from passing traffic. The ingress safety would be addressed with the adoption of the recommended conditions from Caltrans discussed above in the *Access* section. Planning staff has determined that the recommended 80-foot non-building setback from the west parcel boundary, combined with the existing natural vegetation, would have the potential to adequately address the visual impacts to and from State Route 193.

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:

Policy 2.1.2.1 established the Georgetown Rural Center boundary. The subject parcel is located within that boundary. **Policy 2.1.2.2** defines Rural Centers as *areas of higher intensity development throughout the rural areas of the County based on the availability of infrastructure, public services,*

existing uses, parcelization, impact on natural resources, etc. **Policy 2.1.2.3** defines the purpose of Rural Centers as being areas intended to *meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.* Planning staff has found that the subject proposal does meet the intent of these policies by providing the maximum allowable density within this Low Density Residential designated parcel.

Policy 2.1.1.7 directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated.* As discussed above in the *Project Issues* section, the existing and proposed improvements would be adequate to serve the proposed subdivision.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The eight new parcels would be in keeping with the General Plan intended development pattern expected in lands designated as Low Density Residential and would be consistent with the dominant pattern of parcel development for the areas along State Route 193.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development. The project would be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface, road width and to provide an adequate turnaround. The project would be required to meet the required minimum fire flow requirements of the Georgetown Fire Protection District which would be reviewed and approved by them prior to filing the final map and all the water conveyance facilities would further need to meet the approval of the Georgetown Divide Public Utility District.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. As conditioned, and discussed under *Access* in the *Project Issues* section, the project would meet the intent of this policy.

Policy 6.5.1.8 directs that new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise to the levels specified in Table 6 1. Planning staff has determined that the 80-foot non-building setback along the west parcel boundary would meet the intent of this policy.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 requires retention of 85 percent of the indigenous oak tree canopy on the subject parcel as a whole. With the adoption of the recommended Mitigation Measure No. 3, the project would be compliant with Policy 7.4.4.4. The full discussion of the impacts to 7.4.4.4 is contained in section IV Biological Resources in Initial Study/Environmental Checklist, Draft Negative Declaration as shown in Exhibit M.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan.

Zoning: The subject site is currently zoned Estate Residential Five-Acre (RE-5) which permits a minimum parcel size of five acres. The proposed 5.04 to 7.16-acre parcels would conform to existing zoning and the development standards in Section 17.28.210 for minimum lot width of 100 feet, minimum parcel size of five acres, building setback requirements of 30 feet from parcel boundaries and road easements as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

Conclusion: As discussed above, the project conforms to the Zoning Code.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to biological resources and noise. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit A.....Vicinity Map
Exhibits B1 to B4.....Parcelization (Assessor’s Parcel) Map
Exhibit C1General Plan Land Use Map
Exhibit C2.....Georgetown Rural Center Boundary
Exhibit D.....Zoning Map
Exhibit EParcel Map 10-137
Exhibit FTentative Subdivision Map
Exhibit G.....Tentative Subdivision Map overlaid on an aerial photo
Exhibit H.....Georgetown U.S.G.S. Quadrangle
Exhibit ISoils Map
Exhibits J1 to J4.....Site visit photos from February 15, 2008
Exhibits K1 to K3Aerial photos
Exhibits L1 to L3Revegetation and Restoration Plan
Exhibits M.....Draft Mitigated Negative Declaration

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATIONS

FILE NUMBER TM07-1462

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M, approved April 24, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative subdivision map creating eight parcels, ranging in size from 5.04 to 7.16 acres, on a 43.6-acre site. The project will include an encroachment onto Shoemaker Road and a cul-de-sac turnaround at the terminus of the access road within the parcel. The Shoemaker Road encroachment onto State Route 193 will be improved and water will be supplied by extensions of the existing Georgetown Divide Public Utility District facilities that exist at Shoemaker Road and State Route 49 and three fire hydrants will be installed along the interior roadway. Each lot will utilize individual septic facilities. The existing single-family dwelling located on proposed Lot 4 will remain but the existing mobile home and all the accessory buildings associated with it will be removed prior to filing the final map.

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

Conditions from the Mitigated Negative Declaration

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

2. The applicant is required to replant a combination of 172 one-gallon sized black oak (*Quercus kelloggii*) and canyon live oak (*Quercus chrysolepis*) trees (200 trees x 0.86 acre = 172). Of the two species, 26 seedlings shall be canyon live oaks and 146 shall be black oaks. Alternatively, the applicant may plant 516 acorns [(200 trees x 0.86 acre) x 3 acorns = 516 acorns]. Of the two species, 77 acorns shall be canyon live oaks and 429 shall be black oaks.

The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits L1, L2 and L3. Prior to Planning Services approval of the final map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County. [**MM Biological Resources-1**].

Monitoring: Prior to approval of the final map, the applicant is required to enter into a *County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees and Oak Tree Replacement Plantings* through Planning Services staff. Applicant shall adhere to the *Revegetation and Restoration Plan* in Exhibit L2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement for planting trees and for fifteen years for planting acorns.

3. An 80-foot non-building setback from the western parcel boundary shall be shown on the final map. [**MM Noise-1**].

Monitoring: El Dorado County Planning Services Division will be responsible for assuring that the 80-foot non-building setback is shown on the final map prior to approval. The final map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views from State Route 193, pursuant to the adopted Mitigated Negative Declaration.

Planning Services Site Specific and Standard Conditions

4. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
5. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
6. A meter award letter or similar commitment to provide water service to each lot by the Georgetown Divide Public Utility District shall be submitted to Planning Services for review and approval prior to final map application submittal.
7. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
8. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.0672 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the Georgetown Divide Recreation District, and shall submit the receipt to El Dorado County Planning Services with the final map application.

9. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

10. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

El Dorado County Department of Transportation

12. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), 2007 California Fire Code, Appendix D, and as shown in Table 1 and described in Conditions of Approval 57 and 58. The improvements shall be completed to the satisfaction of the Department of Transportation

(DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map:

Table 1				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS /NOTES
Road A <i>(onsite)</i>	Std Plan 101C Std Plan 114 at cul-de-sac Std Plan 103D at encroachment	26 ft/ 1ft	50ft	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP
Shoemaker Road <i>(Offsite. From eastern property boundary to encroachment at Hwy 193)</i>	Std Plan 101C	26 ft / 2 ft	50ft	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP.
Hwy 193 encroachment at Shoemaker Road	Construct to Caltrans Standard	Construct to Caltrans Standard	Determined by Caltrans	

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6” from the back of the curb.

** Non-exclusive road and public utility easements included.

13. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate, in fee, a minimum 30-foot wide right of way and slope easement (if necessary) along the property frontage adjoining Shoemaker Road as determined by EDC DOT, prior to the filing of the map. This offer will be rejected by the County.

14. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private road, and any parking facilities, landscaping, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.

15. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The final map shall show drainage easements for all on-site drainage facilities.

16. **Easements:** All applicable existing and proposed easements shall be shown on the final map.
17. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway and said easement shall be noted on the final map.
18. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map.
19. **Vehicular Access Restriction:** The applicant shall record a vehicular access restriction along the entire frontage Hwy 193. Said access restriction shall be shown on the final map.
20. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
21. **Water Quality Stamp:** 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.
22. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
23. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the map.
24. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
25. **Import/Export Grading Permit:** Any import, or export of fill material to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.

26. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
27. **Grading Plan Review:** Grading and improvement 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. 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.
28. **RCD Coordination:** 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.
29. **Soils Report:** At the time of the submittal of the grading or improvement plans, 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 design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
30. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

31. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.
32. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.
33. The final map shall show all utility, road and drainage easements pursuant to the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
34. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant

does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of the map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:

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

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

35. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
36. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
37. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

California Department of Transportation (Caltrans)

38. Applicant shall construct a shoulder bypass lane pursuant to Caltrans design specifications for the shoulder bypass lane on the opposite side of Shoemaker Road.
39. Shoemaker Road shall be upgraded to Caltrans road approach standards. The width of the approach shall be 24-feet wide. The tunneling under the highway will require an encroachment permit. It can be incorporated into the road work permit provided it has complete plan information, or it can be submitted as a separate encroachment permit. The

applicant shall contact Julio Elvir at (530) 741-4204 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right of way.

40. The project shall not discharge storm water runoff into the State Highway System right of way or its drainage facilities. The applicant shall contact Mr. Gurdeep Bhattal, District 3 Hydraulics Branch, at (530) 741-4056 for guidance with this condition.
41. No site access shall be provided from S.R. 193. All access shall be from Shoemaker Road.

El Dorado County Air Quality Management District

42. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area (copy enclosed). Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
43. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

NOTE: The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways.

44. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
45. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
46. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to:
Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

Environmental Management Department - Hazardous Materials Division

47. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a work plan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

Georgetown Divide Public Utility District

48. Prior to approval of the final map, the applicant shall install all improvements to the existing treated water transmission and distribution system existing proximate to the subject parcel along Sate Route 193. The improvements necessary will be determined by the District's standards, the applicant-submitted modeling study and by any comments received from any other agency pertinent to water supply. All water meters required to serve the eight parcels shall be applied and paid for prior to approval of the final map. The applicant shall be responsible for all expenses incurred by the District associated with this proposed development.

County of El Dorado Office of the County Surveyor

49. All survey monuments shall be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit. Verification of set monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.
50. All roads shall be named by filing a completed road naming petition for each proposed road with the county Surveyor's office prior to filing the final map.

Georgetown Fire Protection District

51. The GREEN reflective, aluminum street signs shall be installed at the intersection per District specifications (shown on blueprints) installed.
52. Address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers shall be four (4) inches tall, contrast with their background, and be positioned so that the bottom of the numbers is a minimum of eight (8) inches above final grade.
53. Approved Fire Lane signage shall be posted on both sides of Shoemaker Road from SH 193 to Whispering Oaks Lane. In addition, approved Fire Lane signage shall be posted on both sides of the entire Whispering Oaks Lane, including the cul-de-sac.
54. If gates are installed on an emergency access roadway, it shall have a key safe (Knox box) installed for emergency vehicle access.
55. Three (3) fire hydrants shall be installed and shall meet the following requirements:
 - a. The hydrants must be supplied by a 'looped' main, capable of maintaining fire-flow of 1,000 gallons per minute.
 - b. The hydrants locations (shown on blueprints) are acceptable. c. The dry-barrel hydrants must meet Georgetown Fire specifications, and be painted SAFETY RED.
 - d. The hydrants and water main shall meet GDPUD specifications.
56. Fire District approval shall be obtained prior to installation of fire protection water supplies. An inspection of installation is required by the Fire Prevention Officer or an appointee prior to backfill.
57. An approved roadway access roadway (Shoemaker Road and Whispering Oaks Lane) per the Georgetown Fire Code shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty-six (26) feet in width and capable of supporting an imposed load of at least 75,000 pounds (shown on blueprints). The road must be of an all weather driving surface maintained free, clear, and unobstructed at all times. Grades shall

not exceed 7 percent; however, 100/0 may be permitted on straight sections. The roadway shall be chip-sealed, paved, or have a concrete surface.

58. An approved access cul-de-sac per the Georgetown Fire Code shall be installed prior to any combustible construction on the site. The cul-de-sac shall be a minimum of ninety-six (96) feet in width and capable of supporting an imposed load of at least 75,000 pounds (shown on blueprints). The road must be of an all weather driving surface maintained free, clear, and unobstructed at all times. In the Georgetown Fire Protection District, grades shall not exceed 7 percent; however, 100/0 may be permitted on straight sections. The cul-de-sac shall be chip-sealed, paved, or have a concrete surface.

ATTACHMENT 2 FINDINGS

FILE NUMBER TM07-1462

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Low Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per five acres with parcel sizes ranging in size from five to ten acres, and establishes areas for single family residential development in a rural setting. The proposed 5.04 to 7.16-acre parcels conform to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.2.1, 2.1.2.2, 2.1.2.3, 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, and 7.4.4.4, concerning Rural Centers, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access and mitigation for the loss of indigenous oak tree canopy. The project provides adequate access and site

design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots each can meet the development standards of the RE-5 zone district pursuant to section 17.28.210 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 Administrative Findings

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, the tentative map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy.*
- 4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 5.45 units per acre.*
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. Potential environmental impacts for the subdivision have been minimized by the lot designs as the potential building areas are concentrated along the access road and are concentrated primarily in the previously disturbed areas. The loss of indigenous oak tree canopy will be mitigated by replacement requirements and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.*
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and Caltrans requirements to assure adequate access.*
- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties. The Georgetown Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.*

S:\DISCRETIONARY\TM\2007\TM07-1462 Whispering Oaks\TM07-1462 Whispering Oaks Staff Report.doc