

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION AND BOARD OF SUPERVISOR
STAFF REPORT**



Agenda of: May 8, 2008
Item No.: 7.b.
Staff: Tom Dougherty

GENERAL PLAN AMENDMENT/PARCEL MAP

FILE NUMBER: A08-0003/P07-0022

APPLICANT: Jeff and Judy Malm

AGENT: Nicole Young

REQUEST:

1. Amendment to the General Plan land use map changing the designation from Rural Residential (RR) to Low Density Residential (LDR); and
2. Tentative Parcel Map creating four parcels ranging in size from 5.0 to 5.5 acres on a 20.5-acre site.

LOCATION: On the east side of Mica Street, approximately 750 feet north of the intersection with Crystal Boulevard, in the El Dorado area, Supervisorial District II. (Exhibit A)

APN: 092-440-07 (Exhibit B1)

ACREAGE: 20.5 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit D)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan, based on the Initial Study prepared by staff.
2. Approve General Plan Amendment A08-0003 and Tentative Parcel Map P07-0022 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.

BACKGROUND: The earliest County records for the subject parcel show it in the current size in September of 1971. The subject parcel map application was submitted on April 6, 2007 and was deemed complete on January 10, 2008. The current zoning became effective following the adoption of the Latrobe Area Plan in April of 1981. The property was designated Rural Residential by the current General Plan adopted July 19, 2004 and on the previous General Plan adopted July 19, 1996. The application was deemed complete on January 10, 2008.

Permit History: Proposed Parcel 1 contains a 4,895 square-foot single-family residence with a 1,398 square-foot garage which was permitted under permit #178310 and finalized in June of 2007.

STAFF ANALYSIS

Project Description: The applicant is proposing amendment to the land use designation from Rural Residential (RR) to Low Density Residential (LDR) and a tentative parcel map creating four parcels ranging in size from 50 to 5.5 acres on a 20.5-acre site.

Site Description: The project site is accessed via Lollipop Lane off of Mica Street, both of which are paved with asphalt. The property slopes gently downward from south to north and east at 0 – 30 percent slopes. Proposed Lot 4 is developed with a single-family residential unit and associated landscaping, supporting utility and access infrastructure. The 20.5-acre site is located at the 1,640-foot elevation above sea level. There is a drainage swale just north of the northwest corner of proposed Lot 2 that drains northeast into an intermittent. The parcel is covered intermittently with mature El Dorado County native oak trees with a few native shrubs and exotic grasses.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	RR	Residential, primary single-family dwelling, (20.5 acres).
North	RA-20	RR	Residential agricultural, single-family dwellings, (one 10-acre parcel).
South	R2A/RA-20	MDR/RR	Residential agricultural land use but presently no agricultural practices in progress, single-family dwellings, (two parcels, 4.8 and 5.0 acres in size)
East	RE-10	NR	Residential, single-family dwellings, (two parcels, 14.24 and 13.6 acres in size).
West	R2A	MDR	Residential, single-family dwellings, (five parcels, 2.1 to 3.8 acres in size), Golden West Paradise Unit 5 subdivision.

Discussion: Exhibits A and B1 to B4 illustrate that the general neighborhood consists of 2.1 to 10-acre parcels in two to twenty-acre zones with all parcels adjoining the subject parcel in all directions except for east being less than the minimum required size and land use designations ranging from the more intense medium-density residential west of Mica Street to rural residential in all other directions. The proposed parcels can be found be consistent with the surrounding development as currently none of the surrounding parcels have active agricultural pursuits in progress.

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 Rural Region General Plan planning concept area. 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 respective land use designation, 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 required for the request.

The existing pattern of development in this neighborhood is more representative of five-acre parcels rather than the larger ten-acre parcels required by the existing RE-10 zone. Of the 12 properties located within a 500-foot radius of this property, six are two to three acres in size, two are five acres or less, and two are larger than five acres.

Water System Improvements and Fire Safety: The four parcels would be located in the El Dorado Irrigation District (EID) service area. There is a fire hydrant currently located at the

subject parcel at Lollipop Lane located on an extension of the existing six-inch waterline at Mica Street. The parcels would be required to meet the required fire flow needed for fire protection as determined by the Diamond Springs - El Dorado Fire Protection District. Pursuant to the Fire District, these standards would include fire flow for a residential unit less than 3,600 square feet which would be 1,000 gallons per-minute for a duration of two hours at a minimum 20 p.s.i. Residential units that are greater than 3,600 square feet would be required to provide 1,500 gallons per-minute for a duration of two hours at a minimum 20 p.s.i. Fire flow could be met by assuring the existing hydrant meets the fire flow requirements or at a minimum 3,000 gallons of water storage for each parcel. The project has been conditioned to meet this requirement prior to filing the parcel map.

Parks and Recreation: 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. This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands which is 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 El Dorado County Department of General Services, Division of Airports, Parks and Grounds. There presently is no option to credit an existing dwelling for past paid fees when a parcel split occurs therefore, the fee would be based on the creation of four parcels.

School Facilities: The Mother Lode Union School District and El Dorado Union High 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 approved water meter for the existing dwelling and a stub for the other proposed lots, as well as an existing fire hydrant on Lollipop Lane. The applicants submitted a *Sewage Disposal Test Trench and Percolation Test* dated October 20, 2006 for the subject parcel that has been reviewed by the Environmental Health Division who determined it proved the potential for adequate septic facilities for all proposed lots and proposed Lot 4 already has an approved septic system. The Environmental Health Division would review specific septic designs that accompany future development plans, including potential second-residential units on all parcels, to ensure that the final septic disposal design meets County standard.

Access: There would be six parcels that would utilize Lollipop Lane with the subject proposal, which is not County maintained, as the primary feeder road from Mica Street upon approval of the subject parcel map. Using the current land use designation of the surrounding parcels, and the new land use designation of the subject parcel of LDR, that would be the maximum number of parcels allowed without a General Plan Amendment. The El Dorado County Department of Transportation (DOT) has required width and surface improvements to the access road. The existing access road width on Lollipop Lane would be expanded and would lead to a cul-de-sac within the parcels that is proposed to serve all four new parcels. Mica Street would be widened and have surface improvements to Fire Safe standards from Crystal Boulevard to State Route 49 with the encroachment to state Route 49 to be developed to Caltrans standards. The encroachment from Lollipop Lane onto Mica Street would be improved to DOT standards. The

project has been conditioned to comply with El Dorado County Department of Transportation requirements. The Mica Street access road from Crystal Boulevard to State Route 49 would be for emergency ingress/egress only and a gate meeting the standards of the Diamond Springs – El Dorado Fire Protection District standards would be required at State Route 49 to prevent routine through traffic. There are two additional gates that cross Mica Street besides the one where Mica Street and State Route 49 meet that were put up by local residents without a Special Use Permit. Those two gates would need to be removed prior to filing the parcel map, leaving the security gate near the intersection of Mica Street and State Route 49 as the only gate to remain on Mica Street from where it begins at Crystal Boulevard and where it ends at State Route 49.

Mica Street directly crosses or adjoins 14 parcels that would appear to have access rights. There are also parcels without direct frontage on Mica Street that may or may not have legal access to use it. The responsibility of proving legal access and the rights of the applicant to make all the required road improvements through those parcels is the responsibility of the applicant, not the County, Caltrans or Diamond Springs – El Dorado Fire Protection District. Those rights must be proven by the applicant to the satisfaction of El Dorado County prior to initiation of any offsite road improvements.

The submitted map shows that the private driveway used by the parcel to the north enters the subject parcel for a short distance. The granting of legal access by the subject parcel owner to that property owner is a civil matter between them and not subject of this project proposal.

Project Relation to Surrounding Agriculturally Zoned Lands: The subject parcel has a 4.8 and a 5.3-acre parcel adjoining to the south, and a ten-acre parcel to the north that are all zoned Residential Agricultural 20-acre (RA-20). None of those parcels are currently involved in agricultural pursuits. All three have single family residences and are of substandard size for the zone district. There are no soils deemed Unique and Soils of Local Importance, choice soils, within the parcel or the project vicinity. The project was reviewed at the El Dorado Agricultural Commissioner's hearing on March 12, 2008. Because of the current General Plan policies that require buffers and setbacks from agriculturally zoned lands, the Commission had no other options available to them but to recommend denial of the project.

General Plan: The General Plan currently designates the subject site as Rural Residential (RR), which permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for residential and agricultural development where available infrastructure is limited. The proposed 5.0 and 5.5-acre parcels would not conform to the existing General Plan land use designation. The applicants are requesting to change that land use designation to match the current zoning of RE-5. Planning Services staff has determined that it can be found that the Low Density Residential land use designation would be appropriate considering the current zoning designation, surrounding uses and lack of agricultural pursuits, the existing parcel sizes and the availability of public services. As conditioned and mitigated, this project would 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 2.1.1.7 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 *Access* section, emergency road access would be conditioned to be improved to minimum DOT, Caltrans and Fire Safe standards prior to filing the map. The Diamond Springs – El Dorado Fire Protection District has conditioned the project to meet their fire safe requirements prior to filing the parcel map. Power, phone and a piped domestic water supply are onsite.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The four 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 to the west and south.

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 required to meet the required minimum fire flow requirements of the Diamond Springs - El Dorado County Fire Protection District which would be reviewed and approved by them prior to filing the parcel map.

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. The point where Mica Street begins at Crystal Boulevard is approximately 3.5 miles to State Route 49. The Diamond Springs - El Dorado County Fire Protection District has long had serious concerns about the current situation of having over 200 parcels on that dead-end road system with no emergency exit road that meets SRA and California Fire Code Fire safe standards. The project applicant proposes to attempt to rectify that situation by improving Mica Street to Fire Code standards for use by the Crystal Boulevard dead-end road system as an emergency exit road in the event of a natural disaster or medical emergency. As conditioned, and discussed under *Access* in the Project Issues section, the project would meet the intent of this policy.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. The parcel has oak tree canopy coverage of approximately 70 percent or 625,086 square feet of the 20.5 acres. The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 requires retention of 70 percent of that to be retained. During the process of developing these four parcels, approximately 6,509 square feet of oak tree canopy have been anticipated to be removed. With the adoption of the recommended Mitigation Measure No. 2, 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 L.

Policies 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5: The stated policies direct that agriculturally zoned lands be buffered by ten-acre sized parcels, 200-foot setbacks and will not create conflicts between residential and agricultural activities. The subject parcel is border on the south and north by substandard RA-20 zoned parcels and no agricultural activities are currently taking place on those three parcels. Neither the subject parcel nor the three parcels mentioned contain

choice soils. Planning Services staff has determined that it can be found that the public benefit of having an emergency access and evacuation road for the Crystal Boulevard and Mica Street residents, constructed to California Fire Code and SRA Fire Safe Standards, is more to the public benefit than the creation of buffers and parcel sizes to protect the three substandard sized and non choice soiled, residential-agricultural zoned parcels adjoining the subject parcel would be.

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

Zoning: The subject site is zoned Estate Residential Five-Acre (RE-5. RE-5 permits a minimum parcel size of five acres. The proposed 5.0 to 5.5-acre parcels conform to existing zoning and the development standards in Section 17.70.110 for minimum lot width of 150 feet, minimum parcel size of five acres, building setback requirements of 30 feet from parcel boundaries and road easements as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

Conclusion: As discussed above, staff finds that the project can be found to conform with the intent of the Zoning Code and that the necessary findings can be made to support the request for a General Plan land use designation change and tentative parcel map creating four parcels. The details of those findings are contained in Attachment 2.

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 air quality, biological resources and public safety. 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 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B1, B2, B3, B4	Parcelization Maps, (Assessor's Maps)
Exhibit C	Record of Survey 24-130
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F	Tentative Parcel Map, dated January 2008
Exhibit G	Soils Map
Exhibit H	Fiddletown U.S.G.S. Quadrangle
Exhibits I1 to I7	Site Visit Photos from December 17, 2008
Exhibits J1 and J2	Aerial Photos
Exhibits K1, K2 and K3	Revegetation and Restoration Plan
Exhibit L	Draft Mitigated Negative Declaration

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Numbers A08-0003/P07-0022
May 8, 2008

Planning Services

1. This General Plan land use designation amendment and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A - L (General Plan amendment/tentative parcel map) dated May 8, 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:

Approval of this project allows the following: amendment to the General Plan land use designation from Rural Residential (RR) to Low Density Residential (LDR) on the 20.5-acre lot referenced as Assessor's Parcel Number 092-440-07 and a tentative parcel map to subdivide the existing 20.5-acre parcel into four parcels ranging in size from 5.0 to 5.5 acres. Future single-family-residential development shall occur outside of the required 30-foot front, side and rear yard setback areas. New development will connect to the existing El Dorado Irrigation District (EID) 6-inch water line located in Lollipop Lane and septic disposal areas will occur on the individual parcels. Access onto the property will be provided by an improved road terminating in a turn around at the intersection of all four parcels. A secondary access for Mica Street from Crystal Boulevard to State Route 49 is required and shall be for emergency ingress/egress only and a gate meeting the standards of the Diamond Springs – El Dorado Fire Protection District standards shall be required at State Route 49 to prevent routine through traffic. All four parcels take access onto Lollipop Lane and improvements will be made to the onsite access roads to the encroachments onto Mica Street and State Route 49, as well as the offsite portions of Mica Street from Crystal Boulevard to State Route 49. Lot 4 would include the existing 4,895 square-foot single-family residence with a 1,398 square-foot garage and onsite septic wastewater systems.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Condition 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 shall be required to replant 30 one-gallon sized blue oak (*Quercus douglasii*) trees (200 trees x 0.15 acre = 30). Alternatively, the applicant may plant 600 acorns [(200 trees x 0.15 acre) x 3 acorns = 90 acorns]. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits K1, K2 and K3. Prior to filing the 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 filing the Parcel 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 K2 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.

Planning Services Site Specific and Standard Conditions

3. 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.
4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the final parcel map.
5. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
6. The existing security gate that crosses Mica Street on Assessor's Parcel Number 092-430-02 where Mica Street meets state Route 49 is considered legal non-conforming and can remain but must be upgraded to meet the Diamond Springs – El Dorado Fire Protection District standards. All other existing gates that cross Mica Street from that gate all the way to where Mica Street meets Crystal Boulevard shall be removed prior to

- filing the parcel map. Any new gate will be subject to a Special Use Permit.
7. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
 8. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to filing the parcel map.
 9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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 parcel map, which action is brought within the time period provided for in Section 66499.37.

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

Diamond Springs – El Dorado Fire Protection District

10. The following fees shall be collated and paid to the District for review of all types of plans.
 - a. Application Fee - \$50.00
 - b. Four or less lots - \$120.00
11. The applicant shall comply with the District fire flow requirements prior to filing of the parcel map. The fire flow requirements are as follows:
 - a. Required fire flow for a residential type parcel split for residents less than 3,600 square feet is 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Residents that are greater than 3,600 square feet are 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503.
 - b. Projects that do not meet Fire Flow may use a NFPA 13D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of

the required Fire Flow and shall be approved by the Diamond Springs-El Dorado Fire District.

- c. Fire flow can be met by installing a fire hydrant or minimum 3,000 gallons of water storage for each parcel.
12. The applicant shall comply with the following District driveway and roadway requirements prior to the filing of the parcel map:
- a. All driveways shall provide a minimum 12-foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
 - b. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
 - c. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District.
 - d. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 - e. All roadways will be a minimum of 20 feet wide, all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width; parking on both sides of the road will require 40 feet minimum road width.
 - f. A turnaround shall be provided to all building sites with driveways over 150 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead "T", a modified "T," or a modified "Y" in lieu of a circular type turnaround, as per El Dorado County DOT Standards.
 - g. Any gates will require Fire District approval and meet current El Dorado County Standards.
 - h. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
13. Pursuant to Public Resources Code 4291, a person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

El Dorado County Department of Transportation

14. Secondary Access: The nearest County roadway having two means of access for this site is over 2,640 ft away (approx. 3.5 miles away at Crystal Blvd and SR 49.) The DISM [Section 3 A. 9. & 12] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site, or obtain approval of an “acceptable alternative” from the decision maker and the responsible fire agency (Diamond Springs- El Dorado Fire Protection District). These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
15. Maintenance Entity: The proposed project must form an entity for the maintenance of the private roads, 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, parking facilities, landscaping 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 parcel map.
16. On-site & Offsite Access Improvements: The applicant shall widen the on-site portion of Lollipop Lane to an 18-ft wide roadway with 1-ft shoulders on each side consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C in effect at the time improvement plans are submitted for review and approval. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
17. Encroachment: The applicant shall construct the roadway encroachment from Lollipop Lane onto Mica Street to the provisions of County Design Std Plan 103B-1. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
18. Turnaround: The applicant shall provide a turnaround at the end of the access road to the proposed parcels to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
19. Easements: All applicable existing and proposed easements shall be shown on the project plans.

20. 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 parcel map.
21. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. 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 final 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 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. 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. Any variations shall be approved by the County Engineer. 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 site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the map.
32. Drainage Easements: The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
33. 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.
34. Off-site Improvements (Security): Prior to the filing of the map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
35. 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 any parcel 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.

36. 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 "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.
37. 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.
38. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Caltrans – District 3

- 39 Applicant shall submit an Encroachment Permit Application for the encroachment of Mica Street onto State Route 49. Said permit shall be for emergency access only and shall meet Caltrans Standards for a Private Driveway Approach. The application shall be submitted along with 5 sets of driveway detail plans showing grades, drainage, and structural section information to the Caltrans, Marysville Office for review and approval. 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. The applicant shall then provide proof to the El Dorado County Surveyor's Office that said permit has been finalized by Caltrans, prior to filing the parcel map.

El Dorado County Office of the County Surveyor

40. All survey monuments must be set prior to filing the Parcel Map.
41. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
42. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P07-0022 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

FILE NUMBERS A08-0003/P07-0022
May 8, 2008

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:

FINDINGS FOR APPROVAL

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 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 Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The land use amendment from Rural Residential to Low Density Residential is consistent with Objective 2.1.3 in that the 5.0 to 5.5-acre parcel size would maintain the open character. Amending the land use designation to Low Density Residential is found to be in the public interest because of the public benefit of creating an emergency fire exit road to California Fire Code and SRA Fire Safe Standards. The proposed tentative parcel map, as conditioned, is consistent with the Low Density Residential General Plan land use designation for parcel size, density and land use.

- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.4.4, 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5 because, upon completion of the conditions, there will be adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity and wildfire hazards have been addressed. As mitigated, impacts to the native oak tree canopy will be less than significant with the project. It can be found that the public benefit of having an emergency access and evacuation road for the Crystal Boulevard and Mica Street residents, constructed to California Fire Code and SRA Fire Safe Standards is significant. It is also found that the adjoining three substandard sized, and non-choice soil, residential-agricultural zoned parcels have minimal agricultural value and serve as large lot residential property. The creation of ten-acre buffer parcels solely due to agricultural zoning provides minimal public benefit.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Five-Acre (RE-5) which establishes a minimum parcel size of 10 acres. The project would create four parcels ranging in size from 5.0 to 5.5-acres in size which is consistent within the RE-5 zone district. The proposed parcels conform to the current zoning. All four parcels have the size and natural conditions to allow single family development to meet the development standards in Section 17.28.210.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Five-Acre (RE-5) zone district and, as conditioned, there will be adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the parcels.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadways to the parcels exist and will be improved to current safety standards and the impacts from all other required road improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.