

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT  
PLANNING COMMISSION**



**Agenda of:** August 28, 2008  
**Item No.:** 7b  
**Staff:** Gordon Bell

**GENERAL PLAN AMENDMENT/REZONE/PLANNED  
DEVELOPMENT/TENTATIVE SUBDIVISION MAP**

**FILE NUMBER:** A07-0014/Z07-0045/PD07-0031/TM07-1459/Red Robin Subdivision

**APPLICANT:** Just Two Guys, Inc., 1041 Santa Barbara Court, Sacramento, CA 95816

**AGENT:** Matt Rodgers, 1041 Santa Barbara Court, Sacramento, CA 95816

**REQUEST:**

1. General Plan amendment to include the subject site within the existing Pollock Pines Community Region planning concept area to the west and to change the land use designation from Low Density Residential (LDR) to Medium Density Residential (MDR)
2. Rezone from R2A (Single-family Two-Acre Residential) to R2A-PD (Single-family Two-Acre Residential-Planned Development)
3. Development plan to allow clustering of lots and a reduction in the minimum parcel size of two acres in the R2A zone district.
4. Phased tentative subdivision map to create 20 residential lots ranging in size from 0.58 to 2.94 acres and three lettered lots as open space (totaling 13.9 acres). Phase I would encompass Lots 1 and 2, Phase II would encompass Lots 3-12, and Phase III would encompass Lots 13-20.

**LOCATION:** On the west side of Sly Park Road at the intersection with Terbekah Way, in the Pollock Pines area, Supervisorial District II. (Exhibit A)

**APN:** 079-010-49 and 079-151-27

**ACREAGE:** 45 acres

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

**ZONING:** R2A (Single family residential two-acre) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The subject tentative map, planned development, zone change and general plan amendment applications were submitted on October 23, 2007. The project was deemed complete on November 21, 2007. The project has gone through several design iterations, including requests for design waivers from road development standards, variations in access routes and road lengths, a reduction in the number of lots proposed.

### **STAFF ANALYSIS**

**Project Description:** The project request includes a General Plan amendment, rezone, planned development, and tentative map. The General Plan amendment is to change the designation from Low Density Residential to Medium Density Residential and to include the site in the Pollock Pines Community Region. The zone change request would add the Planned Development (PD) overlay to project parcels currently zoned Single-family Residential Two-Acre (R2A) to allow the flexibility of zoning development standards to allow for clustering of units and reduce minimum parcel sizes in order to avoid slopes and provide open space areas. The tentative map and development plan would create 20 residential lots ranging in size from 0.58 to 2.94 acres and three lettered lots as open space.

The three open space lots would total 13.9 acres. The proposed map would be phased, with Lots 1 & 2 being recorded first, Lots 3 through 12 being recorded second, with the development of Moreno Court. Phase 3 would record Lots 13-20, and develop Road "A".

**Site Description:** The project site is located in Pollock Pines at an elevation ranging from 3,000 to 3,200 feet above sea level. The topography consists of a central sloping ridge, a draw along the northern portion of the site, and a drainage in the southeast portion of the site that flows from northeast to southwest. Most of the project site can be characterized as steep terrain. Open pine-dominated woodland occurs on the ridgetop, with more dense woodland in the northern draw and along the south drainage. The site has been significantly altered from its native state. With the exception of the south drainage, nearly the entire shrub layer has been recently removed by heavy equipment. Plant communities onsite include Sierran Mixed Conifer Forest, a non-sensitive biological community, and White Alder Riparian Forest, a sensitive biological community located along the south drainage. Sierran Mixed Conifer Forest dominates the site. The site is located in Rare Plant Mitigation Area 2.

Soils on the site are classified in the Josephine, Mariposa, and Placer series. The soil types are Josephine silt loam (JtD), Josephine very rocky silt loam (JuE), Mariposa very rocky silt loam (MbE), Mariposa-Josephine very rocky loam (McE), and Placer diggings (PrD). Josephine very rocky silt loam and Mariposa-Josephine very rocky loam are the predominant soil types onsite.

Assessor’s Parcel 079-010-49 is undeveloped. Assessor’s Parcel 079-151-27 is developed with a single-family residence. Existing access to the site is provided via Red Robin Road and Fairglade Road. The site is surrounded by scattered single-family dwellings on medium to large lots.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	R2A	LDR	Rural residence, open space
<b>North</b>	R2A	MDR	Rural residences
<b>South</b>	R2A	MDR	Rural residences
<b>East</b>	R2A	LDR, MDR	Rural residences
<b>West</b>	R2A	MDR	Rural residences

**Discussion:** The project parcels are not located within the Pollock Pines Community Region. The community region boundary runs roughly just north, east and south of the project site. Lands to the west are sub-standard parcels (as to zoning) located outside the Community Region, and are designated as Platted Lands (PL). The proposed lotting pattern and density would be consistent with parcels to the west, north, and south of the project site.

**Access:** Primary site access would be provided via proposed Moreno Court which would connect to and encroach upon Sly Park Road (a county-maintained roadway). Moreno Court would provide access to Lots 1 and 2, and 4 through 12. Moreno Court would terminate in a cul-de-sac in the northeastern corner of the project. Proposed Road “A” would provide access to Lots 13 through 20 and would terminate in a cul-de-sac on the western portion of the project. A secondary, emergency access road would take access from this cul-de-sac and would connect to Fairglade Road. This emergency access road would be used only in case of fire and would be gated with a Knox Box. Proposed access to all lots would be consistent with fire safe standards. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan *Policy 6.2.3.2* as the El Dorado County Fire Protection District (County Fire) has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development. Mitigation measures included as conditions of approval also require an emergency access route to be provided to Red Robin Road. The access is to be created between Lots 8 and 9 and would be for emergency access only similar to the emergency access to Fairglade Road. Both emergency accesses shall be available to the surrounding community in the event of a fire event.

**Air Quality:** The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and determined that the project would have a less than significant impact on the air quality with the implementation of the mitigation measures identified within the prepared Mitigated

Negative Declaration (Exhibit M). Standard Air Quality Management District conditions of approval are included in Attachment 1.

**Circulation:** The County of El Dorado Department of Transportation (DOT) has reviewed the project and determined that the proposed subdivision does not trip the threshold of the General Plan which would require the project to prepare a traffic study. DOT has determined that the project's potential impacts would be less than significant and mitigated through the payment of Traffic Impact Mitigation (TIM) fees and implementation of conditions of approval.

DOT will be requiring that the project adhere to the use of Design Std P9/Plan 101B given that the project requests inclusion into the Pollock Pines Community Region. DOT is also requiring that emergency access to Fairglade Road be improved and maintained. DOT is also concerned about adequate sight distance on Sly Park Road where the proposed Moreno Court would connect the project to Sly Park Road. In order to ensure that no significant impacts occur, DOT is requiring left-turn channelization and right shoulder widening.

**Drainage/Grading:** The applicant has prepared a preliminary grading and drainage plan dated October 19, 2007 that addresses onsite drainage issues and grading and erosion issues associated with the proposed project. The project's Drainage Study concluded that there is one major watershed adjacent to the property that comprises 61.1 acres. Drainage from this watershed is collected in the stream located on the southerly portion of the project. In addition to that drainage there is also water sheds along the easterly edge of the southern project boundary, and along the northerly edge of the eastern boundary from approximately 3.51 acres and 1.14 acres, respectively. Drainage from these watersheds is collected in the draw located on the northerly half of the project site. Drainage improvements associated with the proposed project include new ditches parallel to the proposed roadways as well as two culverts, and six (6) small pipe and drain inlet systems crossing the proposed roadways.

The project will entail approximately 11-12 acres of land to be disturbed by grading activities in total. Major grading activities are associated with road improvements, most especially Moreno Court as it crosses the southerly stream. Proposed grading associated with home development would be less significant, as the applicant has site potential building envelopes that would avoid grading for building pads and leach fields on slopes of less than 30 percent. Conditions of approval will require the applicant to adhere to these proposed building areas.

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 and incorporation of the measures proposed by the applicant to handle drainage from the existing watersheds onsite. Conditions of approval are included in Attachment 1 that addresses standard drainage issues identified by DOT.

**Fire:** The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and would require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. Given that proposed fire flows can not be met with the current water main system, County Fire would also require sprinklering of all residences.

Emergency secondary access would be provided via an emergency access road located on the western boundary of the project site. This road would be required to be improved and maintained per DOT standards. Access would be restricted via a fire approved Knox Box or crash gate. This secondary access, while developed for the proposed project, would also provide, if the applicant agrees, an alternate emergency egress for residents along Fairglade Road, which is currently sub-standard. Conditions of approval would also require an emergency access to be provided to Red Robin Road in an effort to improve fire safety for the entire neighborhood. This access would also be available for neighborhood usage per conditions of approval. Fire issues are addressed within the project's conditions of approval.

**Land Use Compatibility:** As shown in the adjacent land use table and Exhibit D, the subject site is surrounded on three sides by residential uses with a lotting pattern and sizes consistent with the proposed project. Overall project density would be approximately one dwelling unit per 2.25 acres. This is consistent with the proposed General Plan land use designation of MDR as shown on Exhibit D, and the existing residential two acre zoning (R2A). The PD overlay proposed as part of the rezone will allow for clustering of lots and the maintenance of larger open space areas to the south and east of the project site, where existing lots are 12 and 15 acres respectively. The proposed project is also zoned residential two acre (R2A) consistent with surrounding lot sizes, which are also zoned residential two acre (R2A).

Lot sizes are generally one acre in size on the north and west of the project site, with a two acre parcel located on the southwestern corner of the project and as mentioned above a 12-acre parcel on the south and 15-acre parcel on the west.

Sufficient open space and clustering of housing units to conform to the natural topography is provided for the project consistent with Policy 2.2.3.1.

**Oak Tree Canopy:** The project site consists primarily of Sierran Mixed Conifer Forest, which means that the site is dominated by species such as Fir (*Abies* sp.), Douglas-fir (*Pseudotsuga menziesii*), and dogwood (*Cornus* sp.). Other species include pine (*Pinus* sp.), manzanita (*Arctostaphylos* sp.), and *Ceanothus*. Oak trees are scattered throughout this habitat, but pine woodland dominates the ridgetops while oak trees are present throughout the northern draw and along the southern drainage. The tree survey prepared by WRA Environmental Consultants identified 523 oak trees onsite, including 273 canyon live oak (*Quercus chrysolepis*), 4 interior live oak (*Quercus wislizenii*), and 246 California black oak (*Quercus kelloggii*). Staff has reviewed preliminary site plans that show actual locations of oak trees onsite and determined that the majority of oak trees onsite can be avoided through the establishment of building envelopes restricting development activities associated with construction (grading for building pads, roads and driveways, and utility placement). Conditions of approval require the establishment of building envelopes which would avoid oaks to the maximum extent feasible. Where oaks can not be avoided, they shall be replaced consistent with General Plan Policy 7.4.4.4., Option A or payment of fees in accordance with Option B.

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

**Schools:** The Gold Oak Union School District reviewed the project determined that the addition of students to the school district would result in a beneficial impact as enrollment has been declining over the last 14 years. School impact fees collected at time of building permit issuance would help supplement their existing school budget.

**Water Resources:** General Plan Policy 7.3.3.4 requires development projects to be set back at minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. An intermittent stream exists on the southern portion of the project site. All structural development is proposed to be set back at a minimum of 50 feet from this intermittent stream. However, a proposed roadway, Moreno Court, would cross this stream and affect approximately 0.10 acres of this wetland area. A 36-inch culvert will be installed under the proposed roadway to maintain flow under the proposed roadway. Mitigation Measures have been included as conditions of approval which will require the applicant to obtain all appropriate State and Federal permits, and restore and enhance the creek in the area of this disturbance. Other indirect impacts that may occur to the creek will also be mitigated through employment of Best Management Practices (BMPs) as required by the County’s General Plan and zoning ordinance.

**Water/ Sewage Disposal:** Public water will be provided to the project site by El Dorado Irrigation District (EID). EID provided a letter dated July 12, 2007 indicating that it has adequate existing water capacity and supplies to serve the proposed project with drinking water. However, the minimum fire flow of 1,500 gpm at 20 psi can not be met by EID without significant system upgrades. A condition of approval from County Fire has been included requiring all structures to have approved fire sprinkler systems.

Sewage disposal is proposed to be individual septic systems or a community septic system. Soil types are suitable for proposed individual septic systems and if the applicant proposes to employ a community septic system in the area of Lot “A”, all appropriate permits would be required to be obtained from the Regional Water Quality Control Board (RWQCB).

**Parks and Recreation:** As required by section 16.12.080 of the County Subdivision Ordinance and the Quimby Act, the project is required to dedicate park land or pay the fees in lieu thereof. The amount of land to be dedicated is 3.136 acres based on the equation specified in section 16.12.090.B.3 of the Subdivision Ordinance. As dedication of park land has not been proposed, an in-lieu fee will be calculated on the amount of parkland area required for the tentative map with the fee amount to be based on the fair market value established by the County’s Assessor’s Office.

**GENERAL PLAN**

The project has been reviewed in accordance with the applicable El Dorado County 2004 General Plan policies identified below and it has been determined that the project is consistent with the General Plan. The consistency analysis is provided below:

General Plan Policy	Discussion
Policy 2.1.1.6: The boundaries of existing Community Regions may be modified through the	<b>Consistent.</b> The project includes a General Plan amendment request to include the project parcels

<p>General Plan amendment process.</p>	<p>within the Pollock Pines Community Region.</p>
<p><b>Policy 2.1.1.7:</b> Development within Community Regions, as with development elsewhere in the County, may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.</p>	<p><b>Consistent.</b> The proposed project is consistent with applicable General Plan Policies as discussed in this section. Infrastructure is available to serve the project, including existing and proposed roads, utilities and other public infrastructure. The project will be required to have an approved Fire Safe Plan prior to final approval. Proposed roads will provide supplemental emergency egress for surrounding residential development in the event of a wildland fire, and will allow for ingress of fire apparatus as well on DOT approved roads.</p>
<p><b>Policy 2.2.1.2:</b> To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.  <b>MDR:</b> This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.</p>	<p><b>Potentially Consistent.</b> The project proposes a general plan amendment to MDR from LDR. The proposed MDR land use designation is consistent with surrounding land use designations which are predominantly MDR to the north, east, and south. Lands to the west are also designated MDR with a Platted Lands (PL) overlay. The PL overlay is designated for those lands as it has been determined that adequate infrastructure does not exist for these substandard lot sizes. Infrastructure is primarily related to the lack of adequate roads for ingress and egress, especially in the event of a wildland fire. The proposed project would develop roads that meet Fire Safe Standards and would provide potential emergency access routes for residents currently served by Fairglade Road. The project would also be conditioned to provide emergency access to Red Robin Road.</p> <p>Overall proposed density of the project with the PD overlay is consistent with parcel sizes of 1.00 to 5.00 acres, as the proposed density is 2.25 units per acre.</p>
<p><b>Policy 2.2.3.1:</b>The Planned Development (-PD) Combining Zone District, to be implemented through the zoning ordinance, shall allow residential, commercial, and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering uses and/or design that provide a public or common benefit, both on- and off-site, by clustering intensive land uses to minimize impact on various natural resources, avoid cultural resources where feasible, minimize public health concerns, minimize aesthetic concerns, and promote the public</p>	<p><b>Consistent:</b> The applicant proposes to implement the PD zone district as part of the project to implement measures to preserve open space, conform to natural topography, and avoid sensitive resources. To this extent, the open space area will encompass riparian/wetland areas, avoid the steeper slopes onsite, and maintain a large wildlife corridor in an effort to provide continued deer migration.</p>

<p>health, safety, and welfare. A goal statement shall accompany each application specifically stating how the proposed project meets these criteria.</p> <p>A. The major components of a Planned Development in residential projects shall include the following:</p> <p>1. Commonly owned or publicly dedicated open space lands of at least 30 percent of the total site. Within a community area, the commonly owned open space can be developed for recreational purposes such as parks, ball fields, or picnic areas. Commonly owned open space does not include space occupied by infrastructure (e.g., roads, sewer, and water treatment plants).</p> <p>2. Clustered housing units or lots designed to conform to the natural topography.</p>	
<p><b>Policy 2.2.5.2:</b> All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.</p>	<p><b>Consistent.</b> The subject site is surrounded by low and medium density residential uses. The lotting pattern and density are consistent with the surrounding area which is entirely within the Pollock Pines Community Region. Therefore, the proposed subdivision is compatible within the context of these surrounding land uses pursuant to General Plan Policy 2.2.5.2.</p>
<p><b>Policy 2.2.5.3:</b> 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.</p>	<p><b>Consistent.</b> The project has been evaluated per the criteria in Policy 2.2.5.3. See following section for a discussion of the project’s consistency with these criteria.</p>
<p><b>Policy 2.2.5.21:</b> Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.</p>	<p><b>Consistent.</b> The proposed project has been designed in such a manner that will avoid incompatibility with surrounding land uses. Proposed Open Space Lot “A” is located adjacent to large lots to the south and east, and all lots included within the development are similar in size to surrounding lots to the north, west, and southwest of the project site. Many of the lots surrounding the development are smaller than that which would be allowed under current General Plan Land Use Designations.</p>
<p><b>Policy 2.9.1.3:</b> The normal procedure for increasing or decreasing development potential may be by amendment of the Plan at five year</p>	<p><b>Consistent.</b> The applicant has submitted a General Plan Amendment pursuant to this policy, as the General Plan review for this area is not due for</p>



<p>intervals as specified in Policy 2.9.1.2. This measure shall not preclude any property owner in El Dorado County from requesting a General Plan amendment upon submission of the required application.</p>	<p>another 2 years.</p>
<p><b>Policy 2.9.1.4:</b> The boundaries of Community Regions and Rural Centers may be changed and/or expanded every five years through the General Plan review process as specified in Policy 2.9.1.2.</p>	<p><b>Potentially Consistent.</b> Pursuant to Policy 2.9.1.3, the property owner has the right to request a General Plan amendment to expand the community region even though the five-year period since the adoption of the General Plan has not elapsed.</p>
<p><b>Policy TC-Xa.5:</b> Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.</p>	<p><b>Consistent.</b> The El Dorado County Department of Transportation has reviewed the project and recommended mitigations to protect the public's health and safety, including left turn channelization and right shoulder widening as well as maintenance of adequate sight distances on Sly Park Road. The DOT has found no other impacts related to the project with adherence to standard and project specific conditions of approval.</p>
<p><b>Policy TC-Xb:</b> To ensure that potential development in the County does not exceed available roadway capacity, the County shall:          C. Review development proposals to ensure that the development would not generate traffic in excess of that contemplated by the Capital Improvement Program for the next ten years or cause levels of service on any affected roadway segments to fall below the levels specified in this plan.</p>	<p><b>Consistent.</b> The County has reviewed the proposed project and it will not cause any affected roadways to fall below levels of service specified in the CIP.</p>
<p><b>Policy TC-Xd.</b> Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2 or, after December 31, 2008, Table TC-3. The volume to capacity ratio of the roadway segments listed in Tables TC-2 and TC-3 as applicable shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.</p>	<p><b>Consistent.</b> The project would have no impact on area roadways as determined by the El Dorado County Department of Transportation based upon predicted traffic volumes associated with the proposed project.</p>
<p><b>Policy 5.1.2.3.</b> New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the</p>	<p><b>Consistent.</b> The project will be required to pay its proportionate share of the costs of infrastructure.</p>

<p>project to the extent permitted by State law. Lack of available public or private services or adequate infrastructure to serve the project which cannot be satisfactorily mitigated shall be grounds for denial of any project or cause for the reduction of size, density, and/or intensity otherwise indicated on the General Plan land use map to the extent allowed by State law.</p>	
<p><b>Policy 5.2.1.2:</b> An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.</p>	<p><b>Consistent.</b> The El Dorado Irrigation District (EID) has determined that there is adequate water supply to serve the proposed project. Sprinklering of residences will be required for fire protection as adequate pressure doesn't exist for fire protection.</p>
<p><b>Policy 5.2.1.4:</b> Rezoning and subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.</p>	<p><b>Consistent.</b> The EID has determined that an adequate water supply exists to serve the project.</p>
<p><b>Policy 5.3.1.2:</b> The creation of lots less than five acres in size in Medium-Density Residential areas relying on on-site septic systems shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than five acres.</p>	<p><b>Consistent.</b> The proposed project will be served by public water.</p>
<p><b>Policy 5.3.2.2:</b> Alternative rural wastewater systems should be reviewed by Environmental Management to determine applicability in El Dorado County. Any applicable systems shall be included in the County Zoning Ordinance.</p>	<p><b>Consistent.</b> Proposed wastewater systems, whether a community system or individual systems, will be reviewed by El Dorado County Environmental Management and the Regional Water Quality Control Board if a community system is proposed.</p>
<p><b>Policy 5.7.2.1:</b> Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.</p>	<p><b>Consistent.</b> The project has been reviewed by the El Dorado County Fire Protection District and will be required to meet all conditions of approval imposed by the District.</p>
<p><b>Policy 5.8.1.1:</b> School districts affected by a proposed development shall be relied on to evaluate the development's adverse impacts on school facilities or the demand therefor. No development that will result in such impacts shall be approved unless:</p> <ol style="list-style-type: none"> <li>1. To the extent allowed by State law, the applicant and the appropriate school district(s) have entered into a written agreement regarding the mitigation of impacts to school facilities; or</li> </ol>	<p><b>Consistent.</b> The Gold Oak Union School District has reviewed the proposed project and determined that the influx of additional students will be a net benefit given the declining enrollment over the last 14 years.</p>

<p>2. The impacts to school facilities resulting from the development are mitigated, through conditions of approval, to the greatest extent allowed by State law.</p>	
<p><b>Policy 6.2.2.2:</b> The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.</p>	<p><b>Consistent.</b> The project will be required to provide a Fire Safe Plan prior to final map approval. Conditions of approval and roadways incorporated into the project design would result in an overall benefit to the existing residences located on Red Robin Road and Fairglade Road, as emergency ingress and egress would be provided to Sly Park Road as part of the project.</p>
<p><b>Policy 6.2.3.1:</b> As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.</p>	<p><b>Consistent.</b> The project has been reviewed by the El Dorado Fire Protection District and conditioned accordingly to ensure that all State and local fire district standards have been met.</p>
<p><b>Policy 6.2.3.2:</b> 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.</p>	<p><b>Consistent.</b> Adequate access will be provided by the project in excess of Fire Department requirements. Two points of gated emergency access are to be required of the project in order to ensure that fire hazards are not exacerbated by the proposed project.</p>
<p><b>Policy 7.1.2.1:</b> Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.</p>	<p><b>Consistent.</b> Structural development on slopes of 30 percent or greater is prohibited per the conditions of approval and consistent with designated building envelopes. Roads, utilities and driveways are allowed to cross 30 percent slopes with inclusion of measures to prevent erosion both during and after construction.</p>
<p><b>Policy 7.3.3.4:</b> The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.</p> <p>Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when</p>	<p><b>Consistent.</b> The project will maintain structural setbacks from wetland/riparian areas onsite. However, road construction associated with Moreno Court will intrude upon riparian/wetland areas associated with the ephemeral stream on the southern portion of the property.</p> <p>Mitigation measures and conditions of approval requiring creek enhancement/restoration and incorporation of BMPs to reduce erosion and sedimentation have been included as part of the project.</p>

<p>appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.</p>	
<p><b>Policy 7.3.3.5:</b> Rivers, streams, lakes and ponds, and wetlands shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.</p>	<p><b>Consistent.</b> The project is incorporating the ephemeral stream located on the southern portion of the site into an approximately 13-acre open space area that will maintain the aesthetic and natural character of the site while preserving the resource.</p>
<p><b>Policy 7.4.1.6:</b> All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).</p>	<p><b>Consistent.</b> The project is located on the edge of a deer migration corridor. The area surrounding the property is surrounded by medium density residential development which has already fragmented the corridor, with the exception of a pond and riparian area which does provide some habitat value and respite for deer in this area. In order to maintain availability of this corridor, the project has incorporated the existing riparian area and least disturbed area into an open space lot. The proposed 13-acre open space area would continue to provide for a deer migration area for deer migrating from the high country to the east.</p>
<p><b>Policy 7.4.2.1:</b> To the extent feasible in light of other General Plan policies and to the extent permitted by State law, the County of El Dorado will protect identified critical fish and wildlife habitat, as identified on the Important Biological Resources Map maintained at the Planning Department, through any of the following techniques: utilization of open space, Natural Resource land use designation, clustering, large lot design, setbacks, etc.....</p>	<p><b>Consistent.</b> The project has incorporated open space area and utilized clustering to maintain a habitat area for migrating deer and avoiding the white alder riparian area that is a sensitive habitat. Mitigation measures requiring creek restoration and/or enhancement have been included as conditions of approval.</p>
<p><b>Policy 7.4.2.2:</b> Where critical wildlife areas and migration corridors are identified during review of projects, the County shall protect the resources from degradation by requiring all portions of the project site that contain or influence said areas to be retained as non- disturbed natural areas through mandatory clustered development on suitable portions of the project site or other means such as density transfers if clustering cannot be achieved. The setback distance for designated or protected migration corridors shall be determined as part of the project’s environmental analysis. The intent and emphasis of the Open Space</p>	<p><b>Consistent.</b> As discussed above, the project is located on the edge of a deer migration corridor. The project has utilized clustering to avoid damage to the most important habitat on site which is the stream located on the southern portion of the property. This stream is connected to wetland areas to the east and also provides a travel corridor to forest areas located east of the project. This area is incorporated into an Open Space lot which will continue to provide habitat value.</p>

<p>land use designation and of the nondisturbance policy is to ensure continued viability of contiguous or interdependent habitat areas and the preservation of all movement corridors between related habitats. The intent of mandatory clustering is to provide a mechanism for natural resource protection while allowing appropriate development of private property. Horticultural and grazing projects on agriculturally designated lands are exempt from the restrictions placed on disturbance of natural areas when utilizing “Best Management Practices” (BMPs) recommended by the County Agricultural Commission and adopted by the Board of Supervisors when not subject to Policy 7.1.2.7.</p>	
<p><b>Policy 7.4.4.3:</b> Utilize the clustering of development to retain the largest contiguous areas possible in wildland (undeveloped) status.</p>	<p><b>Consistent.</b> The project has utilized clustering to maintain contiguous wildland in the area.</p>
<p><b>Policy 7.4.4.4:</b> For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County’s Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.</p>	<p><b>Consistent.</b> The applicant is required to establish building envelopes which avoid oak trees to the maximum extent feasible. Where oaks can not feasibly be avoided, the applicant is required to prepare a tree replacement plan pursuant to General Plan Policy 7.4.4.4 and implement said replacement of oak trees. Sufficient area shall be set aside within Proposed Open Space Lot “A” to allow for said replacement pursuant to conditions of approval.</p> <p>As an alternative, the applicant can implement Option B of General Plan Policy 7.4.4.4, which allows for payment of in-lieu fees pursuant to the Oak Woodland Management Plan.</p>
<p><b>Policy 7.5.1.3:</b> Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California, Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.</p>	<p><b>Consistent.</b> A cultural resource study was prepared for the project and did not identify any significant cultural resources on or adjacent to the project site.</p>

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

**Rezone:** The project request includes a rezone which pursuant to **General Plan Policy 2.2.5.3** requires that the following criteria to be evaluated prior to approval of a Rezone request:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: The project would not utilize EID water. The District has indicated that it has adequate capacity to serve the project with existing water mains.

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

Discussion: The project would not connect to public treated water systems.

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

Discussion: The project would not connect to public wastewater treatment systems.

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

Discussion: The project site is located within the Gold Oak Union School District. The District has indicated that enrollment has been declining over the last 14 years, and that increased enrollment from the proposed project would be a benefit to the District. Prior to building permit issuance for each of the proposed lots, payment of school fees would be required.

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

Discussion: The project site is located within the El Dorado County Fire Protection District. The nearest fire station, Fire Station 19, is located in Pleasant Valley at 4429 Pleasant Valley Road, approximately 3.5 miles from the project site. The District has reviewed the project and has determined with the required conditions of approval, the District would be able to provide adequate fire protection to the site.

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

Discussion: The closest Community Region is the Pollock Pines Community Region, which abuts the project site. Commercial services available within the Pollock Pines Community Region are located approximately 8 miles northeast of the project. The closest rural center is Pleasant Valley, which maintains neighborhood commercial services comparable to Pollock Pines, is located approximately 3.5 miles west of the project site at the intersection of Sly Park Road and Mt. Aukum Road.

7. *Erosion hazard;*

Discussion: The grading necessary for the onsite and offsite road improvements and building pads would be required to comply with applicable grading and erosion control policies established by the County. The Department of Transportation would review the grading plans to verify conformance with established policy. Adherence to these rules would ensure that erosion hazards would be prevented. In addition, building envelopes have been designated that would prohibit grading on slopes on 30 percent slopes or greater, further reducing potential erosion hazards.

8. *Septic and leach field capability;*

Discussion: The project would be served by private septic wastewater facilities on individual lots. Each lot owner would be required to obtain approval El Dorado County Department of Environmental Health prior to issuance of building permits. Preliminary soils investigations indicate that soils onsite are capable of providing adequate wastewater disposal. Alternatively, the applicant may implement a community wastewater disposal system onsite. The applicant will be required to obtain all appropriate permits from the Regional Water Quality Control Board if this option is selected.

9. *Groundwater capability to support wells;*

Discussion: The project would be served by a public water system. The El Dorado Irrigation District has indicated that they have the capacity to serve the proposed project (letter dated July 12, 2007).

10. *Critical flora and fauna habitat areas;*

Discussion: The project site is located within rare plant mitigation area 2 and will be required to pay appropriate fees. A biological study prepared for the proposed project identified potential wetlands onsite. The majority of the project would avoid these wetlands with the exception of road development. Mitigation has been required, including wetland/creek restoration and/or enhancement, to mitigate impacts to less than significant levels. In addition, the applicant will be required to obtain all appropriate state and federal permits from the Regional Water Quality Control Board, Department of Fish and Game, and U.S. Army Corps of Engineers.

11. *Important timber production areas;*

Discussion: The project site does not contain or is adjacent to any important timber production areas.

12. *Important agricultural areas;*

Discussion: The project site is not located adjacent to any important agricultural areas. The project site is entirely surrounded by rural residential development and isolated from other agricultural areas by roads and other development.

13. *Important mineral resource areas;*

Discussion: The project site does not contain or is located adjacent to any important mineral resource areas.

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

Discussion: The Department of Transportation has reviewed and determined that completion of the required road improvements and payment of Traffic Impact Mitigation Fees prior to building permit issuance would reduce impacts to the existing traffic system in the area. There are currently no capacity issues on the area roadways, nor are any future impacts anticipated.

15. *Existing land use pattern;*

Discussion: The project site is surrounded by land designated and utilized for medium density rural residential uses. The proposed rezone would be entirely consistent with that land use pattern.

16. *Proximity to perennial water course;*

Discussion: There are no perennial water courses on the project site or in the immediate vicinity of the project site. The closest perennial water source is Clear Creek, located approximately ¾-mile from the project site.

17. *Important historical/archeological sites;*

A Cultural Resources Records search was performed for the proposed project. The study did not identify any cultural resources, either historic or pre-historic within the project vicinity.

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

Discussion: The project site does not contain or is adjacent to seismic hazards or active faults. Adherence to standard construction practices would prevent any seismic related hazards.

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

Discussion: The project parcels do not have any existing CC&Rs. CC&Rs would be required for the maintenance of the onsite roads and preservation of the proposed open space lots. The CC&Rs would require review and approval from DOT and Planning Services.

## **ZONING**

The proposed subdivision contains 20 residential lots which are consistent with the development standards identified within the proposed zoning district, R2A-PD, outlined in Section 17.28.300 of the Zoning Ordinance, except for minimum lot size. Proposed lot sizes range from 0.58 acres to 2.94 acres with 13 of the 20 lots being less than the two-acre minimum within the R2A zone district. The reduced lot sizes would be required to allow for the clustered development proposed. Proposed deviations from the development standards are discussed in the planned development section below.



## **DEVELOPMENT PLAN**

The applicant has requested a planned development zoning overlay to be placed upon the project in order to allow for clustering of lots and reduced minimum parcel sizes through the submittal of a development plan. The purpose of the clustering is to avoid sensitive resources onsite and to take into consideration topographical constraints. Residential lots range in size from 0.58 acres to 2.94 acres. Lots will still remain consistent with development standards of the zone district with the exception of minimum lot size.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on air quality, biological resources, hazards/hazardous materials, and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

**NOTE:** 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.<sup>75</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.<sup>00</sup> recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.<sup>75</sup> 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 recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve General Plan Amendment A07-0014 and Rezone Z07-0045 based on the findings in Attachment 2;
4. Conditionally approve development plan application PD07-0031, tentative subdivision map application TM07-1459, and adopting the development plan as the official development plan, subject to the conditions in Attachment 1, based on the findings in Attachment 2.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2 .....Findings  
Attachment 3 .....Other Standard Subdivision Requirements of Law

Exhibit A .....Vicinity Map  
Exhibit B .....General Plan Land Use Designation  
Exhibit C .....Zoning Map  
Exhibit C .....General Plan Land Use Map  
Exhibit D .....Aerial Photos Showing Project Boundaries and  
Surrounding Lotting Pattern  
Exhibit E .....Aerial Photo Showing Proposed Lot Layout  
Exhibit F .....Site Plan/Tract Map  
Exhibit G .....Lot Layout/Constraints Map  
Exhibit H .....Preliminary Grading Plan  
Exhibit I .....Mitigated Negative Declaration

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

FILE NUMBER A 07-0014/Z 07-0045/PD 07-0031/TM 07-1459

### MITIGATION MEASURES

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

1. **MM AQ-1:** A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the El Dorado County Air Pollution Control District (APCD) with appropriate fees and approved by the APCD prior to start of project construction.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

2. **MM BIO-1:** If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.*

3. **MM BIO-2:** An on-site pre-construction focused bat roost survey shall be conducted prior to project implementation. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active roosts are found on or

immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.*

4. **MM Bio-3:** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. Prior to issuance of grading and building permits the applicant must receive all necessary permits from California Department of Fish and Game.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

5. **MM Bio-4:** Prior to approval of permits for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity within the south stream drainage area. A copy of the 404 permit or waiver shall be submitted to El Dorado County Planning Services prior to issuance of grading and building permits.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

6. **MM Bio-5:** The applicant shall implement a revegetation and/or creek restoration plan for disturbed areas within the south stream. The plan shall utilize native, fast growing, vining plants that will quickly cover the drainage structures/culverts, and thrive in a rocky environment. Local native species shall be utilized first. Species selection shall be dependent upon the nature of the habitat and shall be analyzed by a qualified biologist. The revegetation and/or creek restoration plan for proposed drainage structures shall be submitted to and approved by El Dorado County Planning Services prior to approval of Grading and Building Permits.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

7. **MM Bio-6:** Fencing shall be limited to four feet in height within the subdivision. This condition shall be recorded with the final map and included in the CC&Rs.

*Timing/Implementation: Prior to issuance of building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

8. **MM Bio-7:** All grading, improvement, and building plans shall state: "It is the applicant and contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water act for all on-site impacts. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction."

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

9. **MM Bio-8:** The applicant shall designate building/development envelopes on all proposed lots with the intent of avoiding establishment of building pads or structures on all slope in excess of 30 percent or greater, avoiding grading activities on slopes in excess of 30 percent or greater (driveways/roads/utilities may be allowed to cross 30 percent slopes if no other route is feasible), and avoiding oak and other heritage trees to the maximum extent feasible. Once designated, no development or earth disturbance shall occur outside of these areas. Construction equipment operation shall be confined to the approved development envelopes. Prior to final map recordation, a Notice to Property Owner (NTPO) stating this limitation and including a figure depicting the development envelope location shall be recorded with the County Clerk-Recorder. The development envelope shall be shown on all plans submitted for land use and building permits. Development envelope boundaries shall be staked in the field.

*Timing/Implementation: Prior to recordation of the final map the applicant shall prepare an exhibit for review and approval by Planning Services. The exhibit shall include the location of surveyed trees (including tree types) and indicate all areas of 30 percent or greater slopes.*

*Enforcement/Monitoring: El Dorado County Planning Services*

10. **MM Bio-9:** Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of any of the following options will reduce impacts to a less than significant level:
- a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.
  - b. Payment of all fees required under Option B of General Plan Policy 7.4.4.4 to the county's Integrated Natural Resources Management Plan (INRMP). Payment of fees shall be at a migration ratio of 2:1 and based on all impacted oak woodland acreage. Payment of fees shall be in accordance with the Oak Woodland Management Plan and approval of Planning Services.

***Timing/Implementation: Prior to issuance of grading and building permits***

*Enforcement/Monitoring: El Dorado County Planning Services*

11. **MM Bio-10:** If option a. above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the replanted oak saplings and/or oak acorns for this project.

*Timing/Implementation: Prior to issuance of occupancy permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

12. **MM Bio-11:** If option a. above is utilized, Covenants, Conditions, and Restrictions (CCRs)

shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CCRs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the replanted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

13. **MM Bio-12:** A conservation easement, consistent with designated Lot “A” on the tentative map, shall be designated on the tentative map for the purpose of providing an area for the replacement of oak trees disturbed or removed consistent with Option A of General Plan Policy 7.4.4.4. This conservation easement shall be recorded prior to filing of the parcel map. The conservation easement may be modified subject to review and approval by Planning Services with appropriate documentation from the property owner in the form of a oak tree canopy report and tree replacement and preservation plan prepared by a certified project arborist or qualified biologist. The plan shall evaluate potential impacts of future development activities within designated building envelopes and determine the appropriate size of the conservation area within the proposed open space area (Lot “A”). Modification of the conservation easement will require formal application to El Dorado County Planning Services for a map revision.

*Timing/Implementation: Prior to filing of the parcel map the applicant shall provide an “Oak Tree Canopy Report and Tree Replacement and Preservation Plan” to Planning Services for review and approval. The plan shall evaluate the impacts of proposed building envelopes on oak trees throughout the site and calculate appropriate replacement strategies and designate an appropriate area within Lot “A” for future oak tree replacement. The report shall include an exhibit to be incorporated into the final map as an “Oak Tree Replacement Area/Conservation Easement”.*

*Enforcement/Monitoring: El Dorado County Planning Services*

14. **MM-Haz-1:** The applicant shall designate an emergency access road between proposed Lots 8 and 9 from the cul-de-sac on Moreno Road to Red Robin Road. The emergency access road shall be of adequate width to provide emergency

ingress and egress. The road shall not be available for through access and shall be gated with a “crash gate” or other Fire Department approved emergency access gate or Knox Box. The road shall be maintained in passable condition by the HOA, but need not be paved with an all-weather surface.

*Timing/Implementation: Prior to filing of the parcel map the applicant shall provide modifications to the site plan to show the proposed emergency access road. El Dorado Planning Services and the El Dorado County Fire Protection District shall review proposed plans for adequacy.*

*Enforcement/Monitoring: El Dorado County Planning Services*

## CONDITIONS OF APPROVAL

15. The project, as approved, consists of the following:

This General Plan land use designation amendment, rezone, planned development and tentative subdivision map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A-I (General Plan amendment/Rezone/Planned Development/Tentative Map) dated August 14, 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.

**Project Description:** Approval of this project allows the following: The General Plan amendment is to change the designation from Low Density Residential to Medium Density Residential on Assessor’s Parcels 079-010-49 & 079-151-27 totaling 45 acres and to include the site in the Pollock Pines Community Region. The zone change request would add the Planned Development (PD) overlay to project parcels currently zoned Single-family Residential Two-Acre (R2A). The tentative map and development plan would create 20 residential lots ranging in size from 0.58 to 2.94 acres and three lettered lots (A, B, C) as open space. The three open space lots would total 13.9 acres. The proposed map would be phased, with Lots 1 & 2 being recorded first, Lots 3 through 12 being recorded second, with the development of Moreno Court. Phase 3 would record Lots 13-20, and develop Road “A”.

16. All site improvements shall conform to Exhibits D-H.
17. Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for



these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.

18. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
19. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado County Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. If fire flows can not be met, all habitable structures shall be sprinklered in accordance with Fire Department requirements. This condition shall be included in the CC&Rs for the project.
20. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
21. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
22. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
23. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
24. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including

the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in a amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

25. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.<sup>00</sup> per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.<sup>00</sup> as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation. (NOTE: Not applicable unless application includes a zone change)

**El Dorado County Department of Transportation**

**Project Specific DOT Conditions**

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

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH*</b>	<b>RIGHT OF WAY</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS/NOTES</b>
<i>Road A, B, C, D, and Moreno Ct (onsite)</i>	<i>Std Plan 101B (3" AC paving on 8"AB)</i>	<i>28 ft / 1 ft shoulders</i>	<i>50ft</i>	<i>25 mph</i>	<i>No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP</i>
<i>Fairglade Road (onsite from proposed roadway to Fairglade Road)</i>	<i>Std Plan 101C to minimum fire safe standards as approved by the Fire Department</i>	<i>18ft 1ft shoulders</i>	<i>30 ft</i>		<i>No curb, gutter, or sidewalk, road width is measured EP to EP.</i>
<i>Sly Park Road (onsite project)</i>	<i>Std Plan 101C (4"AC over 8"AB)</i>	<i>22ft 6 ft</i>	<i>60ft</i>	<i>55 mph</i>	<i>No curb, gutter, or sidewalk, road width is</i>

<i>frontage)</i>	<i>Minimum)</i>	<i>shoulders</i>	<i>measured EP to EP.</i>
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\*Road width is measured from curb-face to curb-face (traveled way).

27. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Sly Park Road to Moreno Court/Terbekah Way to the provisions of County Design Std **103D**, or as required by the approved traffic study. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
  
28. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee any additional right of way along the entire project frontage of Sly Park Road, as determined by EDC DOT, prior to the filing of the map. This offer will be accepted by the County.
  
29. **Roadway Intersections:** Pursuant to Sec 3.B.2 of the DISM, all roadways shall intersect as nearly as possible at right angles and shall not intersect at less than 70 degrees.
  
30. **Sight Distance:** (Terbekah/Moreno and Sly Park Intersection) The sight distance for a vehicle at 15-ft from the edge of traveled way of Sly Park Road shall be a minimum of 550-ft in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant prior to improvement plan approval.
  
31. **Left Turn Channelization / Right Shoulder widening:** If the required site distance cannot be met at the Terbekah/Moreno & Sly Park intersection, the applicant shall design and construct either a 14-foot wide left turn pocket or two-way left turn lane on Sly Park Road, according to the provisions of the Caltrans Highway Design Manual and/or AASHTO. Additionally, a right-shoulder widening with taper shall be installed to allow for right turn movements into the project that would not impede the flow of traffic on Sly Park Road. The improvements shall be completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.
  
32. **Turnaround:** The applicant shall provide a turn around at the end of all roadways serving more than one parcel to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
  
33. **Driveway Restrictions:** All proposed driveway easements shall only provide access to one parcel. Once a driveway provides access to two or more parcels, it shall be considered a roadway and shall be built to roadway standards. Prior to filing of the map, restrictions shall be placed on the map, where appropriate, restricting access to the driveway easement to only

one parcel. This can be accomplished by placing hash marks along the side of the proposed driveway easements indicating vehicular access restrictions.

### **Standard DOT Conditions**

34. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
35. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for all on-site access roadways prior to the filing of the parcel map.
36. **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.
37. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
38. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
39. **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).
40. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
41. **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.
42. **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.

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. **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.
45. **Grading Permit / Plan:** A residential grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
46. **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.
47. **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.
48. **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.

49. **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.
  - The ultimate drainage outfall of the project.
50. **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.
51. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and on the final map.
52. **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.
53. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the

subdivider 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 subdivider 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.

54. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider 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 subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

55. **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.
56. **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.
57. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

### **El Dorado County Surveyor's Office**

58. 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 surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
59. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

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

60. Submit a review fee of \$300.00.
61. Fire flow for this project is 1000 gpm @ 20 psi for two hours with a hydrant within 500 feet (by road) of all parcels. If fire flows can not be met, all habitable structures shall be sprinklered.
62. A deed restriction for an El Dorado County Fire District and a CDF approved Fire Safe Plan shall be prepared. The plan shall be reviewed and approved the El Dorado County Fire Protection District and the CDF.
63. Existing non-conforming access roads serving the project will at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads.
64. Emergency access roads shall be upgraded to the Fire Safe standards and shall be gated with a fire department approved crash gate or Knox Box.
65. The above requirements to be completed prior to the final map.

### **El Dorado County Environmental Management – Air Quality Management**

66. Burning of wastes that result from “Land Development Clearing” must be permitted through **District Rule 300 Open Burning**. Only vegetative waste materials may be disposed of using an outdoor fire.
67. Project construction involving the application of architectural coatings shall adhere to **District Rule 215 Architectural Coatings**.
68. Project construction will involve road development and shall adhere to **District Rule 224 Cutback and Emulsified Asphalt Paving Materials**.



69. The following measures shall be utilized to reduce impacts on air quality from equipment exhaust emissions:
- Use low-emission on-site mobile construction equipment.
  - Maintain equipment in tune per manufacturer specifications.
  - Retard diesel engine injection timing by two to four degrees.
  - Use electricity from power poles rather than temporary gasoline or diesel generators.
  - Use reformulated low-emission diesel fuel.
  - Use catalytic converters on gasoline powered equipment.
  - Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
  - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
  - Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
  - Configure construction parking to minimize traffic interference.
  - Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow: Rerouting construction trucks off congested streets: and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
70. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

## **ATTACHMENT 2 FINDINGS**

**FILE NUMBER A 07-0014/Z 07-0045/PD 07-0031/TM 07-1459  
Planning Commission August 14, 2008**

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

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission 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 placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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.
- 1.4 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.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, overall project density would be approximately one dwelling unit per 2.25 acres. This is consistent with the General Plan land use designation of Medium Density Residential (MDR) defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.1.1.6, 2.1.1.7, 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.2, 2.2.5.3, 2.2.5.21, 2.9.1.3, and 2.9.1.4 concerning expansion of community regions, land use designations, planned developments, rezoning, land use

compatibility because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. The project is also consistent with General Plan Policies TC-Xa.5, TX-Xb, TX-Xd, 5.1.2.3, 5.2.1.2, 5.2.1.4, 5.3.1.2, 5.3.2.2, 5.7.2.1, 5.8.1.1, 6.2.2.2, 6.2.3.2, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.1.6, 7.4.2.1, 7.4.2.2, 7.4.4.3, 7.4.4.4, and 7.5.1.3 regarding traffic impacts, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, grading on slopes in excess of 30 percent, water resource setbacks and protection, wildlife corridors, oak tree canopy retention, and cultural resource protection. Sufficient transportation conditions are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, El Dorado County Fire Protection District and the Gold Oak Union School District. Adequate fire safe access is provided.

### **3.0 ZONING FINDINGS**

- 3.1 The subdivision contains 20 lots which are consistent with the development standards identified within the R2A zone district outlined in Sections 17.28.300 of the Zoning Ordinance, except for minimum lot size. Proposed residential lot sizes range from 0.58 acres to 2.77 acres. Justification for the reduced lot sizes are discussed within the Planned Development findings.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Planned Development**

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 13.9 acres of open space which include riparian areas and woodland areas. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The only exception to the standard requirements of the zone regulations is a decreased lot size. The minimum lot size is 25,264 square feet, but the overall density of one dwelling unit per 2.25 acres is consistent with the General Plan land

use designation of MDR. This decrease is justified by the open space requirement that has been utilized to include all of the riparian features within the development.

- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per 2.25 acres.
- 4.1.6 *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. El Dorado Irrigation District provided a letter dated July 12, 2007 indicating that it has adequate existing water capacity and supplies to serve the proposed project. Environmental Management has approved septic report on the capability of each proposed lot. Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads to a travel width of 28 feet and 2 foot shoulders. The project is also conditioned to provide for left-turn channelization on Sly Park Road as well as right shoulder widening.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 13.9 acres of open space which include riparian and woodland areas. Trees will be maintained throughout the site and fences are to be prohibited, maintaining the open rural character of the area.

## **4.2 Tentative Subdivision Map**

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.
- 4.2.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and the proposed density of approximately one unit per 2.25 acres.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit I) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, hazards, and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Moreno Court, a private road. On-site circulation includes

the improvement of on-site Moreno Court and Road "A" to a width of 28 feet. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design with the incorporation of DOT conditions requiring left turn channelization and right shoulder widening. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado County Fire Protection District and Cal Fire have reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado County Fire Protection District and Cal Fire have reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.