

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



Agenda of:	June 12, 2008
Item No.:	8
Staff:	Tom Dougherty

REZONE/TENTATIVE SUBDIVISION MAP

FILE NUMBER: Z07-0005/TM07-1434/Pirrello Subdivision

APPLICANT: Jeff and Diane Pirrello

APPLICANT: Lebeck Engineering

REQUEST: Zone change from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5);

Tentative subdivision map creating nine parcels ranging in size from 5.0 to 5.26 acres, (Exhibit F);

Design waiver to allow for a dead-end road that exceeds 2,640 feet.

LOCATION: On the east side of Rainbow Way, approximately 700 feet east of the intersection with Shingle Springs Drive, in the Shingle Springs area, Supervisorial District IV. (Exhibit A)

APN: 319-030-12 and 319-030-20 (Exhibit B1)

ACREAGE: 45.84 acres

GENERAL PLAN: Low-Density Residential – Important Biological Corridor (LDR - IBC) (Exhibit D)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit E)

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 and Mitigation Monitoring Program, based on the Initial Study prepared by staff.
2. Approve zone change Z07-005 based on the Findings in Attachment 2.
3. Approve tentative map TM07-1434 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.
4. Approve the following design waiver since appropriate findings have been made as noted in Attachment 2:
 - a. Allow a dead-end road length of 3,200 feet, exceeding the maximum limit of 2,640 feet and serving 12 parcels.

BACKGROUND: The ten-acre parcel identified by Assessor's Parcel Number 319-030-20 was created by Parcel Map 13-5 which was recorded November 12, 1976. The 35.84-acre parcel identified by Assessor's Parcel Number 319-030-12 was created by Mineral Survey No. 4626, January 7, 1918, which included Bosquit Lode Claim, Golden Age Lode Claim, General Lee Lode Claim and Sunday Lode Claim. It then changed ownership with O.R. 957-341, a quiet title action recorded November 5, 1969, then by O.R. 1452-191, grant deed, excepting those portions lying in the NE 1/4 of Section 19 thus consisting of the Southerly 20.52 acres, (the Sunday Lode Claim) and 15.42 acres (a portion of the General Lee Lode Claim). It then became the current parcel with O.R. 2835-034, acquired through a tax sale. The subject application was deemed complete on February 15, 2007.

STAFF ANALYSIS

Project Description: Tentative subdivision map creating nine parcels, ranging in size from 5.0 to 5.26 acres, on a 45.84-acre site. A design waiver has been requested to allow for a dead-end road that exceeds 2,640 feet. This proposed map would add an additional nine parcels to the existing three (excluding the subject parcels) parcels, served by a 3,200-foot dead end road. The project proposes an encroachment onto Shingle Springs Drive and a cul-de-sac turnaround at the terminus of the access road within the parcel. Water is proposed to be supplied by wells. Individual septic facilities are proposed for each lot. Offsite Road improvements include width and surfacing improvements to Rainbow Way and Shingle Springs Drive as well as replacing the existing bridge crossing on Shingle Springs Drive with a 24-foot wide bridge. An easement for a future potential secondary access through the parcel to the east, currently owned by the Bureau of Land Management, would be reserved between Lots 3 and 4.

Site Description: The two subject parcels total 45.84 acres and are located between approximately the 1,280 and 1,440 feet elevations above sea level. The parcel drains to the north into Dry Creek and to the east to Slate Creek. Existing vegetation on the site consists predominantly of even-aged scattered El Dorado County indigenous oaks and foothill pines, various indigenous shrubs mixed with exotic annual, seasonal grasses. Portions of the site have serpentine rock based soils and associated shrub dominated environment. The majority of the

site is blue oak woodland and tree dominated. The parcels are adjoining land owned by the Bureau of Land Management to the east which contains a chemise/chaparral environment that begins just at the eastern parcel boundary. The existing driveway that runs through the parcels from the entrance at Rainbow Way to the last proposed southernmost parcel is graveled part of the way and dirt the rest. There is an existing well and shed on the westernmost parcel located near a large cleared, flat area. The parcels are both predominately sloped with the largest portions having slopes in the 21 to 29 percent range.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	LDR/IBC	Residential, vacant.
North	RE-10	LDR/IBC	Residential, single-family residences, (two parcels, 10 and 36 acres in size).
South	RE-10/RE-5	LDR/IBC	Residential, single-family residence, (one parcel, 10 acres in size).
East	RE-10	LDR/IBC	Residential, vacant, (one parcel, 41 acres in size, Bureau of Land Management owned).
West	RE-5	LDR/IBC	Residential, single-family dwellings, (four parcels, 5 to 10 acres in size).

Discussion: Exhibits A and B1 to B2 illustrate that the general neighborhood consists of 5 to 41-acre parcels in five and ten-acre zones with all parcels adjoining the subject parcel. The proposed lots are compatible with the surrounding development.

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

Land Use and Zone Compatibility: This site’s land use designation is Low Density Residential - Important Biological Corridor (LDR - IBC) and the property is located within a Rural Region. The LDR allows a density of one dwelling unit per five acres on parcels ranging in size between 5.0 and 10.0 acres. The proposed 5.0 and 5.26-acre parcels would conform to the General Plan land use designation of LDR. There is further discussion of the impacts on the IBC below in the General Plan discussion of Policy 7.4.2.9. As illustrated on the General Plan Consistency Matrix Table 2-4, which defines compatible zones with the correct land use, the RE-5 zone would be consistent with LDR designation, given that the proper infrastructure and services are available to support an increase in density allowed by the zone. This project would provide the required infrastructure necessary to serve the subdivision.

The existing pattern of development in this neighborhood is more representative of five acres in size to the south and east and generally ten acres and larger in an easterly and northerly direction.

Emergency Water System Improvements and Fire Safety: Pursuant to El Dorado LAFCO staff, the site is not located in the El Dorado Irrigation District (EID) service area but the parcel that adjoins the largest subject parcel on the south boundary is within the District. In order to

receive municipal water and wastewater services, the two subject parcels would need to be annexed into the EID district. The lots 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 *Wildland Fire Safe Plan* dated September 13, 2007, approved by Diamond Springs – El Dorado Fire Protection District and Calfire staff on February 20, 2008, the project would be required to install a 60,000 gallon storage tank to be entirely designated for fire protection that will feed two fire hydrants with a six-inch diameter pipe. A Home Owners Association (HOA) would be established to maintain the tank and hydrant system and to ensure its successful operation. That tank would be supplied by a specific well. Each future residence would be required to have an individual 3,000-gallon tank for storage of water that connects to a standpipe located between 50 and 150 feet from each residence with a turnout by each one. Each new residence would be required to have a NFPA 13D fire sprinkler system installed within each residential structure. The project has been conditioned to meet this requirement prior to filing the final map.

Public Services: There are a number of public amenities in the form of public parks and recreational opportunities within the County, and many are close to the area. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid prior to filing the final map to the El Dorado County Department of General Services, Division of Airports, Parks and Grounds. The formula for the acres or "A" from Section 16.12.090 B3 would be (9 dwelling units) (2.8 persons/dwelling units) (3 acres/1,000 persons = A. In this case "A" of acres of parkland would be 0.0756. That number is then used in the formula from Section C2 when the assessed value is received from the Assessor's Office.

The Rescue Union Unified School District and El Dorado Union High School District provide 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.

Domestic Water Supply and Sewer: The will utilize private wells for domestic and emergency fire suppression water service. Proposed Lot 9 currently has a well that was tested for a 24-hour production test in December of 2006 and the production rate was 8.5 gallons per minute. The Environmental Health Division would require each lot to have a safe and reliable water source prior to filing of the final map.

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

Access: Shingle Springs Drive (in the project vicinity) and Rainbow Way, are not County maintained roads. There would be 12 parcels that would utilize the Rainbow Way, dead-end road system, from Shingle Springs Drive as the primary feeder road to the proposed subdivision interior road upon approval of the subject tentative subdivision map. The Department of Transportation recommended width and surface improvements to Rainbow Way to County

Standard Plan 101C with ten-foot shoulders terminating at a turnaround at proposed Lots 5 and 6. The turnaround would be constructed to the provisions of Standard Plan 114 or approved equivalent. Shingle Springs Drive from Rainbow Way to Green Valley Road would be improved to 18-foot wide with one-foot shoulders and an all weather surface. The existing bridge on Shingle Springs Drive, immediately south of Green Valley Road, is conditioned to be improved to a width of 24 feet. The encroachment of Shingle Springs Drive onto Green Valley Road would be required to meet Standard Plan 103B. The project has been conditioned to comply with El Dorado County Department of Transportation and Diamond Springs – El Dorado Fire Protection District requirements.

Reservation of Easement: Planning Services and DOT staff are recommending that a 50-foot wide road and public utilities easement be reserved that begins at the east side of the Rainbow Way access road, in between proposed Lots 3 and 4, that would potentially provide secondary access through the subdivision with the intent of providing emergency access and exiting capabilities for the subject lots as well as future parcels to the east and north, for the benefit of public safety, (see Exhibit B2). The Bureau of Land Management staff supports the reservation and the County's effort to plan for future circulation for improved public safety.

Design Waiver Request: A design waiver has been requested to allow for a 3,200-foot dead-end road that exceeds 2,640 feet. The applicant proposes to replace an existing 10 foot wide substandard bridge with a 24-foot wide bridge, and proposes to repave the existing encroachment from Green Valley Road onto Shingle Springs Drive to County standards, thereby improving emergency access to the project site. DOT is therefore supportive of this design waiver request, however, the DISM Sec 3.A.12.a requires Rural Subdivisions containing dead-end roads longer than 500 ft to provide 10 foot shoulders on both sides of the roadway. This is reflected in Condition #1. With the approval of this project, the resulting dead-end road would serve 12 parcels, and a reservation of an easement to potentially serve one more in the future (BLM-owned).

With the implementation of the *Wildland Fire Safe Plan* dated September 13, 2007, approved by Diamond Springs – El Dorado Fire Protection District and Calfire staff on February 20, 2008, and the ongoing maintenance and implementation of that plan by an established Homeowners Association for the subdivision, the responsible fire protection agencies have determined that the project would meet Fire Safe regulations and the design waiver request could be supported.

Impacts of Previous Mining Activities: A *Determination of Eligibility and Effect for the Proposed Pirrello Subdivision Project*, prepared by Peak and Associates, Inc., Consulting Archeology, dated July 2006 described the historic gold mining activities which were tabulated from mineral plats, patent applications and mineral survey field notes that took place on the subject parcels. The first claim was reported to have occurred in 1896 and four more were filed over the years and it was determined that only small scale mining activity actually occurred within the current parcel boundaries. Exploration trenches were found that varied in length from 6 to 60 feet in length and rarely exceeded eight to ten feet in depth. Small tunnels were observed but appeared to go into the hillside no more than 8 to 20 feet. Small mining dumps were found that indicated minor excavation activity occurred.

The applicant's submitted a *Geologic Evaluation for the Tentative Map of the Pirrello Rezone and Rural Subdivision*, prepared by George Wheeldon, dated January 2007 which determined that septic systems could be located on the proposed lots and not be affected by the presence of such small scale mining activity.

Cultural Resources: A historic resource was identified within the subject parcels which was identified as PA-06-112 in the *Determination of Eligibility and Effect* for the Proposed Pirrello Subdivision Project, Peak and Associates, Inc., Consulting Archeology, July 2006, (Job #06-011). That report concluded that in order for a determination of no significant adverse effect of the resource, the potential impacts from the project on the resource would need to be mitigated by either the Preservation Option or Data Recovery option which are discussed in more detail in the Draft Mitigated Negative Declaration. The applicants chose the Preservation which is described in more detail in Section V, Cultural Resources, in the Draft Mitigated Negative Declaration, attached as Exhibit N. This also led to the recommendation for the adoption of Mitigation Measure 3, [**MM Cult Res**], in Attachment 1.

Establishment of a Homeowner's Association: A Homeowner's Association (HOA) would need to be established for the purposes of implementing, overseeing and maintenance of the Wildland Fire Safe Plan including the fire suppression water system, the tree replacement plan and the shared roads. Covenants, Conditions and Restrictions (CC&Rs) would be reviewed by the County prior to recordation of the final map to assure they include those provisions.

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

Objective 2.1.3 directs that the land use pattern within Rural Regions maintain *the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services...* Staff has determined that the project design and proposed lot sizes meet the intent of this Objective.

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

Policy 2.2.5.3 directs the County to evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;
4. Distance to and capacity of the serving elementary and high school;

5. Response time from the nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use patterns;
16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and present active faults; and
19. Consistency with existing Conditions, Covenants, and Restrictions.

The adjacent parcels on all four sides of the subject parcels are designated for low Density residential uses by the General Plan. Power and telephone exists at the site. There are existing dirt interior and graveled access roads with turnarounds and an existing encroachment onto Shingle Springs Drive. With the inclusion of the Tentative Subdivision Map application with the rezone, a substandard bridge would be replaced and the encroachment of Shingle Springs Drive onto Green Valley Road would be improved. All those roads would be resurfaced and widened to improve public safety from the cul-de-sac within the development all the way to Green valley Road.

The change from RE-10 to RE-5 would not have a significant affect on the existing biological resources as the majority of the development activity proposals would allow would occur in previously disturbed areas.

The El Dorado County Environmental Health Division, El Dorado County Department of Transportation, and the Diamond Springs – El Dorado Fire Protection District, have no outstanding concerns with the current proposal as conditioned. The location in a Rural Region, the current availability of supporting utilities and infrastructure, the improved access for emergency responders, and the improved public safety that would occur from the required conditions of approval for the Tentative Subdivision Map, show the rezone request is appropriate the project site.

The Initial Study – Environmental checklist review and the submitted studies as referenced, determined that the project would have an insignificant impact on important agricultural and mineral resource areas, perennial water course, important historical/archeological sites, seismic hazards and present active fault.

No consistency issues exist with Conditions, Covenants, and Restrictions, since none currently exist.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The nine new lots 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 south and east.

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 is recommended to be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface, road width and to provide an adequate turnaround. The project would be required to meet the required minimum fire flow requirements of the Diamond Springs – El Dorado Fire Protection District which would be reviewed and approved by them prior to filing the final map and all the water conveyance facilities would further need to meet the requirements of the applicant submitted *Wildland Fire Safe Plan*, revised September 13, 2008.

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

Policy 7.4.2.9 directs that the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. The submitted maps show the potential development areas for each lot to generally be where previous disturbance has occurred. Rainbow Way to the end of the proposed cul-de-sac has previously been rough graded. The developable areas shown on the map tend to be near the existing roadway thus leaving potential corridors for wildlife around the perimeters of the lots, much as it is today without the project. The newly created parcels could, in the future all have second dwelling units which would increase the impact to the corridor and that would have to be reviewed at that time. However, for the sake of this current application the creation of nine lots, as conditioned and mitigated, would not be anticipated to have a major impact on the imposition and intent of this.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. The submitted *Tree Preservation and Replacement Plan*, completed by Foothill Associates, dated January 19, 2007 that found the two combined parcels cover 45.90 acres and that the oak tree canopy comprises approximately 23.10 acres which translates into 50 percent oak tree canopy coverage. The development of single-family residences and supporting infrastructure could potentially translate into a post development oak tree canopy of 20.70 acres meaning a loss of approximately 2.4 acres of canopy or that approximately 89 percent of the existing canopy over the total project area would be retained. The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 requires 80 percent of the existing oak tree canopy existing on the site must be retained. The applicant would be required to replant 460 sapling or one-gallon sized one-gallon sized blue oaks (*Quercus douglasii*) and interior live oak (*Quercus wislizenii*) trees. 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 N.

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

Zoning: The subject site is currently zoned Estate Residential Ten-Acre (RE-10). The rezone to Estate Residential Five-Acre (RE-5) permits a minimum parcel size of five acres. The proposed 5.0 to 5.26-acre parcels would conform to proposed zoning and the development standards in Section 17.28.210 for minimum lot width of 100 feet, minimum parcel size of five acres, building setback requirements of 30 feet from parcel boundaries and road easements as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

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

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to biological resources. 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	Parcelization (Assessor's Parcel) Map
Exhibit B2	Combined area Parcelization (Assessor's Parcel) Maps
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Parcel Map 13-5
Exhibit F	Tentative Subdivision Map
Exhibit G	Tentative Subdivision Map overlaid on an aerial photo
Exhibit H	Shingle Springs U.S.G.S. Quadrangle
Exhibit I	Soils Map
Exhibits J1 to J4	Site visit photos from March 26, 2007.
Exhibits K1, K2	Aerial photos
Exhibits L1 to L3	Revegetation and Restoration Plan
Exhibit M	Diamond Springs – El Dorado Fire Protection District and Calfire approved <i>Wildland Fire Safe Plan</i> , 16 pages
Exhibits N	Draft Mitigated Negative Declaration

ATTACHMENT 1

CONDITIONS OF APPROVAL AND MITIGATIONS

FILE NUMBER Z07-0005/TM07-1434

1. This tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M, approved June 12, 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:

Zone change from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5);

Tentative map creating 9 lots ranging in size from 5.0 to 5.26 acres. (Exhibit F).

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

Conditions from the Mitigated Negative Declaration

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

2. The applicant is required to replant a combination of 460 sapling or one-gallon sized blue oak (*Quercus douglasii*) and interior live oak (*Quercus wislizenii*) trees. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits L1, L2 and L3. Prior to final occupancy, the applicant would be required to enter into an oak tree replacement and mitigation monitoring agreement with the County. [MM Biological Resources-1].

Monitoring: Prior to approval of the final map, the applicant is required to enter into a *County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees and Oak Tree Replacement Plantings* through Planning Services staff. Applicant shall

adhere to the *Revegetation and Restoration Plan* in Exhibit L2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement for planting trees and for fifteen years for planting acorns. Planning Services staff shall verify that the responsibilities, and continued monitoring of the oak tree plantings by the Homeowner's Association are clearly defined in the Covenants, Conditions and Restrictions (CC&Rs) prior to recordation of the final map.

3. The historic resource identified as PA-06-112 in the *Determination of Eligibility and Effect* for the Proposed Pirrello Subdivision Project, Peak and Associates, Inc., Consulting Archeology, July 2006, (Job #06-011) shall be preserved by the following methods, [MM Cult Res 1]:

- a) Prior to initiation of any grading or other work on the project area, the cabin and immediate surroundings must be fenced off with temporary construction fencing to ensure its protection from inadvertent impact from grading, vegetation clearance, or road construction.

Monitoring: Planning Services shall verify that the location of the historic resource is noted on any grading plan prior to issuance. The applicant shall verify with a qualified archeologist that the aforementioned historic resource is accurately located on the submitted site plan. The applicant shall supply a letter from the qualified archeologist to Planning Services staff that the location noted on the map is accurate. The County grading permit inspector shall verify the presence of the temporary construction fencing.

- b) A non-building area must be placed over the site area, preventing any use or impact to that portion of the lot. The non-building area shall be shown on the final map with a note describing that the area is for the preservation of the historic resource identified as PA-06-112 in the *Determination of Eligibility and Effect* for the Proposed Pirrello Subdivision Project, Peak and Associates, Inc., Consulting Archeology, July 2006, (Job #06-011).

Monitoring: Planning Services shall verify that the location of the historic resource is accurately noted on the final map. The applicant shall supply a letter from the qualified archeologist to Planning Services staff that states that the location noted on the map is accurate, prior to the recordation of the final map.

- c) Prior to initiation of construction on the lot, a permanent fence shall be installed to protect the site.

Monitoring: The applicant supply a letter from the qualified archeologist to Planning Services staff that the location of the permanent fence for the preservation of the historic resource identified as PA-06-112 in the *Determination of Eligibility and Effect* for the Proposed Pirrello Subdivision Project, Peak and

Associates, Inc., Consulting Archeology, July 2006, (Job #06-011 is accurately located prior to recording the final map.

Planning Services Site Specific and Standard Conditions for the Tentative Subdivision Map

4. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
5. All fees associated with the tentative map shall be paid prior to recording the final subdivision map.
6. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
7. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.0672 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Department of General Services, Division of Airports, Parks and Grounds, and shall submit the receipt to El Dorado County Planning Services with the final map application.
8. A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants Codes and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
 - a. Implementation of all provisions of the *Wildland Fire Safe Plan* dated September 13, 2007, approved by Diamond Springs – El Dorado Fire Protection District and Calfire staff on February 20, 2008.
 - b. Ongoing maintenance and monitoring of the shared roads.
 - c. Open space management of those areas subject to Mitigation 2 above, **[MM Bio 1]**, the Revegetation and Restoration Plan included in Exhibits L1, L2 and L3 above.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Planning Services Division for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

9. Prior to filing the final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or

subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

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

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

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

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

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

El Dorado County Department of Transportation

12. Road Design Standards: The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map: (the requirements outlined in Table 1 are minimums)

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS/ NOTES
Shingle Springs Drive (<i>offsite</i>)	Std Plan 101C	18 ft / 1 ft	50 ft	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP.
Rainbow Way (<i>offsite and onsite</i>)	Std Plan 101C	20 ft / 10 ft	50 ft	No curb, gutter, or sidewalk, road width is measured EP to EP.

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

** Non-exclusive road and public utility easements included

13. Shingle Springs Drive Improvements: The applicant shall improve or verify that the off-site portion of Shingle Springs Drive, from Green Valley Road to Rainbow Way, meets the requirements of El Dorado County Standard Plan 101C of the Design and Improvement Standards Manual. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
14. Bridge Replacement: The applicant shall improve the existing bridge crossing on Shingle Springs Drive, immediately south of Green Valley Road to the width of 24 feet per the requirements of the County Design and Improvements Standards Manual, and adhere to the provisions of AASHTO and the Caltrans Highway Design Manual. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
15. Reservation of Access Easement: The project site borders Bureau of Land Management (BLM) lands on the east side, identified by Assessor’s Parcel Number 319-030-13. In order to provide for future primary or secondary access to these lands, the applicant shall reserve a 50 ft road and public utilities easement between proposed Lots 3 and 4, from Rainbow Way. This easement shall be shown on the final map prior filing.

16. Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Shingle Springs Drive onto Green Valley Road to the provisions of County Design Std 103D. 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.
17. Road & Public Utility Easements: The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadway (Rainbow Way) prior to the filing of the map.
18. Turnaround: The applicant shall provide a turn around on the access roadway or at the end of the roadway to the provisions of County Standard Plan 114 or approved equivalent. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals (pursuant to Fire Safe Regulations). 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.
19. Roadway Slopes: Pursuant to DISM Sec 3.B.9 and Design Standard Plan 101C, the gradient of any street shall not exceed 12 percent. Roads with Average Daily Trips (ADT) of less than 601 may have slopes exceeding 12 percent not to exceed 15 percent for lengths up to 600 feet if they are paved with a minimum of 2.5 inches AC on 6 inches AB.
20. Offsite Easements: Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
21. Easements: All applicable existing and proposed easements shall be shown on the project plans.
22. Signage: The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
23. Maintenance Entity: The proposed project must form an entity for the maintenance of the private roads, and any parking facilities, landscaping, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, 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 map.

24. Common Fence/Wall Maintenance: The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. Grading Permit / Plan: A grading permit is required for the project. 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.
31. 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.

32. 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.
33. 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.
34. 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.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. 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.

35. 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 final map.
36. 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 final map.
37. 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.
38. CEQA Review: All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
39. Off-site Improvements (Security): Prior to the filing of a final 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.

40. 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 Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of a final 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% 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.

41. Off-site Access Easements: The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
42. 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.
43. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete. The proposed project is located in Fee Zone Area 2, and at current rates, a fee of \$42,400 per single-family dwelling is required.

El Dorado County Air Quality Management District

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

45. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

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

46. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

47. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

48. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

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

Environmental Management Department – Environmental Health Division

49. Prior to recording the final map, each lot shall have a safe and reliable water supply.

County of El Dorado Office of the County Surveyor

50. All survey monuments shall be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyor's Office.
51. 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.

Diamond Springs – El Dorado Fire Protection District

52. This District has a fee structure. Fees will be collated for review of all type of plans.
- Application Fee - \$50.00
 - Four or less lots - \$120.00
 - Five lots - \$300.00
 - Six or more lots - \$ 300.00 plus \$10.00 for each additional lot

53. Minimum fire flow required shall be 1,500 gpm @ 20 psi for 2 hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm @ 20 psi for 2 hours.
54. Provide documentation from the Fire District to show that the system will meet required fire flow for this project.
55. 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 approved by the Diamond Springs-El Dorado Fire District.
56. In place of requirement # 1, the applicant shall enter into a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of water storage for each parcel. This deed restriction shall be reviewed and approved by the Fire District prior to final recording.
57. Additional hydrants will be required for this project. The Fire District will determine hydrant locations.
58. 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.
59. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
60. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval may include a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of dedicated onsite water storage for each parcel for fire protection.
61. 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.
62. 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.
63. A turnaround shall be provided to all building sites with driveways over 300 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, per El Dorado County DOT Standards 101C.

64. Any gates will require Fire District approval and meet current El Dorado County Standards.
65. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
66. A Fire Safe Plan shall be designed for this subdivision by a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide:
67. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road.
68. For parcels less than 1 acre, the local jurisdiction shall provide for the same practical effect.
69. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
70. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall locate said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.
71. Community Facilities District: Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services . The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

ATTACHMENT 2 FINDINGS

FILE NUMBERS Z07-0005/TM07-1434

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

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Low Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per five acres with parcel sizes ranging in size from five to ten acres, and establishes areas for single family residential development in a rural setting. The proposed 5.0 to 5.26-acre parcels conform to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including Objective 2.1.3, Policies 2.1.1.7, 2.2.5.3, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.2.9 and 7.4.4.4, concerning character of development within Rural Regions, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, impacts on wildlife corridors and

mitigation for the loss of indigenous oak tree canopy. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

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

4.0 Administrative Findings

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, the tentative map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy.*
- 4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1 unit per five acres.*
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. Potential environmental impacts for the subdivision have been minimized by the lot designs as the potential building areas are concentrated along the access road and are concentrated primarily in the previously disturbed areas. The loss of indigenous oak tree canopy will be mitigated by replacement requirements and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.*
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation requirements to assure adequate access.*
- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties. The Diamond Springs – El Dorado Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties. Further, all lots are conditioned to comply with the *Wildland Fire Safe Plan* dated September 13, 2007, approved by Diamond Springs – El Dorado Fire Protection District and Calfire staff on February 20, 2008.*

5.0 Design Waiver Findings

- 5.1.0 **Allow the further subdivision of a lot served by a dead-end road exceeding 2,640 feet.** The support for the design waiver is based on the following findings:
- 5.1.1 **It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the created parcels match the dominant lot pattern and uses of existing parcels. Although Rainbow Way, as extended into the subdivision itself exceeds the 2,640 feet Fire Safe regulations limit for 5-acre parcels, it would serve only 12 parcels total and turnarounds and wide shoulders will be provided.
- 5.1.2 **It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because in order to create a road with two points of access, significant improvements would be necessary over land which the applicant has no easements or construction rights.
- 5.1.3 **It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because Diamond Springs - El Dorado County Fire Protection District has reviewed the subdivision request and has recommended approval of the layout and design of the proposed lots and emergency access of the proposed parcels with implementation of the submitted, approved *Wildland Fire Safe Plan*, and their recommended conditions of approval. Further, it can be found that the replacement of the existing 10 ft wide substandard bridge with a 24 ft wide bridge, repaving the existing encroachment from Green Valley Road onto Shingle Springs Drive to County standards, and with the DISM required 10 ft shoulders on either side of Rainbow Way, that the public benefit of having an emergency access and evacuation road for the Rainbow Way and Shingle Springs Drive residents, constructed to California Fire Code and SRA Fire Safe Standards is significant.
- 5.1.4 **It can be found that this waiver 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** because the project has been mitigated and conditioned to meet all applicable County Codes.