

# EL DORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



**Agenda of:** July 24, 2008  
**Item No.:** 7  
**Staff:** Michael C. Baron

## REZONE/SUBDIVISION MAP/PLANNED DEVELOPMENT

**FILE NUMBER:** Z06-0005/TM06-1408/PD06-0006

**OWNER:** Alto, LLC

**APPLICANT:** Gary Sparks

**ENGINEER:** CTA Engineering and Surveying, Inc.

**REQUEST:**

1. Rezone from Exclusive Agriculture (AE) to Estate Residential 5-Acre, with a Planned Development Overlay (RE-5/PD);
2. Tentative Subdivision Map (Exhibit E) to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. The site encompasses 81.61 acres.

**LOCATION:** Approximately 3,000 feet northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV (Exhibit A).

**APN:** 126-100-19 (Exhibit B)

**ACREAGE:** 81.61 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)

**EXISTING ZONING:** Exclusive Agriculture (AE) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration (MND)

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** An application for a Zone Change with a request to add the Planned Development Overlay and Tentative Subdivision Map was submitted on March 9, 2006. The application was deemed incomplete for processing on March 29, 2006. Early on in processing of the project, the issue of legal access was brought to the property owners' attention and subsequently resulted in a settlement agreement in court with an adjacent property owner. Obtaining the required access added significant processing time and delays. Further information was submitted by the applicant, which completed the application on March 21, 2007. A Technical Advisory Committee (TAC) meeting was held on June 18, 2007. As a result of agency comments and General Plan issues discussed at the TAC meeting, additional map clarifications regarding Planned Development and density bonus calculations were required and received by staff at various points through June 2007. In October 2007, the project was re-assigned and it was identified that the project's biological assessment, prepared by Foothill & Associates, recommended a rare plant survey to be performed during the appropriate blooming periods of some species of rare or endangered plants. The survey would ensure whether there would be an impact to rare or endangered plants as a result of the project approval. The applicant supplied the appropriate rare plant survey on May 6, 2008. The study concluded that the project would not impact rare or endangered plants.

## **STAFF ANALYSIS**

**Project Description:** The project includes a request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5/PD) and a Tentative Map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. Access to the proposed subdivision would be from two proposed roadway connections, one to the south at Malcolm Dixon Road and another to the west from Salmon Falls Road. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for seven additional residential lots. No Design Waivers have been requested.

**Site Description:** The project site lies at an approximate elevation of between 708 and 1,012 feet above mean sea level. Topography of the property is moderately sloped and generally slopes to the west. The land is heavily vegetated with oak trees and annual grasses. Surrounding development includes single-family residential development to the east, a newly constructed home and large graded area to the south, and single-family residences with dense oak woodland to the north and west. A preliminary jurisdictional wetland delineation report indicates that the total acreage of potential jurisdictional wetlands and other waters of the United States within the project study area are 0.35 acres. The site has dense mixed oak woodland habitat with scattered areas of grassland is present on the site.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	AE	LDR	Vacant Residential
<b>North</b>	RE-10/RE-5	LDR	Residential and Vacant Residential
<b>South</b>	AE	LDR	Vacant Residential
<b>East</b>	RE-5	LDR	Residential
<b>West</b>	RE-5	LDR	Residential

**General Plan:** The following discussion describes, in detail, the General Plan Policies that apply to this project:

Density Bonus: The project includes a request to utilize the Density Bonus provision. Use of the Density Bonus provision would allow the project to provide an additional seven lots beyond that allowed within the proposed LDR land use designation. **General Plan Policy 2.2.4.1** establishes specific criteria associated with use of the Density Bonus provision. In addition to the number of base units permitted by the land use designation, one and one-half additional units may be allowed for each unit of developable land dedicated to public benefit. For this project the public benefit would be the additional open space to conserve the public view shed as well as conserve wildlife habitat. **General Plan Policy 2.2.3.2** specifically exempts bodies of water such as perennial lakes, streams and rivers from calculable developable land for the purposes of the Density Bonus provision.

The Low Density Residential land use designation permits a density range of one dwelling unit per 5-10 acres (du/a). The 81.61 acre site would yield a maximum density of 16 residential units. A total of 25.4 acres of land would be dedicated as an open space lot. This would yield a total of 25.4 acres of land eligible for the Density Bonus provision. The 25.4 acres of land would yield 5 base residential units consistent with the allowable density within the LDR land use designation and the proposed RE-5 Zone District. The Density Bonus would allow for one and one-half additional units or 7.62 additional residential units. The project request for 23 lots includes the 16.32 base residential units and the additional 7.62 Density Bonus units to the proposed 23 residential units. Therefore, the proposed 23 lot subdivision would be consistent within the LDR land use designation utilizing the Density Bonus provision. Table 1 summarizes the number of dwelling units allowed for each Zone District as well as the request for additional units using the Density Bonus provision.

<b>Acreage</b> <b>81.61 acres</b>	<b>Allowable</b> <b>Density in</b> <b>AE Zone</b> <b>District</b>	<b>Allowable</b> <b>Density in</b> <b>RE-5 Zone</b> <b>District</b>	<b>Allowable</b> <b>Units</b> <b>Using</b> <b>Density</b> <b>Bonus</b>
	Minimum 20-acre Parcels	Minimum 5- acre Parcels	1.5 Density Bonus Units
<b># of Lots</b>	4	16	23.94

Furthermore, **Policy 2.2.3.1** requires that the Planned Development (-PD) Combining Zone District provide for a minimum of 30 percent open space. As shown on the Tentative Map (Exhibit E), the project has provided for 31.12 percent open space.

<b>Parcel Size</b>	81.61 acres
<b>Required Open Space</b>	24.48 acres
<b>Proposed Open Space</b>	25.4 acres
<b>Percent Open Space Proposed</b>	31.12%

As indicated in Table 2-4, General Plan Land Use Designation and Zoning District Consistency Matrix, the proposed RE-5 Zone District would be consistent with the LDR land use designation, as required by **Policy 2.2.1.5**.

General Plan **Policy 2.2.5.3** requires that the County shall 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 that 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;*

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated May 19, 2008, states, “The District has received approval for an additional 17,000 acre-feet of water to be diverted from Folsom Lake. The State Water Resources Control Board (SWRCB) approved Permit 21 112 in 2002. The District has applied for and anticipates execution of a long term Warren Act Contract with the United States Bureau of Reclamation for the Permit 21 112 water right. Some capacity to utilize this new supply exists in the District facilities currently in place and operating. Facilities to utilize the full amount of this additional water supply are included in the District's 5-year Capital Improvement Plan and are in various phases of planning, design and construction. Additional EDU’s are expected to be available in several years.” The FIL also states that water facilities adjacent to the

project site would need to be upgraded by the applicant. The upgrades include a new booster pump that would provide minimum fire flow in order for EID to serve the project. The project has been conditioned to require annexation by LAFCO into the El Dorado Irrigation District Service Area.

2. *Availability and capacity of public treated water system;*

Discussion: As discussed above, the El Dorado Irrigation District (EID) would require the applicant to construct water facility improvements to adequately serve the project.

3. *Availability and capacity of public waste water treatment system;*

Discussion: The applicant proposes individual septic systems for each lot.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: The project site is located within the Rescue Union School District and the El Dorado Union High School District. The distance to the closest elementary school, Lake Forest Elementary, is 1.36 miles, in El Dorado Hills. The distance to the closest high school, Oak Ridge High School, is 2.47 miles, in El Dorado Hills. The affected school districts were contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

5. *Response time from the nearest fire station handling structure fires;*

Discussion: The El Dorado Hills Fire Department would be responsible for providing fire protection to the subject site upon annexation into the District. The closest fire station would be Station 84, located 2.1 miles from the project site. The project site is located within the Departments Response Zone 84b. The District was contacted as part of the initial consultation process. As such, the Department has reviewed the project and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of fire hydrants, provision of established fire flow, submittal of a fire safe plan, and construction of road improvements shown on the Tentative Subdivision Map, would satisfactorily address all fire related safety issues.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located 0.5 miles north of the Clarksville Community Region. As proposed, the project is a residential project adjacent to compatible existing residential land uses.

7. *Erosion hazard;*

Discussion: The site is moderately sloping with site development proposed to occur on grades of up to 30%. Development envelopes, access roads have been analyzed and are shown on the Tentative Subdivision Map. The applicant supplied a drainage study for review by the Department of Transportation. Drainage issues would be resolved through Conditions of Approval and Improvement Plans reviewed and approved by the Department of Transportation during the final map phase.

8. *Septic and leach field capability;*

Discussion: The proposed lots would be served by individual septic systems for each lot. A Land Capability Study dated January 26, 2007 conducted by Youngdahl Consulting Group Inc concluded that onsite wastewater disposal would be feasible. The study included requirements for proper location of the septic systems, such as boundary constraints, buffers, and disposal area requirements.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by El Dorado Irrigation District (EID) public water facilities once the property is annexed through LAFCO. No wells are proposed.

10. *Critical flora and fauna habitat areas:*

Discussion: The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is not within a Rare Plant Mitigation Area. Based on a Special Status Species Survey conducted May 1, 2008 by Northfork and Associates, there are no special status flora species that occur within the project site and no further review would be necessary. Mitigation Measures have been implemented into the project requiring a pre-construction survey to avoid taking any raptor nests.

11. *Important timber production areas:*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The General Plan Land Use Designation for the project area is Low Density Residential and the site is presently zoned Exclusive Agricultural (AE). However, there are no active agricultural pursuits within the immediate vicinity and the site itself is not used for agricultural pursuits. Thus, the site is not considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project is not located within and would not impact any important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation reviewed the submitted traffic study and concluded that the recommended conditions of approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area. El Dorado Transit has reviewed the project and had no specific conditions of approval regarding the project.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing residential land uses. The project is surrounded by the Estate Residential 5-Acre (RE-5) Zone District along the eastern, western and northern boundaries. A Rezone application to Estate Residential 5-Acre (RE-5) has also been submitted for the parcel immediately to the south of the project area. Staff has determined that the proposed project is consistent with existing land use patterns within the immediate area.

16. *Proximity to perennial water course;*

Discussion: According to the preliminary jurisdictional delineation report submitted, the total acreage of potential jurisdictional wetlands and other waters of the U.S. at the subject site are 0.35 acres. These water features include 0.11 acres of intermittent streams, 0.16 acres of ephemeral streams, and 0.08 acres of fringe wetlands. General Plan **Policy 7.3.3.4** requires a minimum setback of 50 feet from the wetlands. All wetlands and intermittent streams on the site are protected through incorporation of the required 50 foot setback, as shown on the Tentative Map.

17. *Important historical/archeological sites;*

Discussion: A Cultural Resources assessment was conducted on the project site by Michael Brandon & Associates, dated January 26, 2006. The assessment of the project site revealed three cultural resource sites that were previously recorded within ¼ mile of the project site. However, no cultural resources were found on the project site and none have been recorded within the project site. The County Grading Ordinance has protocols in place to ensure that if cultural resources are found as a result of the development, appropriate measures would be taken to mitigate any cultural resources as well as ensure consistency with General Plan **Policy 2.2.5.3**.

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture

Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area. Master CC & R's would be reviewed and recorded prior to Final Map approval.

Land Use: As previously discussed and shown in the Adjacent Land Use Table, the proposed residential project would be consistent with General Plan **Policy 2.2.5.21**. The project area is surrounded by existing residential uses that would be compatible with the proposed development.

Water Supply and Fire Flow: General Plan **Policy 5.2.1.2** requires that the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development. Upon annexation, the El Dorado Irrigation District (EID) would provide water to the subject site. EID has reviewed the proposed project and determined that the project requires construction of a new booster pump near the southwest portion of the property that would provide minimum fire flows. EID anticipates that a new water source may be available for the project after the execution of a long term Warren Act Contract with the Bureau of Reclamation (USBR). Upon annexation, completion of the required improvements, and acquisition of additional water supplies, EID would provide water to the subject site.

Fire protection services would be provided for the proposed development as required under General Plan **Policy 5.7.1.1**. The El Dorado Hills Fire Department would provide fire service to the site upon annexation. The water flows and transportation infrastructure would be provided concurrent with development sufficient to meet District requirements for fire suppression. A Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the Fire Department to ensure adequate fire protection infrastructure.

Wetlands/Intermittent Streams: Pursuant to the General Plan **Policy 7.3.3.4** a 50-foot setback is required from wetlands and intermittent streams. A Wetland Delineation was supplied by North Fork and Associates dated March 15, 2006 and concluded that there are total of 0.19 acres of wetlands (.08-acres) and intermittent streams (0.11-acres) located on the project site. All wetlands and intermittent streams shall be shown on the Final Map prior to approval. These water features are also shown on the Tentative Subdivision Map as Exhibit E. The project proposes to avoid all wetlands and provide required setbacks for intermittent streams.

Oak Tree Canopy: In order to ensure consistency with General Plan **Policy 7.4.4.4** the applicant submitted a tree canopy analysis, which determined that existing oak tree canopy at the site is 84 percent, requiring 60 percent retention of existing oak canopy cover, "Option A" of General Plan Policy 7.4.4.4. The site contains a total of 68.4 acres of oak canopy. The proposed project estimates tree removal for lot development and roadways to be 14.2 acres. The estimated tree canopy

retention after road improvements and lot development is 79.3 percent, in compliance with the General Plan policy requiring 60 percent retention. Thus, the total oak canopy loss 14.2 acres of oak woodland that would be required to be either replaced or the applicant would be required to pay into the conservation fund under “Option B” of Policy 7.4.4.4 (Table 3). Post Development Oak Tree Canopy shown on Exhibit H, Prepared by Sierra Nevada Arborists dated January 24, 2007, confirms that the project would be consistent with General Plan tree canopy retention and replacement policies.

Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage Oak Coverage Required	Percentage of Required Retention	Proposed Oak Removal (Acreage)	Percentage Retention Proposed
81.61	68.4	60%	60%	14.2	79.3%

As shown on the Tree Exhibit (Exhibit H), the project would require the removal of 14.2 acres of the onsite canopy. Development envelopes with potential driveway locations were required in order to determine the extent of oak impacts as a result of infrastructure improvements and due to future residential development of the project. The project would be required to participate in on-site replacement or a combination of offsite replacement or payment of the mitigation fee established by Option B.

Chapter 17.72 of the Zoning Ordinance establishes requirements for the implementation of General Plan Policy 7.4.4.4. Section 17.72.100 of the Ordinance allows payment of the mitigation in-lieu fee prior to issuance of a grading permit for road and infrastructure improvements and prior to issuance of any building permits for future development of the project site. A breakdown of the oak canopy impacts has been included in Table 4.

Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Canopy Removed for Residential Development (acres)
14.2	5.3	9

Mitigation Measures have been included in Attachment 1 of the Conditions of Approval requiring payment of the mitigation in-lieu fee for the road improvement impacts prior to issuance of a grading permit and an in-lieu fee for the residential impacts prior to issuance of any building permits.

**Zoning/Planned Development/Tentative Map:** The site would be rezoned from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5/PD). The Zone Change would be consistent with the Low Density Residential General Plan Land Use Designation, and the proposed lot sizes would be consistent with the proposed re-zone request.

Development Standards: Section 17.28.210 A-H of the Zoning Ordinance establishes the requirements for development within the RE-5 Zone District:

**A. Minimum lot area, five acres**

The project would create 23 residential lots ranging in size from two to three acres. All 23 of the proposed lots would be less than the minimum lot area established for the RE-5 Zone District. The reduced lot sizes would be required to allow for the clustered development using the Density Bonus Provision under General Plan Policy 2.2.4.1. As discussed above, the project would dedicate approximately 31.12 percent of the site as open space. The open space areas would avoid development impacts to oak habitat, riparian areas, and intermittent streams.

**B. No maximum building coverage.**

Future development of the residential lots would include single family residences and accessory structures. The project would not conflict with this requirement.

**C. Minimum Lot Width, one hundred feet.**

The project request is for a clustered development which would result in varying lot widths and dimensions. The proposed lots would be consistent with the minimum lot width requirements of the RE-5 Zone District.

**D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)**

The proposed setbacks would comply with the required 30 foot setback. Development envelopes have been provided as part of the Tentative Subdivision Map showing adequate development envelopes consistent with the 30 foot setback requirement.

**E. Minimum agriculture structural setbacks of fifty feet on all yards;**

As shown on the Tentative Map, the proposed setbacks would be 30 feet for the front and rear with 30 foot side setbacks. Reductions in side setbacks to 15 feet might be possible and would require approval by the El Dorado Hills Fire District during the building permit phase for development of all lots.

**F. Maximum building height, forty- five feet (45') (Ord 4236, 1992)**

Future development on each lot would require compliance with the maximum height requirements of the RE-5 Zone District.

**G. Minimum dwelling unit area, six hundred square feet of living area and two rooms:**

Future development of each lot would require compliance with the minimum dwelling unit size of the RE-5 Zone District.

**H. Location of the Parcel in Relation to Surrounding Land Use. The success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential five acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprises. Noncompatible uses are defined as, but not limited to:**

- 1. Residential structures,**
- 2. Nursing homes,**
- 3. Public and private schools,**
- 4. Playgrounds,**
- 5. Swimming pools,**
- 6. Fish ponds. (Ord. 3606 §15, 1986; Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))**

The project is not adjacent to any Agricultural zoned lands.

Conclusion: The proposed lots would not be consistent with the Development Standards of the RE-5 Zone District. However, the Planned Development application would allow for flexibility in the application of those development standards. The project would cluster the units in order to avoid impacts to the oak woodland habitat, riparian features, and intermittent streams on the project site. The clustering would result in 31.12 percent of the site remaining as three dedicated open space lots. The project meets the requirements of a Development Plan, therefore Planning Services finds the project is consistent with the Zoning Ordinance. Planned Development Findings of Approval have been included in Attachment 2.

**Tentative Map:** The Tentative Subdivision Map would create 23 individual parcels for each residential unit and three open-space lots. Parcel sizes would range from 78,147 square feet to 120,291 square feet. Three open space lots would total 25.40 acres, which includes 0.35 acres of existing wetlands and water features.

Lot Number	Gross Area (Sq. Ft.)	Net Area (Sq. Ft.)
1	107,632	79,007
2	120,291	91,731
3	96,158	70,016

4	95,314	69,535
5	89,621	65,865
6	87,268	61,697
7	99,322	73,782
8	85,746	62,317
9	86,976	63,325
10	89,905	64,359
11	95,304	65,536
12	91,828	64,723
13	89,535	64,844
14	88,992	59,454
15	100,300	64,956
16	104,900	77,364
17	87,264	63,816
18	78,147	55,746
19	110,923	84,174
20	117,142	88,978
21	92,247	60,109
22	115,253	39,108
23	90,704	59,017
Lot A	1,002,876	1,002,876
Lot B	94,720	94,720
Lot C	8,800	8,800

**Design Waivers Discussion:** As proposed, Design Waivers have not been requested for the Tentative Subdivision Map.

**Other Issues:**

Access/Circulation: The project proposes to provide access from Malcom Dixon Road across property to the south. An emergency access roadway would be provided to tie into the adjacent existing subdivision to the east with a gate only accessible by emergency services. Another future connection would be provided via an access road to the southwest corner of the project. This access road would tie into both Salmon Falls and Malcom Dixon Roads. The Department of Transportation has required a Standard Plan 101B Road, not including curb, gutter, and sidewalks for Courts A, B, & C and a Standard Plan 101C for emergency access roads. The property owner has secured appropriate access across the adjacent parcel to the south through a court settlement.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and have included standard conditions to reduce the impacts on the air quality. The standard conditions have been included in Attachment 1, as a part of the Conditions of Approval.

Construction Storm Water: The California Regional Water Quality Control Board, Central Valley Region, submitted project comments pertaining to storm water discharges associated with construction activities, post construction storm water management, and wetlands. The site is

moderately sloped with extensive grading proposed. The County Grading Ordinance addresses the potential for excessive soil runoff, in addition to construction related runoff.

Cultural Resources: A Cultural Resources Study was conducted by Michael Brandman Associates, dated January 26, 2006. The survey concluded that no resources were found within the project site and that the project would not result in impacts to cultural Resources.

El Dorado Irrigation District (EID) Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive both water and fire protection services. LAFCO requests that annexation into EID be added to the conditions of approval for the project. LAFCO has identified potential issues to be addressed within the Initial Study.

Noise: The project, during construction and earthwork, may generate temporary and intermittent noise. There are residential units on parcels adjacent to the project site and under the County's noise ordinance, construction activities and earthwork would be limited to certain hours of the day to minimize affects on nearby residences.

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

Surveyor's Office: The Surveyor's Office reviewed the proposed project and noted that survey monuments must be set and roads named through the Surveyor's Office prior to Final Map filing.

Utilities: Pacific Gas and Electric Company reviewed the proposal and had no comments.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion, attached as Exhibit I, to determine if the project has 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. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and 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.

## **RECOMMENDATION**

Staff recommends the Planning Commission make the following recommendations to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval in Attachment 1; and
3. Approve Z06-0005/TM06-1408/PD06-0006 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the modification of the project to include the conditions in Attachment 1.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2 .....Findings  
Exhibit A .....Vicinity Map  
Exhibit B .....Assessor’s Parcel Map  
Exhibit C .....General Plan Land Use Map  
Exhibit D .....Zoning Map  
Exhibit E .....Tentative Subdivision Map  
Exhibit F .....Preliminary Grading and Drainage Plan  
Exhibit G .....Slope Map  
Exhibit H .....Tree Preservation Map  
Exhibit I .....Environmental Checklist and Discussion of Impacts

**ATTACHMENT 1  
CONDITIONS OF APPROVAL**

**FILE NUMBER Z06-0005/TM06-1408/PD06-0006**

1. This Tentative Subdivision Map, Zone Change and Development Plan approval is based upon and limited to compliance with the project description, the Planning Commission exhibits marked Exhibit E, F, G, H & I, dated July 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:**

The project includes a request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5-PD) and a Tentative Map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. Access to the proposed subdivision would be from two proposed roadway connections, one to the south at the existing Malcolm Dixon Road and another to the west from Salmon Falls Road. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for seven additional residential lots. No Design Waivers have been requested.

The allowable density shall comply with Table 1 below:

<b>TABLE 1: Density Calculation</b>			
<b>Acreage 81.61 acres</b>	<b>Allowable Density within AE Zone District</b>	<b>Allowable Density in RE-5 Zone District</b>	<b>Allowable Units Using Density Bonus</b>
	Minimum 20 acre parcels	Minimum 5- acre parcels	1.5 Density Bonus Units
<b>Allowable Parcels</b>	4	16	23.94

The gross and net lot area shall comply with Table 2 below:

<b>TABLE 3: Gross and Net Lot Area</b>
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Lot Number	Gross Area (Sq. Ft.)	Net Area (Sq. Ft.)
1	107,632	79,007
2	120,291	91,731
3	96,158	70,016
4	95,314	69,535
5	89,621	65,865
6	87,268	61,697
7	99,322	73,782
8	85,746	62,317
9	86,976	63,325
10	89,905	64,359
11	95,304	65,536
12	91,828	64,723
13	89,535	64,844
14	88,992	59,454
15	100,300	64,956
16	104,900	77,364
17	87,264	63,816
18	78,147	55,746
19	110,923	84,174
20	117,142	88,978
21	92,247	60,109
22	115,253	39,108
23	90,704	59,017
Lot A	1,002,876	1,002,876
Lot B	94,720	94,720
Lot C	8,800	8,800

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 3 below:

Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Canopy Removed for Residential Development (acres)
14.2	5.3	9

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 of Approval from the Mitigated Negative Declaration**

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
  1. Halt all construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
  2. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
  3. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project would not result in a “take” of any rare, threatened, endangered or special status species.

**Monitoring:** The applicant shall provide Development Services with a letter from a qualified biologist verifying compliance, prior to issuance of a grading permit.

3. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

**Monitoring:** Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit.

4. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the

Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of a building permit (MM BIO-2).

**MONITORING:** Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

## **Project Conditions of Approval**

### **Planning Services**

5. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
6. 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. Planning Services shall verify that the fees have been paid at the time of filing the Final Map.
7. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
8. At time of final map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
9. At time of final map filing, CC & R's shall be submitted and reviewed by Planning Services.
10. The map shall be recorded and constructed in phases consistent with the phasing plan included within the Tentative Subdivision Map, Exhibit E. All Open Space (Lots A, B & C) shall be dedicated at the time of filing of the first phase of the map.
11. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
12. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
13. 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 shall cooperate fully in the defense.

14. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
15. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
16. 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.
17. 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).

#### **Environmental Management-Air Quality**

18. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
19. The applicant shall obtain and comply with all necessary permits from the Air Quality Management District prior to issuance of a grading permit.

### **Surveyor's Office**

20. 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.
21. 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.

### **El Dorado Hills Fire Department**

22. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 1,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. The District shall verify that adequate fire flow is available prior to filing the final map.
23. The project shall annex into the El Dorado Irrigation District (EID) and pay all fees associated with the annexation.
24. The developer shall install Mueller Dry Barrel fire hydrants consistent with El Dorado Irrigation District specifications for fire protection. The spacing between fire hydrants shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the El Dorado Hills Fire Department prior to filing the final map.
25. All access roadways and fire hydrants shall be installed prior to issuance of any building permit, as specified by the El Dorado Hills Fire Department Standard 103.
26. Driveways shall be designed to a maximum of 16% grade. Any driveway exceeding this requirement shall require the installation of fire sprinklers per NRPA 13D. Driveway locations and grades shall be verified by the Fire Department prior to filing the final map.
27. The applicant shall provide a Wildland Fire Safe Plan that is approved by the Fire Department Prior to filing the Final Map.
28. No traffic calming devices shall be installed that utilize a raised bump section of roadway as determined by the Fire Department.
29. All lots within the subdivision that are one acre or greater shall provide a minimum 30 foot building setback, as required by the California Fire Safe Regulations.
30. Any driveway exceeding 150 feet in length shall provide a turn around that meets or exceeds 2007 California Fire Code.

31. Minimum widths for all driveways shall be 12 feet with a vertical clearance of 15 feet. All medium to heavy vegetation within 10 feet of either side of driveways shall be thinned or removed, as determined by the Fire Department.
32. The proposed 40 foot easement dedicated to the Fire Department shall create a four way intersection at B Drive and C Court. The easement shall be 20 feet wide with a 15 foot vertical clearance and improved to an all weather surface per the 2007 California Fire Code. The roadway shall continue to the eastern property line and line up with the adjoining roadway from the Arroyo Vista Subdivision. The Department shall review and approve all plans prior to filing the final map.
33. Any dead end road shall not exceed 1,320 feet in length per the California Fire Safe Regulations. Both A and B Drives exceeds 1,320 feet and shall provide emergency access across Lot B. The Department shall review and approve all plans prior to filing the final map.

**Department of Transportation**

**PROJECT SPECIFIC CONDITIONS**

34. 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>
Malcolm Dixon Road	Std Plan 101B	40ft (60ft R/W)	Two 12 foot wide lane and 8 foot wide paved shoulder along frontage of TM06-1421 and widening as required, for turn lanes. 40 MPH Design Speed. No curb, gutter, or sidewalk
'A' & 'B' Drive,	Std Plan 101B	24ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP with 2' unpaved shoulder as shown on TM
'B' Drive North of AB Intersection, 'C' Court	Std Plan 101B	36ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP with 2' unpaved shoulder as shown on TM
Emergency Access Road	Std Plan 101C	20ft(40ft easement)	1' shoulder. 20 MPH Design Speed. All weather surface, 6" class 2 AB or equal.

35. The existing box culvert at the eastern boundary of TM06-1421 on Malcolm Dixon Road shall be reconstructed to accommodate the required improvements as specified in Condition 1 and detailed in the November 28, 2007 G.C. Wallace alignment study. The improvements shall adhere to the provisions of AASHTO and supplemented by 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.
36. The applicant shall provide at least two connections with an existing, improved public street, not to include the Emergency Access road, for the project. The accesses shall adhere to the provisions of AASHTO, supplemented by the Caltrans Highway Design Manual and Design and Improvement Standards Manual (DISM). 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.
37. The Emergency Access Road shall be located as shown on the TM and in accordance with conditions of approval specified by the Fire Department.
38. The applicant shall provide a 50 foot wide road and public utility easement for all on-site roadways Road A, B and Court C, with the appropriate slope easements, prior to the filing of the final map.
39. The applicant shall provide a 40 foot wide road and public utility easement for the Emergency Access Road with the appropriate slope easements, prior to the filing of the final map.
40. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established on the major roadway on the final map, specifically Lots 7, 12, 13, 14 and 18.
41. 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. The January 2008 preliminary grading plan indicates and therefore Lots 17, 21-23 shall have driveways rough graded. 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.

#### **STANDARD DOT CONDITIONS**

42. **Improvement Plans and Cost Estimate:** 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.

43. **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.
44. **Performance Bond:** 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.
45. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs 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, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
46. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. 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.
47. **Easements:** 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.
48. **CC&R's:** The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to edge of pavement which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.

49. 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).
50. **Construction Hours:** Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.
51. **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.
52. **Grading Permit / Plan:** 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.
53. **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.
54. **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.
55. **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.

56. **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.

57. **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.
58. **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.

59. **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.
60. **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 any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% 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.

61. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map
62. **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.

63. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

## **LAFCO**

64. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the final map.
65. The applicant shall process a request for annexation into the El Dorado Hills Fire Department for fire protection services, prior to filing the final map.

## **ATTACHMENT 2 FINDINGS**

### **FILE NUMBER Z06-0005/TM06-1408/PD06-0006**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The 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 County finds that through feasible conditions and mitigation measures 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 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 at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 General Plan Findings**

- 2.1** The proposed use and design conforms to the Low Density General Plan Land Use Designation. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, 7.3.3.4 regarding special setback for riparian areas, and 7.4.4.4 regarding oak woodlands.
- 2.2** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.
- 2.3** The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

## **3.0 Administrative Findings**

### **3.1 Tentative Subdivision Map**

#### **3.1.2 The site is physically suitable for the proposed type and density of development after rezone.**

As shown on the Tree Preservation Plan (Exhibit H), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

#### **3.1.3 The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified in Attachment 1.

**3.1.4 The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.**

As proposed, the Tentative Map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including density, access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

**3.1.5 The proposed Tentative Map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.**

As proposed, the Tentative Subdivision Map conforms with the applicable development standards outlined within the Estate Residential 5-Acre Zone District with the addition of the Planned Development Overlay (RE5-PD) and the Major Land Division Ordinance.

**Planned Development**

**The Development Plan is consistent with the General Plan.**

As outlined within the staff report and General Plan consistency findings above, the Development Plan is consistent with all applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, as well as conservation and open space.

**The proposed development is so designed to provide a desirable environment within its own boundaries.**

The proposed development plan features approximately 24.5 acres of open space. As such, the development is designed to provide a desirable environment within its own boundaries.

**Any exceptions to the standard requirements of the Zone Regulations are justified by the design or existing topography.**

A Deviation from the Residential 5-acre Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.

**The site is physically suited for the proposed use.**

The 81.61 acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

**Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.**

Public water will be provided to the project site by EID upon annexation by LAFCO into fire and water district boundaries. El Dorado Irrigation District provided a letter dated February 21, 2006 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system. Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to reflect the additional traffic to Malcom Dixon Road as well as all onsite roads. The Fire District has provided conditions of approval to reflect the addition of an emergency access road to the proposed development.

**The proposed uses do not significantly detract from the natural land and scenic values of the site.**

The project includes approximately 25.4 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

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