

**ELDORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: May 8, 2008
Item No.: 7.c.
Staff: Aaron Mount

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

FILE NUMBER: A07-0001/Z07-0003/PD07-0002/TM07-1432/D' Amico Estates

APPLICANT: Cecil Wetsel and Judy D' Amico

ENGINEER: CTA Engineering and Surveying/Olga Sciorelli

REQUEST: The project consists of the following requests:

1. General Plan amendment amending the general plan land use designation for parcel numbers 101-240-02 (11.6 acres) and 101-240-03 (10.35 acres) from Low Density Residential (LDR) to Medium Density Residential (MDR).
2. Rezone for parcels numbered: 101-240-02 and 101-240-03 from Estate Residential Ten-acre (RE-10) to Single Family One-acre Residential-Planned Development (R1A-PD) and 101-240-45 (25.94 acres) from Single Family One-acre Residential (R1A) to Single Family One-acre Residential-Planned Development (R1A-PD).
3. Development plan and tentative subdivision map to create 28 lots in size from 29,519 square feet to 68,522 square feet on 48.7 acres with approximately 15.2 acres of open space and 0.3 acres of landscape lots.
4. Design waivers have been requested for the following: a) To reduce the required right-of-way at the turnaround at the end of "B" Drive from a 60 foot wide radius to a 56 foot wide radius; b) To reduce the width of the right-of-way from 60 feet to 50 feet for "A" Drive and a portion of "B" Drive, from "A" Drive intersection to the end of "B" Drive; c) To reduce the width of the right-of-way from 60 to 44 feet for a portion of "B" Drive, from Blair Road to the "A" Drive intersection; d) To reduce the standard 60 foot wide right-of-way and 28 foot wide road width of the one way looped entrance of "A" Drive to a 40 foot wide right of

way and 22 foot wide roadway; and e) Allow the access portions of proposed flag lots, proposed Lot Numbers 6 and 28, to exceed 100 feet in length.

LOCATION: On the southeast side of Blair Road, approximately 1.25 miles north of the intersection with Pony Express Trail in the Pollock Pines area, Supervisorial District II. (Exhibit A)

APN: 101-220-02 -03 and 101-240-45

ACREAGE: 48.7 acres

GENERAL PLAN: APN 101-240-45:MDR
APN 101-220-02 -03:LDR
(Exhibit C)

ZONING: APN 101-240-45:R1A
APN 101-220-02 & -03:RE-10
(Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION:

Staff recommends the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve A07-0001 and Z07-0003 based on the findings in Attachment 2;
4. Conditionally approve planned development application PD07-0002 and tentative subdivision map application and phasing TM07-1432, adopting the development plan as the official development plan, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a) To reduce the required right of way at the turnaround at the end of "B" Drive from a 60 foot wide radius to a 56 foot wide radius;

- b) To reduce the width of the right of way from 60 feet to a 50 feet for "A" Drive and a portion of "B" Drive, from "A" Drive intersection to the end of "B" Drive;
- c) To reduce the width of the right of way from 60 to 44 feet for a portion of "B" Drive, from Blair Road to the "A" Drive intersection;
- d) To reduce the standard 60 foot wide right of way and 28 foot wide road width of the one way looped entrance of "A" Drive to a 40 foot wide right of way and 22 foot wide roadway;
- e) Allow the access portions of proposed flag lots, proposed Lot Numbers 6 and 28, to exceed 100 feet in length.

BACKGROUND: The subject tentative map, planned development, and zone change applications were submitted on January 10, 2007 and the general plan amendment application was submitted on February 14, 2007. The project was deemed complete on January 10, 2008. The project site was designated Medium Density Residential and High Density Residential following the adoption of the Pollock Pines Area Plan in April of 1981. The project site was subsequently designated Medium Density Residential and Low Density Residential (Exhibit B) by the current General Plan adopted July 19, 2004 and on the previous General Plan adopted July 19, 1996.

STAFF ANALYSIS

Project Description: The project request includes a General Plan amendment, rezone, planned development, and tentative map. The General Plan amendment, from Low Density Residential to Medium Density Residential is for the two southern project parcels and has been requested in order to achieve a consistent density throughout the project site. The largest of the three project parcels is currently Medium Density Residential. The zone change request would add the Planned Development (PD) overlay to all three project parcels and would change the zoning on the two southern parcels from Estate Residential Ten-acre (RE-10) to Single Family One-acre Residential (R1A) to be consistent with the General Plan amendment request. The tentative map and planned development would create 28 lots ranging in size from 29,519 square feet to 68,522 square feet. Additionally, two open space lots would be provided totaling 15.2 acres and three landscape lots totaling 0.3 acres. Five design waivers have been requested as part of the project. The design waivers would allow for variations of the requirements of the turnaround, Standard Plan 101B, and flag shaped lots.

Site Description: The three subject parcels total 48 acres and are located between approximately the 3,770 and 3,640 feet elevations above sea level. The project site is within the Pollock Pines Community Region. There are three abandoned main buildings and two accessory sheds in disrepair on the northernmost parcel currently accessed from a dirt driveway off of Blair Road across from Apple Creek Road. The vegetation is dominated by conifers. Portions of the project parcels have been logged of the conifers measuring from two feet to six feet in diameter at their base and there are numerous slash piles laying about the site from the logging operation done under a current Timber Harvest Plan. South Fork Long Canyon Creek is an intermittent and perennial stream fed by ground seepage and springs, which travels into the project parcels from the southeast corner and travels in a

northwesterly direction for approximately 1,850 feet and exits the parcel through a 24 inch culvert under Blair Road on its way into the South Fork of the American River. Where the stream enters the southeast it is immediately intercepted by the El Dorado Irrigation District's (EID) main canal (ditch) that comes out of the Forebay Reservoir. This ditch also bounds the eastern and southern boundaries where it intercepts all drainage prior to entering the subject parcels. The entire ditch is elevated above the subject parcels. The west and northwest boundaries are bound by Blair Road. There are very few areas on the three parcels that do not have any slope as the project site is a basin that is the headwaters of the watershed.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A/RE-10	MDR/LDR	Vacant
North	R1A	MDR	Vacant
South	R1/RE-10	MDR/LDR	Vacant
East	R1A/R1	MDR	Single-Family Residences
West	R1A/RE-10	MDR/LDR	Single-Family Residences

Discussion: All project and adjacent parcels are within the Pollock Pines Community Region. The proposed lotting pattern and density would be consistent with parcels to the west, north, and east.

Access: Primary site access would be provided via Blair Road which connects to Pony Express Trail to the south and Forebay Road to the north. On-site circulation includes the improvement of on-site roads "A" and "B" Drives to a road width of 28 feet. "A" Drive would contain a one way looped entrance onto Blair Road improved to a width of 22 feet. "B" Drive contains the second encroachment onto Blair Road and would be a standard two lane entrance. The project has proposed gating both entrances to the subdivision. Specific conditions have been applied that ensure adequate emergency access has been incorporated into the gate design. Proposed off-site road improvements are discussed in the circulation section below. Proposed access to all lots would be consistent with fire safe standards. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan *Policy 6.2.3.2* as the El Dorado County Fire Protection District (County Fire) has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development. County Fire however, does not support the reduction of the right-of-way for a section of "B" Drive from 60 feet to 44 feet. The right-of-way width reduction does not reduce the roadway width of 28 feet which is consistent throughout the project and has been approved by County Fire.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and determined that the project would have a less than significant impact on the air

quality with the implementation of the mitigation measures identified within the prepared Mitigated Negative Declaration (Exhibit M). Standard Air Quality Management District conditions of approval are included in Attachment 1.

Circulation: According to the project traffic analysis, “the proposed project is expected to generate 344 daily trips, including 31 AM peak-hour trips and 37 PM peak-hour trips”. (Traffic Impact Analysis Wetsel Property Pollock Pines, California, Kimley-Horn and Associates, November 14, 2006). Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads to a road width of 28 feet for “A” and “B” Drives, a road width of 22 feet for the one way looped entrance to “A” Drive, and a 16 foot road width from centerline for the on-site portion of Blair Road. Additionally, the Blair Road Bridge, at mile post 0.52, is substandard and is currently on the DOT bridge replacement list. The DOT has agreed to replace this bridge utilizing Federal-aid funds. The Federal funding will contribute 88.53% of the overall cost for the bridge replacement, as specified in the approved engineers cost estimate. The DOT will administer and act as lead agency for the replacement of this bridge and the applicant shall provide their fair share cost of the matching funding contribution of 11.47% respectively which amounts to \$132, 457.

The project traffic analysis concluded that the addition of the proposed project to the existing circulation network would not result in substandard operations at the study intersections.

The 2004 General Plan *Policies TC-Xe* and *TX-Xf* (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT reviewed the proposed project and determined that it is consistent with this General Plan requirement.

South of the proposed project is a parcel (APN 101-220-19) owned by the County for siting a regional park. A Mitigated Negative Declaration has been adopted; however the park is still conceptual and as of this date has not received full funding. Access to the proposed park site would create a dead end road of a length which is not acceptable to County Fire. An emergency secondary access has been requested by County Fire and an easement would be granted by the applicant of this map, as shown on the tentative map, to allow the needed emergency access through the subject site. This easement will ultimately give the proposed tentative map a secondary emergency access and pedestrian access to the proposed park.

Design Waivers: The applicant has requested the following design waivers: a) To reduce the required right-of-way at the turnaround at the end of “B” Drive from a 60 foot wide radius to a 56 foot wide radius; b) To reduce the width of the right-of-way from 60 feet to a 50 feet for “A” Drive and a portion of “B” Drive, from “A” Drive intersection to the end of “B” Drive; c) To reduce the width of the right-of-way from 60 to 44 feet for a portion of “B” Drive, from Blair Road to the “A” Drive intersection; d) To reduce the standard 60 foot wide right of way and 28 foot wide road width of the one way looped entrance of “A” Drive to a 40 foot wide right of way and 22 foot wide roadway; and e) Allow the access portions of proposed flag lots, proposed Lot Numbers 6 and 28, to exceed 100 feet in length.

DOT and Planning staff reviewed the requested design waivers and has no objections. The necessary findings for approval of these requests are listed in Attachment 2 of the staff report.

Drainage/Grading: Drainage/grading issues are addressed within the prepared environment document and were determined to result in a less than significant impact with the implementation of Best Management Practices (BMP) to control erosion and sedimentation. The project's Drainage Study concluded that the water shed boundary is defined primarily by the El Dorado Canal, which intercepts runoff that is generated offsite, and conveys it around the project site. Natural runoff originating within the study area drains to the South Fork tributary of Long Canyon, of which the site is the uppermost reaches of. It was concluded that the project would not result in adverse offsite drainage impacts (Drainage Study for D'Amico Property, CTA Engineering and Surveying, December, 2006). Conditions of approval are included in Attachment 1 that addresses standard drainage issues identified by DOT.

A review of the project's slope map indicates that none of the proposed lots have slopes in excess of 30 percent that comprise the majority of a proposed lot. As such, all proposed lots appear to have sufficient buildable area. Site grading is limited to that necessary for the construction of interior access roads while grading of individual lots will be evaluated at the building permit stage. The slope map shows insignificant grading of spots that are greater than 30 percent.

Fire: The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and would require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. As discussed in the access section above, County Fire has recommended approval of the proposed gates with the inclusion of conditions of approval that would ensure emergency access. Fire issues are addressed within the project's conditions of approval.

Land Use Compatibility: As shown in the adjacent land use table and Exhibits B and C, the subject site is surrounded on three sides by residential uses with a lotting pattern and sizes consistent with the proposed project. The southern property line is defined by the El Dorado Canal which follows the natural topography and physically and artificially separates the subject site from the undeveloped parcels to the south. As discussed above, one of the undeveloped parcels to the south is owned by the County and is proposed to be developed into a regional park. The subject and adjacent parcels are within the Pollock Pines Community Region which the General Plan defines as those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development. Therefore, the proposed subdivision is compatible within the context of these surrounding land uses pursuant to General Plan *Policy 2.2.5.1*.

Oak Tree Canopy: The subject site is dominated by conifers and contains sporadic and intermittent black oaks (*Quercus kelloggii*) creating oak tree canopy coverage of less than 10 percent. Additionally, the three subject parcels are not located in an area determined to be oak woodland by the El Dorado County D.E.I.R., Exhibit 5.12-1, EDAW, May 2003 and thus are not subject to Policy 7.4.4.4.

Public Transit: The El Dorado County Transit Authority reviewed the proposed subdivision and had no concerns or specific conditions of approval requested.

Schools: The Pollock Pines School District reviewed the project and had no concerns or specific conditions of approval requested. School impact fees collected at time of building permit issuance would help reduce such school enrollment impacts.

Water Resources: General Plan Policy 7.3.3.4 requires development projects to be set back at minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. South Fork Long Canyon Creek is an intermittent and perennial stream fed by ground seepage and springs, which travels into the project parcels from the southeast corner and travels in a northwesterly direction for approximately 1,850 feet and exits the parcel through a 24 inch culvert under Blair Road on its way into the South Fork of the American River. An alternative setback has been requested for a portion of the on-site stream that has been identified to be perennial on the submitted wetland delineation. The alternative setback of 50 feet for the perennial portion of the South Fork Long Canyon Creek has been analyzed in the submitted biological report and wetlands delineation and it has been determined that with implementation of recommended mitigation and Best Management Practices (BMPs) that the alternative setback would still provide sufficient protection to the affected biological resources. Further, a mitigation measure, MM Bio-5, has been included to ensure the tentative subdivision map would be designed in a manner to avoid disturbances to the on-site pond, wetlands and South Fork Long Canyon Creek by incorporating these water features into the project's open space areas consistent with General Plan Policy 7.3.3.5. One crossing is proposed for South Fork Long Canyon Creek. Mitigation Measures BIO-4, 6, and 7 in the environmental document address potential impacts on jurisdictional features as a result of "B" Drive crossing the South Fork Long Canyon Creek.

Water/ Sewage Disposal: Public water will be provided to the project site by El Dorado Irrigation District (EID). EID provided a letter dated September 21, 2006 indicating that it has adequate existing water capacity and supplies to serve the proposed project with drinking water. However, the minimum fire flow of 1,500 gpm at 20 psi can not be met by EID without significant system upgrades. A condition of approval from County Fire has been included requiring all structures to have approved fire sprinkler systems.

Sewage disposal is proposed to be individual septic systems. El Dorado County Environmental Health has approved the submitted Land Use Capability Report detailing septic capability for each proposed lot.

Parks and Recreation: As required by section 16.12.080 of the County Subdivision Ordinance and the Quimby Act, the project is required to dedicate park land or pay the fees in lieu thereof. The amount of land to be dedicated is 3.136 acres based on the equation specified in section 16.12.090.B.3 of the Subdivision Ordinance. As dedication of park land has not been proposed, an in-lieu fee will be calculated on the amount of parkland area required for the tentative map with the fee amount to be based on the fair market value established by the County's Assessor's Office.

GENERAL PLAN

The project has been reviewed in accordance with the applicable El Dorado County 2004 General Plan policies identified below and it has been determined that the project is consistent with the General Plan. While many of these topics have already been addressed in the previous section of the staff report, further discussion of those general plan issues not already discussed above is provided below.

Land Use:

Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, and 2.2.5.2 concerning land use designations, planned developments, rezoning, and land use compatibility have been reviewed as follows.

Overall project density would be approximately one dwelling unit per 1.7 acres. This is consistent with the proposed General Plan land use designation of MDR as shown on Exhibit D.

Sufficient open space and clustering of housing units to conform to the natural topography is provided for the project consistent with Policy 2.2.3.1.

Staff has reviewed the zone change request against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area, and existing land use pattern.

The subject site is surrounded by low and medium density residential uses. The lotting pattern and density are consistent with the surrounding area which is entirely within the Pollock Pines Community Region. Therefore, the proposed subdivision is compatible within the context of these surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Transportation and Circulation:

The project is consistent with policies TC-Xe and TX-Xf concerning traffic impacts as discussed above.

Public Services and Utilities:

As proposed, the project complies with policies 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, and 5.8.1.1 regarding connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement and school capacity. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, El Dorado County Fire Protection District, and the Pollock Pines School District, as outlined above.

Public Health and Safety:

El Dorado County Fire Protection District and the Department of Transportation have verified that adequate fire access would be provided, consistent with policy 6.2.3.2. Consistent with Policy 6.2.2.2 the applicant is required to submit an approved fire safe plan prior to finaling of the map.

Conservation and Open Space:

As proposed, the project complies with policies 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, and 7.5.1.3 grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention and cultural resource protection. These issues are addressed above as well as in the prepared environmental document.

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

ZONING

The proposed subdivision contains 28 lots which are consistent with the development standards identified within the proposed zoning district, R1A-PD, outlined in Section 17.28.080 of the Zoning Ordinance, except for minimum lot size. Proposed lot sizes range from 29,519 square feet to 68,522 square feet with 16 of the 28 lots being less than the one acre minimum within the R1A zone district. The reduced lot sizes would be required to allow for the clustered development proposed. Proposed deviations from the development standards are discussed in the planned development section below.

DEVELOPMENT PLAN

The applicant has requested several minor modifications from the R1A development standards for the proposed development plan. Exhibit J would represent the setbacks to be utilized for a typical R1A-PD lot. The submitted exhibit depicts front and rear yard setbacks of 30 feet. The side setbacks are shown as 15 feet which match those in the Zoning Ordinance but are not consistent with Fire Safe Regulations for parcels greater than an acre in size which requires 30 foot setbacks on all sides. A condition of approval would require that the reduced side setbacks be examined and approved within the required fire safe plan. If not approved, reduced fire safe side setbacks could be examined by the local fire district during building permit analysis. The other requested exception is for corner lots which currently require all fronts to have 30 foot front yard setbacks under the R1A development standards. The applicant is requesting a reduced front yard setback for proposed lots 4, 7, and 14 of 15 feet along proposed "B" Drive. Staff believes that adequate justification has not been provided to allow the reduced front yard setbacks for the proposed corner lots. Line of sight issues may be encountered due to lot and street design and the proposed lots would not be reduced to an area less than the R20,000 zone district which has the same setback requirements,

Other planned development issues have been discussed above under the General Plan consistency section. Staff reviewed the typical lot setbacks shown in Exhibit J and feel they would not be appropriate for this development plan. Findings for conditional approval of the development plan are included in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Attachment 3	Other Standard Subdivision Requirements of Law
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Tentative Subdivision Map
Exhibit E	Setback Reduction Justification
Exhibit F	Community Region Boundary Map
Exhibit G	USGS Quadrangle
Exhibit H	Blair Road Bridge Photo
Exhibit I	Typical Gate Elevation
Exhibit J	Supporting Design Waiver Requests
Exhibit K	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1 CONDITIONS OF APPROVAL

**FILE NUMBER PD07-0002/TM07-1432
Planning Commission/May 8, 2008**

I. PROJECT DESCRIPTION

1. This development plan and tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D "Tentative Map," dated May 08, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

PD07-0002/TM07-1432 consists of a development plan and tentative subdivision map to create 28 lots ranging in size from 29,519 square feet to 68,522 square feet on 48.7 acres with approximately 15.2 acres of open space. Water service will be provided to the lots by the El Dorado Irrigation District. Primary site access will be provided via Blair Road.

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

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. The proposed project shall comply with all applicable requirements of the El Dorado County Air Pollution Control District Rule 223-1, designed to control emissions associated with construction activities. To ensure compliance with the rule, the project proponent shall submit a Fugitive Dust Prevention and Control Plan to the El Dorado County Air Pollution Control District for review and approval prior to any grading activities on the site.
3. If naturally occurring asbestos (NOA) is found on the site, the project shall adhere to the provisions of El Dorado County Air Pollution Control District Rule 223-2. To ensure compliance with the rule, the project proponent shall submit a Fugitive Dust Prevention and Control Plan to the El Dorado County Air Pollution Control District for review and approval prior to any grading activities on the site.

4. The project applicant shall ensure that the T-BACT is applied to reduce emissions of TAC from off-road diesel equipment used during project construction. T-BACT is defined as the use of 1996 or later model year engines in all diesel equipment and the applicant must ensure that all diesel-powered equipment is equipped said engines.
5. If construction activities occur during the nesting season (February 1-August 31), a pre-construction raptor survey is recommended to determine if active raptor nests are present on or within 500 feet of the site. The survey should be conducted by a qualified biologist no more than 30 days prior to the onset of construction activity. If nests are found and considered to be active, construction activities should not occur within 500 feet until the young have fledged or the nest is no longer active. If construction activities are proposed to occur during the non-breeding season (September 1-January 31), a survey is not required and no further studies are necessary for raptor species.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

6. If any vegetation removal occurs during the typical nesting season (February 1-August 31), a pre-construction survey is recommended to determine if active nests are present on the site. The survey should be conducted by a qualified biologist no more than 15 days prior to the onset of vegetation removal. If active nests are found on the site, disturbance or removal of the nest should be avoided until the young have fledged and the nest is no longer active. Extensive buffers, such as those recommended for nesting raptors, are not necessary for nesting avian species protected solely by the MBTA. However, depending on the species, site conditions, and the proposed construction activities near the active nest, a small buffer may be prescribed, as determined by the biologist. Alternatively, vegetation removal could be scheduled to avoid all potential impacts. Vegetation removal conducted between September 1 and January 31 will prevent impacts to nesting birds or unfledged young.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

7. Several special-status bat species have the potential to occur within the Sierran mixed conifer habitat that occurs within the site and nine of them are listed in the "Biological Resources Assessment," submitted by the applicant, done by Foothill Associates dated December 11, 2006. These bats are considered species of concern to state and/or federal resource agencies. For this reason, a focused survey within suitable habitats that are proposed for development is recommended for these species to determine the presence or absence of bat roosts on the site prior to the removal of any trees or structures. Surveys should be conducted by a qualified biologist familiar with the identification of bat species and roosting signs at the appropriate time of year (maternity roosts are generally occupied by mothers and young between May and August [Zeiner et al., 1990b]). If no special-status bat species or roosts are found, no further mitigation would be required. However, if bats are

found roosting on the site, consultation with the appropriate resource agencies should be performed to determine suitable measures to avoid disturbance of roosting bats during construction.

Monitoring: The bat survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

8. Prior to disturbance occurring to any of these wetland features, the wetland delineation for the project site should be submitted to the Corps for verification. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps.

Monitoring: The applicant shall provide a copy of the 404 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services.

9. A 50-foot setback line shall be recorded on the final map that begins at all high-water marks along South Fork Long Canyon Creek as determined by the "Delineation of Waters of the United States, Wetzel Property," Foothill and Associates, dated December 8, 2006. No development shall occur within those lines. All proposed parcel boundary lines shall match said setback lines.
10. The applicant shall determine if a 404 permit is required for the proposed project, water quality concerns during construction would be addressed in a required Section 401 water quality certification by the Regional Water Quality Control Board. A Storm Water Pollution Prevention Program (SWPPP) would be required during construction activities in conjunction with the 401 water quality certification. SWPPPs are required in issuance of a National Pollutant Discharge Elimination System (NPDES) construction discharge permit by the U.S. Environmental Protection Agency. Implementation of Best Management Practices (BMPs) during construction is standard in most SWPPPs and water quality certifications. Examples of BMPs include stockpiling of debris away from regulated wetlands and waterways; immediate removal of debris piles from the site during the rainy season; use of silt fencing and construction fencing around regulated waterways; use of drip pans under work vehicles; and containment of fuel waste throughout the site during construction.
11. A Streambed Alteration Agreement shall be obtained from CDFG, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process.

Monitoring: The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

12. The Fire Safe Plan required by El Dorado Fire Protection District for the subject applications shall be reviewed and approved by the Deputy Director of Planning Services or designee following the review and approval by El Dorado Fire Protection District and the California Division of Forestry and prior to approval of the final subdivision map. The Fire Safe Plan shall incorporate techniques that will reduce loss and compaction of topsoil and animal habitat.

Monitoring: The applicant shall provide a copy of the approved fire safe plan to Planning Services prior to issuance of the grading permit.

13. Any grading plan for the subject parcels that shows any grading to be done within 50 feet of the toe of the El Dorado Irrigation District Main Canal shall show protective fencing to be installed around the facing side of the Canal. All grading plans shall be reviewed and approved for inclusion of said fencing on the plan prior to issuance of a grading permit.

Monitoring: Development Services staff shall verify in the field that fencing is in place prior to commencement of grading activities.

14. 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. The project grading plans shall include this mitigation on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

15. An additional 24' diameter barrel/culvert shall be installed next to the existing one that drains South Fork Long Canyon Creek from the subject parcels under Blair Road. The details of the installation of the culvert shall be included in a grading plan to be reviewed and approved by El Dorado County Department of Transportation prior to issuance of the grading permit and shall adhere to all appropriate Grading, Erosion and Sediment Control Ordinance's Best Management Practices.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

16. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
17. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
18. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
19. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.⁰⁰ per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
20. At time of map recording, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
21. At time of map recording, CC & R's shall be submitted and reviewed by Planning Services.
22. Setbacks for all lots shall be consistent with R1A zone district and the California Fire Safe Regulations. Reduction of the side yard setbacks for parcels greater than an acre to less than 30 feet shall be reviewed in the required fire safe plan and if not approved by the El Dorado County Fire Protection District shall be evaluated at the building permit stage and not shown on the final map. At time of map recording, setback notes consistent with this condition shall be recorded on the map.
23. The map shall be recorded and constructed in phases consistent with the phasing plan included within the tentative map, Exhibit D. All open space lots shall be dedicated at the time of recording of the first phase of the map.
24. This tentative map shall expire in 24 months from date of approval unless a timely extension has been filed.
25. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.

26. 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.

27. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
28. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

Air Quality Management District

29. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
30. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
31. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
32. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

33. Prior to construction/installation of any new point source emissions units or non-permitted emission units, authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications, and emission factors.

El Dorado County Department of Transportation

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

ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
On-site Blair Road	16 ft roadway (25 ft ROW) from Centerline , per Std Plan 101B	12 foot lane, 4 foot paved & 4 foot AB shoulder along frontage to current Design Standards, no curb, gutter & sidewalk
A & B Drive	28 ft roadway (44 - 50 ft ROW) per Std Plan 101B	4 foot wide sidewalk(as shown), DISM, Std Plan Type 1 rolled curb and gutter.44 ft ROW allowed for portion of 'B' Drive (Blair Rd. – 'A' Drive)
A Drive – one way looped entrance	22 ft roadway (40 ft ROW) per Std Plan 101B	4 foot wide sidewalk on one side, Type 2 vertical curb and gutter per DISM, Std Plan 104

Notes for Condition 1 table:

Road widths in the preceding table are measured from curb face to curb face.

35. The applicant shall provide a turnaround at the end of B Drive to the provisions of the Design and Improvements Standard Manual (DISM), Standard Plan 114. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
36. The Blair Road Bridge, at milepost 0.52, is substandard and is currently on the DOT bridge replacement list. The DOT has agreed to replace this bridge utilizing Federal-aid funds. The Federal funding will contribute 88.53 percent of the overall cost for the bridge replacement, as specified in the approved engineers cost estimate. The DOT will administer and act as lead agency for the replacement of this bridge, and the applicant shall provide their fair share cost of the matching funding contribution of 11.47percent respectively. The applicant shall obtain an approved fairshare agreement with security to the approval of the Department of Transportation, prior to the filing of the final map.
37. The applicant shall obtain an encroachment permit from DOT and shall construct the encroachments of the on-site access roadway onto Blair Road to the provisions of DISM, Standard Plan 103C. The proposed southern entrance shall have a minimum 350 feet of

sight distance for left turn movements accessing at this roadway encroachment. The 350 feet of sight distance is for southbound Blair Road traffic and shall be measured along the centerline of Blair Road, 100 feet north of the proposed southern access for this project.

38. The applicant shall irrevocably offer to dedicate (IOD), in fee, 25 feet of right-of-way for the on-site portion of Blair Road along the entire property frontage, prior to filing the final map. This offer will be accepted by the County.
39. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County.

DOT STANDARD CONDITIONS

40. 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 final map.
41. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
42. 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. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
43. 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.
44. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
45. 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.

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 design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
47. 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.
48. 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.
49. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
50. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.
51. The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for of-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.

52. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
53. 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).
54. 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.
55. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
56. The applicant shall pay the traffic impact fees in effect at the time a building deemed complete.

El Dorado County Fire Protection District

57. Submit review fee of \$ 340.00.
58. Fire flow for this project is 1,500 gpm @ 20 psi for two hrs and can not be met. Applicant will enter into a deed restriction that is stated on the map: "All structures are required to have an El Dorado County Fire District approved NFPA 13D Fire Sprinkler System".
59. The applicant will also provide a "Fire Safe Plan" approved by the El Dorado County Fire District and CDF prior to final map.

60. Hydrants shall meet EID and Fire District requirements and the following changes will be required for this project:
 - a. Remove the hydrant at Lot 27.
 - b. Add a hydrant at Lot 11.
 - c. Add a hydrant on the Blair Road side of lot "D".
 - d. Resubmit utility plan to show a total of 8 hydrants.
61. Road gradient to be 15 percent or less.
62. Gates to meet the following requirements:
 - a. Knox key and Opticom to open gates.
 - b. Gates to open 2' wider than roadway.
 - c. Gates to have battery backup.
 - d. Submit gate plan for review and approval.
63. El Dorado County DOT standards may be more stringent and will supersede these requirements.

Surveyor's Office

64. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
65. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

ATTACHMENT 2 FINDINGS

**FILE NUMBER A07-00001/Z07-0003/PD07-0002/TM07-1432
Planning Commission/May 8, 2008**

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately one dwelling unit per 1.7 acres. This is consistent with the General Plan land use designation of Medium Density Residential (MDR) defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, and 2.2.5.21 concerning land use designations, planned developments, rezoning, land use compatibility because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, and 7.5.1.3 regarding traffic impacts, connection to public water, availability of reliable water supply,

wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention, and cultural resource protection. Sufficient transportation conditions are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, El Dorado County Fire Protection District and the Pollock Pines School District. Adequate fire safe access is provided.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains 28 lots which are consistent with the development standards identified within the R1A zone district outlined in Sections 17.28.080 of the Zoning Ordinance, except for minimum lot size. Proposed lot sizes range from 29,519 square feet to 68,522 square feet. Justification for the reduced lot sizes are discussed within the Planned Development findings. Adequate justification has not been submitted to for the proposal to reduce the required setbacks and a condition has been incorporated requiring setbacks consistent with 17.28.080.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 15.2 acres of open space including the South Fork Long Creek and a pond. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The only exception to the standard requirements of the zone regulations is a decreased lot size. The minimum lot size is 29,519 but the density is consistent with the General Plan land use designation of MDR. This decrease is justified by the open space requirement which is mitigated to completely include the riparian features within the development.
- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per 1.7 acres.

- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water capacity and supplies to serve the proposed project. Environmental Management has approved septic report on the capability of each proposed lot. Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads A and B Drives to a width of 28 feet. Along the project frontage, Blair Road would be improved to a road width of 16 feet from centerline. Additionally, the applicant has agreed to conditions requiring fair-share contribution payments to the County for improvements to the Blair Road bridge as it crosses the EID canal.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 15.2 acres of open space, South Fork Long Creek, and a pond found at the site.

4.2 Tentative Subdivision Map

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.
- 4.2.2 *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 the proposed density of approximately one unit per 1.7 acres.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit J) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources, hydrology/water quality, and utilities/service systems. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Blair Road, a county maintained road. On-site circulation includes the improvement of on-site A and B Drives to a width of 28 feet. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado County Fire Protection District and Cal Fire

have reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado County Fire Protection District and Cal Fire have reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To reduce the required right of way at the turnaround at the end of 'B' Drive from a 60 foot wide radius to a 56 foot wide radius.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced right of way for the turnaround will better conform to the allocated open space between the proposed street and the EID canal. It will help to preserve the existing hillside with existing mature trees along the EID canal. The retaining wall is located outside of the county right of way (for maintenance purposes) which consequently contributes to reduced right of way. Increased right of way could require more extensive grading work, increasing tree removal where it is not necessary.
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Wider road rights of way will increase the landform disturbance and tree removal and destroy the natural buffer between the proposed project and adjacent neighbors.
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the reduced right-of-way width will allow the subdivision to better fit within the context of the surrounding topography.
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 To reduce the width of the right of way from 60 feet to 50 feet for 'A' Drive and a portion of 'B' Drive, from 'A' Drive intersection to the end of the 'B' Drive.

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced rights of way from 60' to 50' will better conform to the allocated open space acreage, existing topography, and preserve existing mature trees.

5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased right of way could require increased setback for on-site sewer disposal, unnecessary tree removal, and a decrease in an effective lot area.

5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement and width will not require neighboring properties to dedicate additional easements and will minimize project grading impacts. A reduced easement and road width is also consistent with the rural character of the surrounding community.

5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.3 To reduce the width of the right of way from 60 feet to 44 feet for a portion of 'B' Drive, from Blair Road to the 'A' Drive intersection.

5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced rights of way from 60' to 44' will better conform to the existing topography and preserve existing mature trees. In addition, it will maintain required setbacks from on-site sewer disposal areas to right of way, natural swales, and lot lines.

5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased right of way will require increased setbacks for on-site sewer disposal, constrained by the existing natural swales, decreasing an effective lot area due to the set area for sewer disposal.

- 5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement will better conform to existing topography and allow better siting of septic systems. A reduced easement width is also consistent with the rural character of the surrounding community.
- 5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.
- 5.4 To reduce the standard 60 foot wide right of way and 28 foot wide road width of the one- way looped entrance of 'A' Drive to a 40 foot wide right of way and 22 foot wide roadway.**
- 5.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced right of way will better conform to the allocated open space acreage, existing topography, and preserve existing mature trees. In addition, the proposed entrance is a one-way looped entrance road serving as a turnaround for the area in front of the subdivision gate. As a one-way road it has 22 feet of the roadway (curb to curb).
- 5.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased right of way could require increased setback for on-site sewer disposal from cut areas, unnecessary tree removal otherwise saved, and a decrease in an effective residential lot area. Increased right of way will decrease the size of lot D and defeat the intended purpose of one-way looped entrance and using Lot D for the landscaped entrance.
- 5.4.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As a one- way entrance road, the roadway will provide 22 feet of driving surface per one car at a time, traveling in or out of the subdivision. The road width of 22 feet exceeds the typical travel lane width of 12-16 feet. Thus, we believe that a one-way entrance road, as designed, will not be detrimental to the health, safety, and welfare of the public.
- 5.4.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

- 5.5 Allow the access portions of proposed flag lots, proposed Lot Numbers 6 and 28, to exceed 100 feet in length. Planning Services recommends approval of this design waiver.**
- 5.5.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 32 percent of the site to the open space and taking into consideration the natural topography and features of the site. In order to conform to those provisions use an existing topography efficiently, 230 (for lot 28) and 270 (for lot 6) feet long access portion of the lot is necessary.
- 5.5.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Different layout of the lots in the vicinity is not feasible or appropriate due to drainage constraints restricting the access to the lots.
- 5.5.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As the project has been reviewed by the responsible fire agencies and the Department of Transportation, it is unlikely that increased length of the access portion of the lot will be detrimental to health, safety, and welfare of the public. Access portions for both lots will be graded with compliance to Hillside Standards.
- 5.5.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.