

**ELDORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION**



**STAFF REPORT**

**Agenda of:** June 26, 2008  
**Item No.:** 8  
**Staff:** Aaron Mount

**SUBDIVISION MAP**

**FILE NUMBER:** TM07-1446/Fern Woods Subdivision

**APPLICANT:** Carl Damoude

**REQUEST:** A tentative subdivision map creating 12 lots, ranging in size from 1.00 to 1.454 acres, on a 14.71-acre site (Exhibit B).

Design waivers have been requested for the following:

a) No on-site road improvements on existing Paradise Pines Road; b) No on-site road improvements on existing Wandering Way; c) No on-site road improvements on existing Fern Avenue; d) Allow for an outside radius reduction in the standard cul-de-sac from 50 to 40 feet to edge of pavement; e) Allow for an increase in the maximum grade of the proposed streets to a 12 percent sustained grade and in one section, not to exceed 125 feet in length, allowing a maximum grade of 15 percent; f) Allow for an increase in the maximum cross-slope of the cul-de-sac to 10 percent; and g) Allow for a reduction in the minimum road width to 20 feet for the two onsite proposed roads (proposed Sheridan Court and Helena Lane) from their intersection to their ends.

**LOCATION:** On the east side of Larkspur Lane, approximately 0.1 miles north of the intersection with Cedar Drive in the Cedar Grove area, Supervisorial District III. (Exhibit A)

**APN:** 076-111-01

**ACREAGE:** 14.71 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit C)

**ZONING:** One-acre Residential (R1A) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff.
2. Approve Tentative Subdivision Map TM07-1446 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
  - a) No on-site road improvements on existing Paradise Pines Road;
  - b) No road improvements on existing Wandering Way;
  - c) No road improvements to the onsite portion of Fern Avenue;
  - d) Allow for an outside radius reduction in the standard cul-de-sac to 40 feet to edge of pavement;
  - g) Allow for a reduction in the minimum road width to 20 feet for the two onsite proposed roads (proposed Sheridan Court and Helena Lane) from their intersection to their ends.

**BACKGROUND:** The subject parcel is a portion of the Sierra Pines Subdivision which was created in 1936. The Camino/Fruitridge Area Plan of 1992, the 1996 General, and the 2004 General Plan all designate the subject parcel as Medium Density Residential with a minimum parcel size of one acre.

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** Tentative map creating 12 parcels ranging in size from 1.0 to 1.45 acres, on a 14.71 acre site. The project would include an encroachment onto Larkspur Road and two on-site access roads terminating with cul-de-sacs. Domestic water would be supplied by El Dorado Irrigation District and each lot would utilize individual septic facilities.

**Site Description:** The 14.71 acre subject parcel is at an average elevation of 3,500 feet above mean sea level and the aspect is generally northeast. The subject parcel is an infill parcel located in a Medium and High Density Residential area. The project lies within the Brushy Canyon watershed and drains into the Iowa Canyon watershed approximately 0.1 miles below the Slab Creek Reservoir Dam. There are no watercourses present within the project area. The project area is gentle to moderately sloping with slopes ranging from 0 to 30 percent. Vegetation is dominated by mixed conifer forest. Development includes two sheds that will be removed.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R1A	LDR	Residential
<b>North</b>	R1A	LDR	Residential
<b>South</b>	R20K	LDR	Residential
<b>East</b>	R1A	LDR	Residential
<b>West</b>	RE-5	LDR	Residential

Discussion: Exhibits B and C illustrate that the general neighborhood consists of 0.5 to 3-acre parcels with the proposed subdivision being an infill project. The proposed parcels are compatible with the surrounding development and densities which are all within the Camino/Pollock Pines Community Region.

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

**Land Use and Zone Compatibility:** This subject site’s land use designation is Medium Density Residential (MDR) and the property is located within the Camino/Pollock Pines Community Region. The MDR land use designation allows a maximum density of one dwelling per one acre with parcel sizes ranging from 1.00 to 5.00 acres. As illustrated on the General Plan Consistency Matrix Table 2-4, which defines compatible zones with the correct land use, the One-Acre Residential zone district is consistent with the MDR 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 the vicinity is consistent with the subject sites land use designation and the project is essentially an infill project.

**Water System Improvements and Fire Safety:** The site is located in the El Dorado Irrigation District (EID) service area. There are existing potable water delivery facilities at the intersection of Larkspur Lane and Cedar Drive, approximately 400 feet south of the subject parcel. The lots would be required to meet the required fire flow needed for fire protection as determined by the El Dorado

County Fire Protection District. Pursuant to the Fire District, these standards would include the installation of four dry-barrel hydrants supplied by a main capable of maintaining a fire flow of 1,000 gallons per-minute. That would require tapping into the existing 6-inch line at Cedar Drive and extending an 8-inch line to the project site. The project has been conditioned to meet this requirement prior to filing the final map.

**Access:** The proposed 12 lots would utilize Larkspur Lane, which onsite is not a County maintained road, as the primary feeder road to the proposed subdivision interior roads upon approval of the subject tentative map. The Department of Transportation recommended width and surface improvements to the interior access roads to County Standard Plan 101B terminating at two cul-de-sacs to the provisions of Standard Plan 114. The offsite access from Pony Express Trail to the project site has been conditioned to be improved to a Modified Standard Plan 101B width of 20 feet. The project has been conditioned to comply with El Dorado County Department of Transportation requirements.

**Public Services:** There are a number of public amenities in the form of public parks and recreational opportunities within the County. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid at the time of filing the final map to the El Dorado County Parks Department. The formula for the acres or "A" from Section 16.12.090.B.3 would be (12 dwelling units) (2.8 persons/dwelling units) (3 acres/1,000 persons = A. In this case, "A" of acres of parkland would be 0.10. That number is then used in the formula from Section C.2 when the assessed value is received from the Assessor's Office.

In addition, the Pollock Pines School District and the 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.

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

**Policy 2.1.1.1** established the Camino/Pollock Pines Community Region boundary. The subject parcel is located within that boundary. **Policy 2.1.1.2** defines Rural Centers as *areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries* Planning staff has found that the subject proposal does meet the intent of these policies by providing the maximum allowable density within this Medium Density Residential designated parcel.

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

**Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. The twelve new parcels would be in keeping with the General Plan intended development pattern expected in lands designated as Medium Density Residential and would be consistent with the dominant pattern of parcel development for the areas along Pony Express Trail.

**Policy 5.2.1.3** directs that all Medium-Density Residential, High-Density Residential, Multifamily Residential, Commercial, Industrial and Research and Development projects shall be required to connect to public water systems when located within Community Regions. **Policy 5.2.1.4** directs that subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply. **Policy 5.3.1.1** directs that the creation of lots less than five acres in size in Medium-Density Residential areas relying on on-site septic systems shall only occur when a public water supply is available for domestic use. As discussed above in the *Project Issues* section, the existing and proposed water line improvements would be adequate to serve the proposed subdivision as verified by an FIL from EID.

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

**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 7.4.4.4** establishes the native oak tree canopy retention and replacement standards. The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 requires retention of 85 percent of the indigenous oak tree canopy on the subject parcel as a whole. The site contains 4.16 acres of oak canopy. Oak canopy retention of 85 percent would allow a permissible canopy take of 0.624 acres. The project proposes an initial removal of 0.291 acres of canopy due to road construction. Future proposed removal of oak tree due to parcel development plus the proposed road development would result in removal of 0.613 acres of oak canopy removal which is consistent with the 85 percent retention requirement as required by Policy 7.4.4.4. The project has been conditioned to provide an oak tree canopy replacement plan to meet the requirements of General Plan Policy 7.4.4.4, Option A.

Should identified on-site replacement area not be sufficient, the applicant shall comply with Option B prior to filling of the final map.

**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 One-Acre Residential (R1A) which permits a minimum parcel size of one acre. The proposed 1.00 to 1.45-acre parcels would conform to existing zoning and the development standards in Section 17.28.080 for minimum lot width of 100 feet, minimum parcel size of one acre, building setback requirements of 30/15/30 (front/side/rear) feet from parcel boundaries and road easements, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

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

**Design Waivers:** The applicant has requested the following design waivers: a) No on-site road improvements on existing Paradise Pines Road; b) No on-site road improvements on existing Wandering Way; c) No on-site road improvements on existing Fern Avenue; d) Allow for an outside radius reduction in the standard cul-de-sac from 50 to 40 feet to edge of pavement; e) Allow for an increase in the maximum grade of the proposed streets to a 12 percent sustained grade and in one section, not to exceed 125 feet in length, allowing a maximum grade of 15 percent; f) Allow for an increase in the maximum cross-slope of the cul-de-sac to 10 percent; and g) Allow for a reduction in the minimum road width to 20 feet for the two onsite proposed roads (proposed Sheridan Court and Helena Lane) from their intersection to their ends.

Design waivers a-c are related to on-site roads that do not provide any access to the proposed tentative map. Vehicular access restrictions were applied to ensure that in the future encroachments are not constructed off these roads that are not conditioned to be improved.

DOT and Planning staff reviewed the requested design waivers. The necessary findings for approval of a-d and g and denial of e and f are listed in Attachment 2 of the staff report. The applicant's requests and justifications are attached as Exhibit G and the DOT's response are included in Exhibit H.

## **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, it has been determined that the project would avoid any potentially significant environmental effects. Staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a 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, less 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 B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Tentative Subdivision Map
Exhibit E .....	Grading Plan
Exhibit F .....	Utility plan
Exhibit G .....	Assessor's Map
Exhibit H .....	Sierra Pines Subdivision Map A22-1
Exhibit I .....	USGS Quad
Exhibit J .....	Airphoto
Exhibit K .....	Design Waver Requests
Exhibit L .....	DOT Responses to DW Requests
Exhibit M .....	Environmental Checklist and Discussion of Impacts

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**  
**TENTATIVE MAP**  
**FILE NUMBER TM07-1446**

**I. PROJECT DESCRIPTION**

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 April 24, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative map creating twelve parcels, ranging in size from 1.00 to 1.45 acres, on a 14.71-acre site. Public water will be provided by the El Dorado Irrigation District and each lot will utilize individual septic facilities. The existing accessory buildings will be removed prior to filing the final map.

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

**II. PROJECT CONDITIONS OF APPROVAL**

2. Prior to filing the final map, an oak tree canopy replacement plan shall be submitted by the applicant to meet the requirements of General Plan Policy 7.4.4.4, Option A. Should identified on-site replacement area not be sufficient, applicant shall comply with Option B prior to filing the final map.
3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could

consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

4. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
5. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
6. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.10 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 Parks Department, and shall submit the receipt to El Dorado County Planning Services with the final map application.
7. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
8. All fees associated with the tentative subdivision map shall be paid prior to recording the final 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 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.

10. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
11. As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider'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.
12. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider 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.

### **Air Quality Management District**

12. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:

Application of water on disturbed soils and unpaved roadways a minimum of three times per day; Using track-out prevention devices at construction site access points; Stabilizing construction area exit points; Covering haul vehicles; Restricting vehicle speeds on unpaved roads to 15 miles per hour; Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust

13. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
14. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
15. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
16. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
17. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

**El Dorado County Department of Transportation**

18. 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 substantially completed to the approval 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:

<b>Table 1</b>			
<b>ROAD NAME</b>		<b>ROAD WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
Larkspur Lane (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer )	24ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP
Fern Avenue (offsite)	Modified Std Plan 101B (3"AC over 8"AB Min. or as	20ft (50 ft R/W)	No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing constraints.

	recommended by geotechnical engineer)		
Cedar Drive (offsite)	Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer)	20ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing constraints.
Helena Lane and Sheridan Court and the street serving lots 9-11 (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer)	24ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured EP to EP.

19. The applicant shall provide a turn-around at the end of Sheridan Court and the street serving lots 9-11 to the provisions of County Standard Plan 114 or as approved by the Fire District. 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.
20. The applicant shall construct encroachment from Helena Avenue onto Larkspur lane to the provisions of DISM 103C. 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.
21. The applicant shall construct encroachment from Sheridan Court and the street serving lots 9-11 onto Helena Lane to the provisions of DISM 103C. 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.
22. The applicant shall irrevocably offer to dedicate 50 feet of right-of-way along the entire frontage of the on-site portion of Larkspur Lane, Helena Lane, Sheridan Court, and the street serving lots 9-11, with the filing of the final map. This offer will be rejected by the County.
23. The applicant shall provide a 50 foot wide road and public utility easement along the on-site portion of Larkspur Lane, Helena Lane, Sheridan Court, and the street serving lots 9-11 with the filing of the final map.

24. Prior to the recordation of the final map, the applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Larkspur Drive.
25. A vehicular access restriction (VAR) shall be placed along Fern Avenue along the property frontage for lots 8, 9, and 10 with the filing of the final map.

**Standard Department of Transportation Conditions**

26. 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.
27. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
28. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
29. 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.
30. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
31. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said

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

32. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
33. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
34. 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.
35. 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.
36. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
37. 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.
38. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment

Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.

39. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
40. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
41. 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.
42. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
43. If the project disturbs more than one acre of land area (43,560 square feet), the Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

#### **El Dorado County Fire Protection District**

44. Submit review fee of \$ 300.00.
45. Fire flow for this project is 1,000 gpm @ 20 psi for two hrs.
46. Provide documentation (FIL) to show system will meet required fire flow.
47. Hydrant locations as shown on the tentative map are approved.

48. El Dorado County DOT standards may be more stringent and will supersede these requirements.

**Surveyor's Office**

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

**ATTACHMENT 2**  
**FINDINGS**  
**TENTATIVE MAP**  
**FILE NUMBER TM07-1446**

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 negative declaration together with the comments received during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG).
- 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 located at 2850 Fairlane Court, Placerville, CA.

**2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the Medium Density Residential (MDR) 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 acre with parcel sizes ranging in size from five to ten acres, and establishes areas for single family residential development in Community Regions and rural centers. The proposed 1.00 to 1.45-acre parcels conform to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.2.1, 2.1.2.2, 2.1.2.3, 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, and 7.4.4.4, concerning Rural Centers, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access and mitigation for the loss of indigenous oak tree canopy. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

### **3.0 Zoning Findings**

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots each can meet the development standards of the R1A zone district pursuant to section 17.28.080 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 Medium 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 acre.*
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. A negative declaration was prepared for the proposed parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment..*
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and El Dorado County Fire Protection Districts 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 El Dorado County 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.*

### **5.0 DESIGN WAIVER APPROVAL AND DENIAL FINDINGS**

#### **5.1 No on-site road improvements on existing Paradise Pines Road.**

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. A non vehicular access restriction which is shown on the tentative map and therefore the proposed subdivision would have no encroachments or access to Paradise Pines Road.*
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. As the proposed subdivision would not require access to Paradise Pines Road there is no nexus to require improvements.*
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division. The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.*

**5.2 No on-site road improvements on existing Wandering Way.**

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. A non vehicular access restriction which is shown on the tentative map and therefore the proposed subdivision would have no encroachments or access to Wandering Way.*
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. As the proposed subdivision would not require access to Wandering Way there is no nexus to require improvements.*
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*
- 5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division. The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.*

**5.3 No on-site road improvements on existing Fern Avenue.**

- 5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* A non vehicular access restriction which is shown on the tentative map and therefore the proposed subdivision would have no encroachments or access to the on-site portion of Fern Avenue.
- 5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* As the proposed subdivision would not require access to the on-site portion of Fern Avenue there is no nexus to require improvements.
- 5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- 5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

**5.4 Allow for an outside radius reduction in the standard cul-de-sac from 50 to 40 feet to edge of pavement.**

- 5.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced radius of the cul-de-sac will better conform to the existing topography, reduce grading, and preserve existing mature trees. In addition, the length of the two cul-de-sac streets are fairly short, about 150 feet for the southern street and about 200 feet for the northern street from the intersection.
- 5.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased cul-de-sac radius would require increased grading and unnecessary tree removal otherwise saved.
- 5.4.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The requested reduction to the standard cul-de-sac radius has been approved by the El Dorado County Fire Protection District and the El Dorado County Department of Transportation.
- 5.4.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design

waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

**5.5 Allow for an increase in the maximum grade of the proposed streets to a 12 percent sustained grade and in one section, not to exceed 125 feet in length, allowing a maximum grade of 15 percent.**

5.5.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* There are no special conditions or circumstances to the property proposed to be divided which would justify the adjustments or waivers. The El Dorado County Design Improvements Standards Manual allows for a maximum of 10 percent for development at elevations greater than 3,000 feet above sea level.

5.5.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardship in developing the property.

5.5.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* There are hazards associated with steep roads in areas of snow accumulation.

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

**5.6 Allow for an increase in the maximum cross-slope of the cul-de-sac to 10 percent.**

5.6.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* There are no special conditions or circumstances to the property proposed to be divided which would justify the adjustments or waivers. The El Dorado County Design Improvements Standards Manual allows for a maximum of 8 percent cross slope.

5.6.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardship in developing the property.

- 5.6.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* There are hazards associated with steep roads in areas of snow accumulation.
- 5.6.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.
- 5.7 Allow for a reduction in the minimum road width to 20 feet for the two onsite proposed roads (proposed Sheridan Court and Helena Lane) from their intersection to their ends.**
- 5.7.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* A reduced road width of 20 feet will better conform to the existing topography and preserve existing mature trees. The northerly street is about 200 feet long and will serve only four lots and the southerly street is about 150 feet long and will serve only three lots, or possibly four lots.
- 5.7.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased road width would require increased grading, unnecessary tree removal, and a decrease in an effective lot area.
- 5.7.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The requested reduction to the standard road width has been approved by the El Dorado County Fire Protection District and the El Dorado County Department of Transportation.
- 5.7.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.