

EL DORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: July 24, 2008
Item No.: 8
Staff: Michael C. Baron

REZONE/SUBDIVISION MAP/PLANNED DEVELOPMENT

FILE NUMBER: Z07-0032/PD07-0019/TM07-1447/S08-0014

APPLICANT: Lebeck Young Engineering, Inc

PROPERTY OWNER: Steve & Tina Farren

ENGINEER: Lebeck Young Engineering, Inc.

REQUEST:

1. Rezone from Estate Residential Five-acre (RE-5) to Estate Residential Five-Acre, with a Planned Development Overlay (RE5-PD);
2. Tentative subdivision map (Exhibit E) to create 12 single-family lots ranging in size from 1 acre to 7.2 acres and one open space lot totaling 15.4 acres. The site encompasses 35.19 acres.

Design waivers have been requested for the following:

1. Allow Lot 4 to exceed a 3:1 depth to width ratio
 2. Allow two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A)
 3. Reduce the right-of-way width requirement to a 50 foot right-of-way in place of 60 foot right-of-way
3. Request for a special use permit to allow the construction of a private entry gate within existing County right-of-way.

LOCATION: The property is located on the east side of Salmon Falls Road, approximately 1, 700 feet north of the intersection with Green Valley Road, in the El Dorado Hills area, Supervisorial District IV (Exhibit A).

APN: 126-100-11 (Exhibit B)

ACREAGE: 35.19 acres

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

EXISTING ZONING: Estate Residential 5-acre (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (MND)

SUMMARY RECOMMENDATION: Conceptually Approve Z07-0032/PD07-0019/TM07-1447; deny S08-0014; and continue to August 14, 2008 for final approval

BACKGROUND: An application for a Zone Change with a request to add the Planned Development Overlay and Tentative Subdivision Map was submitted on June 6, 2007. The application was deemed complete for processing on August 29, 2007. In October 2007 the project was re-assigned and it was identified that the project did not include a full biological assessment of the site. The application was placed on hold due to the request for a biological survey. The project engineer was made aware of the need for a biological assessment on October 25, 2007. The Applicant's attorney made numerous requests of staff to bring the application forward lacking the biological assessment; however staff could not bring the application forward to the Planning Commission without adequate CEQA documentation. The biological assessment would determine whether there would be impacts to rare or endangered plants, animals, riparian features and intermittent streams as a result of the project approval. The biological assessment was received by staff on May 8, 2008. The biological assessment outlined ephemeral drainage on the property and also defined the high water mark for New York Creek Which is an intermittent stream running through the property. The assessment also concluded that there were no occurrences of rare or endangered plants on the site.

STAFF ANALYSIS

Project Description: The project includes a request for a Zone Change from Estate Residential Five-acre (RE-5) to Estate Residential Five-acre, with a Planned Development Overlay (RE-5/PD) and a Tentative Map to create 12 single-family lots ranging in size from 1 acre to 7.2 acres and open space lot totaling 15.4 acres. Access to the proposed subdivision would be from Salmon Falls Road for the existing residence on Lot 12 and an access roadway connecting to Uplands Drive. Design Waivers have been requested to allow Lot 4 to exceed a 3:1 depth to width ratio, allow two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A), and allow a 50 foot right-of-way in place of 60 foot right-of-way. A special use permit request is included to allow a private entry gate within the existing county road right-of-way on Uplands Drive.

Site Description: The project site lies at an approximate elevation of between 530 and 720 feet above mean sea level. Topography of the property is moderately sloped land generally slopes

downward toward New York Creek. The site has dense mixed oak woodland habitat with scattered areas of grassland. An existing single-family dwelling and accessory structures are located on the western portion of the property on Lot 12.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single-family Residential
North	RE-5/RE-10	LDR	Single-family Residential/Vacant Residential
South	R1A	MDR	Single-family Residential
East	RE-5	LDR	Single-family Residential
West	RE-10	LDR	Single-family 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 of the General Plan. Use of the Density Bonus provision would allow the project to provide an additional five 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. **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 35.46 acre site would yield a maximum density of 7 residential units. A total of 15.4 acres of land would be dedicated as an open space lot. This would yield a total of 15.4 acres of land eligible for the Density Bonus provision. The 15.4 acres of land would yield 3 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 4.62 additional residential units. The project request for 12 lots includes the 7 base residential units and the additional 4.62 Density Bonus units to equal the proposed 12 residential units. Therefore, the proposed 12 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.

TABLE 1: Density Calculation			
Acreeage	Allowable	Allowable	Allowable

35.46 acres	Density for LDR	Density in RE-5 Zone District	Units With Density Bonus
	Minimum 5-acre Parcels	Minimum 5-acre Parcels	1.5 Density Bonus Units
# of Lots	7	7	12

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 site plan (Exhibit E) the project has provided for 43 percent open space.

Parcel Size	35.46 acres
Required Open Space	10.63 acres
Proposed Open Space	15.4 acres
Percent Open Space Proposed	43%

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 February 22, 2007, states that as of January 1, 2006, there were 1,151 equivalent dwelling units (EDU’s) were available within the El Dorado Hills Water Supply region and that the project would require annexation by LAFCO into the El Dorado Irrigation District service area to receive public water services.

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

Discussion: As stated in the Facilities Improvement Letter (FIL), dated February 22, 2007, the El Dorado Irrigation District (EID) would require annexation into the District for sanitary sewer service to adequately serve the project. The letter states that there is an 8-inch water line abutting the southern property line in Uplands Drive.

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

Discussion: As stated above, the Facilities Improvement Letter (FIL), dated February 22, 2007, the El Dorado Irrigation District (EID) would require annexation into the District for sanitary sewer service to adequately serve the project. The letter states that there is a 6-inch sewer line abutting the southern property line in Uplands Drive, which would have capacity to serve the project.

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 1.4 miles, in El Dorado Hills. The distance to the closest high school, Oak Ridge High School, is 2.5 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 within 3 miles of 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 within 1 mile 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 percent. 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 public water and sanitary sewer service provided by the El Dorado Irrigation District (EID). No septic systems are being proposed

9. *Groundwater capability to support wells;*

Discussion: The project will be served by El Dorado Irrigation District (EID) public water facilities. No additional 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 and General Plan EIR define 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 April 23, 2008 by Foothill 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 Estate Residential 5-acre (RE-5). 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 will not impact an important mineral resource area.

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

Discussion: The El Dorado County Department of Transportation reviewed the project and concluded that the recommended conditions of approval, including improvements to existing roadways, as well as proposed roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area.

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 and

northern boundaries, Estate Residential 10-acre (RE-10) along the western boundary and Residential 1-acre along the southern boundary. Thus, 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: 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 the incorporation of the required 50 foot setbacks, as shown on the Tentative Map.

17. *Important historical/archeological sites;*

Discussion: A Cultural Resources assessment was conducted on the project site by Peak & Associates Inc., dated June 2007. The assessment of the project site revealed two Gold Rush Era and one Native American cultural resource sites on the property and that none have been recorded. One resource was destroyed by the construction of the existing single-family dwelling and is no longer considered significant. Two other resources have been identified within the open space lot and also located within the 50 foot required setback from intermittent streams. No development within the open space or within the 50 foot setback could occur and this would ensure that cultural resources are protected 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 and sanitary sewer service 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. In order to meet minimum fire flow requirements the project would include a fire safe plan, minimum roadway widths, and fire hydrant placement to ensure adequate fire protection.

Entry Gate: Policy 6.2.3.2 states “As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.” The El Dorado Hills Fire Protection District has conditioned the project to ensure viable ingress and egress exists for both emergency and private vehicles through the proposed gate. The Department of Transportation does not support the entry gate within the County Right-of-way and has conditioned the project to require the gate to be located within the project site or proceed with a vacation of right-of-way.

Wetlands: Pursuant to the General Plan **Policy 7.3.3.4** a 50-foot setback is required from the wetlands and New York Creek located at the site and shall be shown on the Final Map prior to approval. These water features onsite are mapped on the Tentative Subdivision Map, shown as Exhibit E. The project proposes to avoid all areas of New York Creek and impacts to wetlands.

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 approximately 75 percent, requiring 70 percent retention of existing oak canopy cover “Option A” of General Plan Policy 7.4.4.4. The site contains a total of 26.7 acres of oak canopy. The proposed project estimates tree removal for lot development and roadways to be 8.1 acres. The estimated tree canopy retention after road improvements and lot development is 78 percent, in compliance with the General Plan policy requiring 70 percent retention. Thus, the total oak canopy loss 8.1 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. Post Development Oak Tree Canopy shown on Exhibit H Prepared by Foothill and Associates 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
35.19	26.7	70%	70%	8.1	70%

As shown on the Tree Exhibit (Exhibit H), the project would require the removal of 8.1 acres of the onsite canopy. Exhibit H shows both the impacts as a result of infrastructure as well as potential impacts of single family dwellings. 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)
8.1	1.4	6.7

Conditions of Approval have been included in Attachment 1 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/Special Use Permit: The project request includes a Zone Change request to add the Planned Development Overlay, which would provide flexibility in the Development Standards of the RE-5 Zone District. The project would cluster the residential units to avoid additional impacts to the natural features of the site. The project includes a request for a Special Use Permit to allow a private entry gate to the subdivision. Chapter 17.14 contains the Miscellaneous Development Requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a Special Use Permit approval would be required by the Planning Commission.

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 12 residential lots ranging in size from 1 acre to 7.2 acres. Eleven of the proposed lots would be less than the minimum lot area established for the RE-5 zone. 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 43 percent of the site as open space. The open space area 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)

As shown on the Tentative Map, the project would require modified setbacks because of the lot depth to width ratios of some lots. The proposed front and rear setbacks would comply with the required 30 foot setback; however, the side setback would be 15 feet. Reductions in side setbacks would require approval by the El Dorado Hills Fire District during the building permit phase for development of all lots.

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 and 15 feet for the side setbacks for some lots because of the lot depth to width ratios of some lots. Reductions in side setbacks 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)

Lot 12 has an existing single family dwelling with accessory structures and no other development is proposed on the remaining lots. 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))**

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 43 percent of the site remaining as a dedicated open space lot. The project meets the requirements of a Planned Development; therefore Planning Services finds the project is consistent with the Zoning Ordinance. Planned Development Findings of Approval have been included in Attachment 2.

Design Waiver(s) Discussion: Three design waivers have been requested as part of the project:

A. Allow Lot 4 to exceed a 3:1 depth to width ratio

Given the terrain for Lot 4, a slight increase in depth to 3.5:1 would be required to meet the minimum parcel size required as well as provide adequate building area for accessory structures. The increase in lot depth would not require any variations from the development standards for future building permits.

B. Allow two 12-foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A)

The onsite road and right-of way have not been designed to comply with the County Design Manual Standards. The Department of Transportation has reviewed the Design Waiver request and has recommended denial of the request based on the width (27 ft) of the existing connector road (Uplands Drive). Design Waiver findings have been included in Attachment 2 of the staff report.

C. Reduce the right-of-way width requirement for Court A from 60 feet to 50 feet.

The onsite road and right-of way have been designed to comply with the County Design Manual Standards. The Department of Transportation has reviewed the Design Waiver request and has recommended approval of the request. Design Waiver findings have been included in Attachment 2 of the staff report.

Tentative Map: The Tentative Subdivision Map would create 12 individual parcels and one open space lot. Parcel sizes would range from 1 acre to 7.2 acres. One open space lot would total 15.4 acres, which includes an intermittent stream as well as wetland feature.

Lot Number	Acreage
1	1.2
2	1
3	1
4	1
5	1
6	1
7	1
8	1
9	1
10	1
11	1
12	1
13	7.2
Lot A	15.4

Special Use Permit: The special use permit would allow the construction of a private entry gate to the south on Uplands Drive for access to the subdivision.

Other Issues:

Access/Circulation: The project proposes to provide access by extending the existing Uplands Drive to the south. Uplands Drive currently ties into Malcom Dixon Road further to the south. Lot 12 would continue to use an existing encroachment onto Salmon Falls Road. The applicant supplied a Traffic Impact Study (Wood Rodgers August 13, 2007) to the Department of Transportation and based on the report concluded that the proposed project would not create excessive traffic. The Department of Transportation does not support Design Waiver request Number 2 and would require a Standard Plan 101B Road (28 ft. paved with 1 ft. shoulders), not including curb, gutter and sidewalks for the extension of Uplands Drive. The Department of Transportation does not support the entry gate within the County Right-of-way and has conditioned the project to require the gate to be located within the project site or proceed with a vacation of right-of-way.

Air Quality: The El Dorado County Air Quality Management District reviewed the project and has 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: Drainage/grading issues are addressed within the prepared environment document and were determined to result in a less than significant impact with the implementation of Best Management Practices (BMP) to control erosion and sedimentation. The project's Land Capability Report concluded that "Drainages that originate on or above the project site from the west and southeast drain into New York Creek, which flows from south to north through the property.

New York Creek then leaves the project site near the north property line, crosses Salmon Falls Road, and enters Folsom Lake approximately 3,000 feet to the north.

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 Tentative Map. LAFCO recommended the applicant contact LAFCO “near the end of the Tentative Subdivision Map process to inquire about annexation into” EID. LAFCO also identified potential issues to be addressed within the Initial Study.

Fire: Upon annexation, the El Dorado Hills Fire Department (EDHFD) would provide fire protection services to the site.

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 Transit 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.

Wastewater: As previously discussed, public water and sewer service will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated February 22, 2007 indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed project. Therefore, no new or expanded offsite water or wastewater facilities would be necessary to serve the proposed project. Based on this information, the project would be consistent with General Plan Policies 5.2.1.3, 5.2.1.4 and 5.3.1.1 regarding connection to public water, availability of reliable water supply and wastewater capacity.

Wetlands: A Wetlands Delineation was not prepared for the proposed project. The applicant has designed the project to avoid impacts to wetland features. Construction activities must provide a minimum 50 foot setback from the riparian features.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached as Exhibit J 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 Design Waiver requests 1 and 3 to allow Lot 4 to exceed a 3:1 ratio and to allow a 50 foot right-of-way in place of a 60 foot right-of-way.
4. Deny Design Waiver request 2 for two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A).
5. Deny S08-0014 as the required findings cannot be made as noted in Attachment 2.
6. Approve Z07-0032/TM07-1447/PD07-0019 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report 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	Post Development Oak Tree Canopy
Exhibit I	Current Applications
Exhibit J	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER Z07-0032/TM07-1447/PD07-0019

1. This tentative subdivision map, zone change, development plan, and special use permit approval is based upon and limited to compliance with the project description, the Planning Commission exhibits marked Exhibit E, F, G, H, and 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 Estate Residential Five-acre (RE-5) to Estate Residential Five-acre, with a Planned Development Overlay (RE-5/PD), a Tentative Subdivision Map to create 12 residential lots ranging in size from 1 acre to 7.2 acres and one open space lot totaling 15.4 acres. Access to the proposed subdivision would be from a roadway connection to the south at the existing Uplands Drive. A special use permit request is also included to allow an off-site private entry gate. Design waivers have been requested to allow Lot 4 to exceed a 3:1 depth to width ratio, allow two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A), and allow a 50 foot right-of-way in place of 60 foot right-of-way.

The allowable density shall comply with Table 1 below:

TABLE 1: Density Calculation			
Acreage 35.46 acres	Allowable Density for LDR	Allowable Density in RE-5 Zone District	Allowable Units With Density Bonus
	Minimum 5-acre Parcels	Minimum 5- acre Parcels	1.5 Density Bonus Units
# of Lots	7	7	12

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

Table 2 : Gross Acreage	
Lot Number	Acreage
1	1.2
2	1
3	1
4	1
5	1
6	1
7	1
8	1
9	1
10	1
11	1
12	7.2
Lot A	15.4

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:

Table 3: Oak Tree Canopy Removal Summary		
Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Canopy Removed for Residential Development (acres)
8.1	1.4	6.7

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. Prohibit 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 by the applicants biologist and with the California Department of Fish and Game to 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.

Project Conditions of Approval

Planning Services

3. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements, as shown on Exhibit H. The mitigation fee shall be paid at a 1:1 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.
4. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of individual lot development, as shown on Exhibit H. The mitigation fee shall be paid at a 1:1 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.
3. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
4. 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.

5. 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.
6. At time of final map filing, open space lots (Lot A) shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
7. At time of final map filing, CC & R's shall be submitted and reviewed by Planning Services.
8. The map shall be recorded and constructed in phases consistent with the phasing plan included within the Tentative Subdivision Map, Exhibit E. Open Space (Lots A) shall be dedicated prior to the time of filing of the first phase of the map.
9. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
10. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

12. 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 weekends and 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. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
13. 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.

14. Conditions of Approval numbers 28 through 39 shall not be applicable to the project if the Special Use Permit for entry gates is denied.

Environmental Management-Air Quality

15. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
16. 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

17. 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.
18. 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

19. 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 Fire Department shall verify that adequate fire flow is available prior to filing the final map.
20. 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.
21. 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.
22. Driveways shall not exceed 20% grade. Any driveway exceeding this requirement shall require the installation of fire sprinklers per NRPA 13D.

23. The applicant shall provide a Wildland Fire Safe Plan that is approved by the Fire Department, prior to filing the Final Map.
24. No traffic calming devices shall be installed that utilize a raised bump section of roadway, as determined by the Fire Department.
25. 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.
26. 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.
27. Entrance roads (at the gate) shall have a minimum unobstructed width of fifteen (15) feet each lane if divided, or twenty (20) feet total width if not divided. In all cases, unobstructed vertical clearance shall not be less than thirteen (13) feet six (6) inches.
28. All automatic gates shall be equipped with a “Knox” emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements.
29. All automatic gates shall also be equipped with both 3M Opticom Control device. The device shall be placed in a location allowing operation from 75 feet away.
30. Linear receiver device (approved by the Fire Department) to allow remote activation by emergency vehicles shall be programmed to operate with the Fire Department’s current transmitters.
31. Automatic gates shall be equipped with a mechanical release, as determined by the Fire Department.
32. A loop system located on the inside portion of the access roadway shall permit vehicular traffic within the gated area the ability to open the gate and exit without any special knowledge, action or codes. The loop system shall also keep the gate open as long as vehicular traffic is passing through it.
33. All automatic gates shall be designed to automatically open and remain in a fully opened position during power failures.
34. Gates creating a dead-end road in excess of one hundred fifty (150) feet in length shall be provided with approved provisions for the turning around of fire apparatus.
35. The gradient for the fire apparatus access road shall not exceed the maximum approved by the Fire Department. The intent is to provide a level landing area on either side of the

gate to allow emergency apparatus to be parked in a safe manner when it is necessary to exit the vehicle for manual gate activation.

36. In order to ensure that the gate/access control devices are properly maintained, a copy of the maintenance contract for the control device or system is required to be supplied to the El Dorado Hills Fire Department. This maintenance contract shall include a monthly testing of the control devices, an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gates shall be locked in the open position and will remain locked until such time as the maintenance contract is restored.
37. Prohibited Devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes, are prohibited. No device may be used which will delay the ingress or egress of emergency responders. The total number of vehicle access control gates or systems, through which emergency equipment must pass to reach any address, shall not exceed one.
38. Plans for the installation of automatic gates on fire apparatus shall be submitted to the El Dorado Hills Fire Department for approval prior to installation.
39. Gates and access control equipment shall not be placed into service prior to being inspected and tested by the Fire Department.
40. The number of plans required to be submitted per the direction of the Fire Department.

Department of Transportation

Project Specific Conditions

41. 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:

Table 1			
ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
Off Site extension of Uplands Drive & Court 'A'	Std Plan 101B (3"AC over 8"AB Min.)	28ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP

42. **Turn around:** The applicant shall provide a turn around at the end of the on-site access roadway to the provisions of County Standard Plan 114. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
43. **Sight Distance:** The applicant shall improve the corner sight distance at the driveway for Lot 12 that intersects Salmon Falls Road. The substandard sight distance, looking north, can be improved by the removal of roadside vegetation and grading and shall conform to the provisions of the DISM. The applicant shall obtain an encroachment permit from DOT for this sight distance improvement work, prior to the filing of the map.
44. **Guardrail:** The applicant shall place guardrail along both sides of Court 'A' adjoining the proposed retaining wall and conspan according to the provisions of the Caltrans Standard Plans and Specifications or verify that guardrail is not warranted all to the satisfaction of the EDC DOT. 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.
45. **Driveway Cuts:** 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. Attention should be given to the minimum required sight distance at all driveway encroachments. 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.
46. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate, in fee,(or verify) a minimum of 30 feet of right of way, and slope easements as necessary, along the entire frontage of the on-site portion of Salmon Falls Road, prior to the filing of the final map. This offer will be accepted by the County.

47. **Road & Public Utilities Easements:** The applicant shall provide a 50 foot wide road and public utility easement for the on -site roadway to access this site, with the appropriate slope easements, prior to the filing of the final map.
48. **Maintenance Entity:** Prior to the filing 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 Uplands Drive.

DEPARTMENT OF TRANSPORTATION STANDARD CONDITIONS

49. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
50. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
51. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
52. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
53. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
54. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
55. **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.

56. **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.
57. **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.
58. **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.
59. **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.
60. **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.
61. **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.

62. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, 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.
63. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
64. **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.

65. **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.
66. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
67. **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, 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.

68. **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.
69. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete. The proposed project is located in Fee Zone Area 8.

LAFCO

70. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the final map.
71. The applicant shall process a request for annexation into the El Dorado Hills Fire Protection District for service, prior to filing the final map.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z07-0032/TM06-1447/PD07-0019

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, 6.2.3.2 regarding adequate 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 tentative subdivision map, zone change, development plan, and special use permit 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 Post Oak Tree Development Map (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 Measure and Conditions of Approval 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.

3.2 Planned Development

3.2.1 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 15.4 acres of open space. As such, the development is designed to provide a desirable environment within its own boundaries.

3.2.3 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.

3.2.4 The site is physically suited for the proposed use.

The 35.19 acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

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

Public water and sewer service would be provided to the project site by EID. El Dorado Irrigation District provided a letter dated February 22, 2007 indicating that the project could have adequate sewer and water capacity to serve the proposed project provided additional improvements are made to the system. The Department of Transportation (DOT) has conditioned the project accordingly to reflect the additional traffic. The Fire

District has provided conditions of approval to reflect additional residential units, annexation by LAFCO, and private entry gate.

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

The project includes approximately 15.4 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

3.3 Design Waiver Approval and Denial Findings

3.3.1 Allow Lot 4 to exceed a 3:1 depth to width ratio

APPROVAL

A. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

Due to the steep topography of Lot 4 the increased lot depth would provide appropriate building envelope

B. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Strict application of the requirement for Lot 4 to meet the *El Dorado County Design and Improvement Standards* for a lot that exceeds a 3:1 depth to width ratio would reduce the potential development envelope.

C. The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

Increased lot depth to width ratio would not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

D. 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 would 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.

3.3.2 Allow two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A)

DENIAL

- A. *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The waiver request is not consistent with the El Dorado County Design and Improvement Standards Manual for road width. The Department of transportation has conditioned the project to match the road width of the connecting portion of Uplands Drive.

- B. *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* should be implemented into the project to match the existing portion of Uplands Drive.

- C. *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

A reduction in the required road widths could be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- D. *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 would 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.

3.3.3 Reduce the right-of-way width requirement to a 50 foot right-of-way in place of 60 foot right-of-way

APPROVAL

- A. *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

Requiring a 60 foot right-of way would require excessive road improvements and removal of oak canopy. A 50 foot easement would align with the existing Uplands Drive Road right-of-way.

- B. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* for road right-of-way would introduce excessive road improvements for access to parcels. A 50 foot easement would align with the existing Uplands Drive Road right-of-way.

- C. The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

A reduction in road right-of-way would not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- D. 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 would 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.

3.4 Special Use Permit

3.4.1 The issuance of the permit is consistent with the General Plan

The special use permit request would not be consistent with General Plan Policy 6.2.3.2 where a gate would hinder emergency vehicle access as well as the ability for private vehicles to evacuate the area in an emergency situation. Chapter 17.14 of the Zoning Ordinance regulates fencing and encroachments into required yards. Section 17.14.155 (E) specifically states that "Fences shall not be permitted within road easement or County road right-of-way."

3.4.2 The proposed use would not be detrimental to public health, safety or welfare, or injurious to the neighborhood.

The County cannot approve construction of a gate within County right-of-way without processing a General Vacation, where all property owners would have to agree to and provide authorization and easements for a gate on their private property. The applicant has not provided the necessary documentation, which could allow the Department of Transportation to process a General Vacation.

3.4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Section 17.14.155 (E) specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a Special Use Permit must be approved by the Planning Commission. In this case the Department of Transportation does not support the entry gate within County maintained right-of-way.