

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



Agenda of: October 23, 2008
Item No.: 12
Staff: Jonathan Fong

REZONE/SUBDIVISION MAP

FILE NUMBER: Z07-0023/TM07-1444 Lomita Way Subdivision

APPLICANT: Patricia Andrus
Steven and Judy Arrigoti
Steven and Lisa Arrigoti
Chen Hwa Chen Trust
Chamy Lee
John and Ann Tsai

AGENT: Gene E. Thorne and Associates, Inc.

REQUEST: A Rezone and Tentative Subdivision Map.

The Rezone would amend the project zoning from Estate Residential Ten-Acre (RE-10) to Two-Acre Residential (R2A).

The Tentative Subdivision Map would create 22 residential parcels, ranging in size from two to six acres. One remainder parcel would be created totaling 13.6-acres (Exhibit B).

Four Design Waivers have been submitted to allow the following:

- a) To reduce the road improvements on Lomita Way and Lomita Court to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- b) To reduce the road improvements the proposed cul-de-sac roadways to a modified 101B Standard with a road width of 18 feet with 1 foot shoulders;
- c) To reduce the right-of-way requirement from 60 feet to 50 feet along Lomita Way, Lomita Court and the proposed cul-de-sac roads;

d) To allow the reversed curves of 100-foot radii within Road C to be separated by a tangent of less than 100 feet in length.

LOCATION: The project is located on Lomita Way, 150 east of the intersection with Villa del Sol in the El Dorado Hills Area, Supervisorial District I (Exhibit A).

APN: 110-450-01/ 110-450-02/ 110-450-03/ 110-450-04/ 110-450-05/
110-450-06 (Exhibit B)

ACREAGE: 74.06-acres

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

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Recommend approval of Z07-0023/TM07-1444 and approve the Design Waivers A through D.

BACKGROUND: The primary issue regarding this project is secondary access. The project site is accessed from Lomita Way which is a privately maintained cul-de-sac road. The County Design Manual and the Fire Safe Regulations would require that the project provide a secondary access due to the length of the proposed dead-end road. As shown on the Tentative Subdivision Map (Exhibit E) the project would extend Lomita Way to connect with Castec Way to provide secondary access through the Southpointe Subdivision.

Castec Way is a privately-maintained road located within the Southpointe Homeowner's Association (HOA). As a requirement to allow the project to connect to the HOA maintained roads, the Southpointe HOA would require all new subdivisions to join the HOA and be subject to road improvement fees and architectural review for any building permits. The applicants have met with the Southpointe HOA and have been unable to agree to a joint access agreement, as the applicants do not wish to become part of the Southpointe HOA. The applicants have requested to proceed with the project without approval from the Southpointe HOA for access. The Tentative Subdivision to the west Falling Waters at Southpointe (TM07-1442) would also connect to the Southpointe Subdivision roads through Castec Way. The applicants of TM07-1442 have agreed to join into the Southpointe HOA in order to obtain access to their project via Castec Way.

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

PROJECT DESCRIPTION: The project request includes a Rezone and Tentative Subdivision Map.

Rezone: The Rezone would amend the project zoning from Estate Residential Five-Ten (RE-10) to Two Acre-Residential (R2A). One 13.6-acre parcel would be included as part of the Rezone request but would not be part of the Tentative Subdivision Map.

Tentative Subdivision Map: The Tentative Map would create 22 residential parcels ranging in size from two to six-acres. An account of gross and net acreages for each proposed lot is included in the table below:

Lot Number	Gross Area (acres)	Net Area (acres)
1	5.01	3.97
2	2.00	1.63
3	2.00	1.72
4	2.00	1.83
5	2.00	1.93
6	4.09	3.42
7	2.00	1.64
8	2.00	1.50
9	6.00	5.35
10	2.73	2.56
11	2.01	1.73
12	2.68	2.31
13	5.70	3.46
14	2.01	1.78
15	2.00	1.54
16	2.00	1.50
17	2.01	0.79
18	2.38	1.35
19	2.01	1.49
20	2.93	2.34
21	2.00	1.94
22	2.95	2.06
Rezone Only	13.6	13.6

Road Improvements: The project would be required to widen the existing Lomita from Lakehills Drive to the project site. Upon approval of Design Waiver A, Lomita Way and Lomita Court would be widened to provide a 20-foot wide roadway pursuant to a modified *Standard Plan 101B*. A new access road would be constructed from Castec Way to provide secondary access through the project site which would also be widened to 20 feet wide. The new proposed cul-de-sac have been proposed to be improved to 18 feet; however, as stated in the Design Waiver section below, the Fire Safe Regulations establish a minimum road width of 20 feet. Therefore the proposed cul-de-sac roads would be conditioned to be consistent with the Fire Safe Minimum standards.

Utilities: The project is proposed to be served by EID public water and private septic systems. The Facilities Improvement Letter prepared for the project has determined that adequate water service would be available for the project. As discussed in the General Plan Section below, due to the project location within the El Dorado Hills Community Region, the project would be required to connect to public wastewater services. The applicants have proposed individual septic systems due to the financial burden of connection to existing EID wastewater systems.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Existing single-family residential
North	RE-10	MDR	Single Family Residential
South	RE-5	MDR	Single Family Residential
East	RF	OS	Folsom Lake State Recreational Area
West	R1/ R1A	HDR	Existing single-family residential

The project is bounded to the north, south, and west by existing single family residential development. The project would create 22 residential parcels consistent with the density of existing parcels in the area. The project would not result in land uses that would alter the residential character of the area.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR), which permits a residential density of one to five dwelling units per acre. The project would create 23 residential parcels ranging in size from two to six-acres. The project would result in a density range consistent within the MDR land use designation.

As required pursuant to General Plan Policy 2.2.5.3 future rezoning shall be evaluated based on the General Plan’s direction as to minimum parcel size or maximum density and to assess whether changes in conditions would support a higher density. Specific Criteria to be considered include, but are not limited to, the following:

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

The project is located within the El Dorado Irrigation District boundaries. The project would be required to connect to public water services as a condition of approval. The District has indicated that adequate water service would be available to serve the project.

2. Availability and capacity of public treated water system;

See #1 above.

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

The project would be served by private septic systems. The project is located within the El Dorado Hills Community Region. **General Plan Policy 5.3.1.7** requires all new development within Community Regions to connect to public wastewater services. The project is proposed with private on-site septic systems. The applicant has requested that the private septic systems be approved based on the financial hardship of extending wastewater services to the site.

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

The project is located within the Rescue Union School District. School impact fees would be collected at the time of building permit issuance.

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

The project site is located within the El Dorado Hills Fire Department boundaries. The Fire Department has determined upon completion of the recommended conditions of approval, adequate fire protection would be available to serve the project.

6. Distance to nearest Community Region or Rural Center;

The project site is located within the El Dorado Hills Community Region.

7. Erosion hazard;

All grading activities are subject to the provisions of the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce potential erosion hazards to a less than significant level.

8. Septic and leach field capability;

The septic report submitted as part of the initial application was reviewed and approved by Environmental Management.

9. Groundwater capability to support wells;

The residential development would be served by EID public water facilities. No well systems would be proposed.

10. Critical flora and fauna habitat areas;

The Biological Resources Evaluation performed by Sycamore Environmental Consultants dated November 2006 for the project site determined that no special status species would be located onsite. The project site is located within Mitigation Area 2 which would require payment of Mitigation In-Lieu fees at the time of building permit issuance.

11. Important timber production areas;

The project parcel is not located in or near important timber production areas, agricultural areas, or important mineral resource areas.

12. Important agricultural areas;

See #11 above.

13. Important mineral resource areas;

See #11 above.

14. Capacity of the transportation system serving the area;

The Department of Transportation and the El Dorado Hills Fire Department have reviewed the capacity and the width of the existing roads in the area and have required that Lomita Way be extended to provide through access with Castec Way to the Southpointe Subdivision. A gate would be provided at the Southpointe Subdivision with controls for emergency access. The project site is located within the El Dorado Hills Community Region which would require a 28 foot wide road pursuant to Standard Plan 101B.

The applicant has requested a Design Waiver to reduce on the road improvement requirement from 28 to 20 feet. As discussed in the Design Waiver section below, the DOT and the Fire Department have determined that the reduced road width would provide for adequate access. Design Waiver Findings have been included in Attachment 2 of the staff report.

15. Existing land use pattern;

The project would allow residential development consistent with the Medium Density Residential Land Use Designation and Zoning in the project vicinity.

16. Proximity to perennial water course;

The Jurisdictional Wetlands Delineation prepared for the project determined that eight intermittent streams exist on the project. The nearest perennial water course to the project site would be Folsom Lake to the east. All streams that would be impacted as part of the project would require permitting by the Department of Fish and Game and the U.S. Army Corps of Engineers. Road improvements and potential driveway locations would impact Channels 4 and 5 as identified by Wetlands Delineation prepared for the project.

Mitigation measures would be included as conditions of approval requiring these permits prior to issuance of a grading permit. All streams not impacted as part of the road improvements would require a 50 foot setback in accordance with **General Plan Policy 7.3.3.4.**

17. Important historical/ archeological sites;

The cultural resource study performed for the project site determined that no cultural or archeological features exist on the site.

18. Seismic hazards and present active faults.

The project site is not located in an area known to be exposed to seismic hazards or located near active faults.

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

The project would not conflict with existing CC&Rs. Any new CC&Rs prepared for the project would be subject to review and approval by the El Dorado Hills CSD.

The project site contains oak canopy which pursuant to **General Plan Policy 7.4.4.4** would require retention and replacement provisions consistent with Option A of the policy. The applicant has provided an oak canopy analyses which determined the oak canopy impacts for the on-site and off-site road improvements and future residential development of the project site. The 61.49-acre project site excludes the oak canopy located on APN 110-450-01 as the parcel is included in the Rezone portion of the project only. Included in the 61.49-acre project site are the off-site right-of-way areas for the connection of the existing Lomita Court to Castec Way within the Southpointe Subdivision. A table of the oak canopy impacts has been included below.

Project Site (acreage)	Oak Canopy Coverage	Percentage Oak Coverage	Required Retention	Proposed Oak Removal	Proposed Retention
61.49	40.61	66.0%	70%	6.72	83.5%

The project would remove 6.72-acres of oak canopy which is approximately 16.5% of the oak canopy on-site. Therefore project would be consistent with the retention requirements of Policy 7.4.4.4.

Because the project would be consistent with the retention requirements of Policy 7.4.4.4, the project would be eligible to pay the oak conservation in-lieu fee at a 1:1 ratio as established in the Oak Woodland Management Plan. A table of the oak mitigation fee is included below:

Removed Oak Canopy	Mitigation Ratio	Mitigation Fee per Acre	Fee
6.72	1:1	\$4,700	\$31,584

As discussed above, the project would be consistent with the applicable General Plan Policies.

Zoning: The project request includes a Rezone request which would amend the Zoning designation from RE-10 to R2A. Section 17.28.340 establishes Development Standards for the R2A Zone District:

A. Minimum parcel area, two acres;

The project would create parcels ranging in size from two (2) to six (6) acres. The proposed parcel sizes would be consistent within the R2A Zone District.

B. Maximum building coverage, none;

C. Minimum parcel width, one hundred fifty feet;

The proposed lots would be consistent with this requirement.

D. Minimum yard setbacks: front, thirty feet (30'); sides, twenty feet (20'), except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); rear, thirty feet (30');

Because the proposed parcels exceed one acre in size, the parcels would be required to maintain a 30 foot setback from all sides as required by the Fire Safe Regulations. Adequate buildable areas would be available on each parcel to accommodate the required setback. Development would review all future building permits to verify compliance with the setback requirement.

E. For farm animal shelter, minimum yard setbacks: front, fifty feet (50') with thirty feet (30') from side and rear property line and adjoining residential structures;

Compliance with the required agricultural setback would be verified by Planning Services during the building permit process for all future development.

F. Maximum building height, forty- five feet (45'). (Prior code §9420(e); Ord. 4236, 1992)

Compliance with the building height requirements would be verified by Planning Services during the building permit process for all future development.

As discussed above, the proposed project would conform to the R2A Zone District standards.

Design Waivers: Four Design Waivers have been submitted to allow the following:

a) To reduce the road improvements on Lomita Way and Lomita Court to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;

The project site is located within the El Dorado Hills Community Region which pursuant to the County Design and Improvement Standards Manual requires all road improvements to be construction to Standard Plan 101B which requires a 28 foot wide road width. The proposed Design Waiver to reduce the improvements from 28 to 20 feet was reviewed by the Department of Transportation and the El Dorado Hills Fire Department. The reduced road width would provide adequate access to the project site and would not impair the ability for emergency access vehicles to access the site. Therefore staff has recommended approval of the Design Waiver.

b) To reduce the road improvements the proposed cul-de-sac roadways to a modified 101B Standard with a road width of 18 feet with 1 foot shoulders;

As discussed above, the request Design Waiver would reduce the road improvement requirements from 28 feet wide pursuant to Standard Plan 101B. The proposed 18 foot wide road with 1 foot shoulders would provide adequate circulation and emergency access throughout the project site. Therefore, staff has recommended approval of the Design Waiver.

c) To reduce the right-of-way requirement from 60 feet to 50 feet along Lomita Way, Lomita Court and the proposed cul-de-sac roads;

The project has proposed reduced road widths from 28 feet to 20 feet along Lomita Way and 18 feet along the proposed cul-de-sac roads. The 60 foot right-of-way would not be necessary based on the reduced road widths. Therefore, staff has recommended approval of the Design Waiver.

d) To allow the reversed curves of 100-foot radii within Road C to be separated by a tangent of less than 100 feet in length.

As shown on the Tentative Map (Exhibit E) Road 'C' would be proposed with a reversed curve with a tangent of less than 100 feet in length. Reverse curves are roadway designs which include opposing turning movements. The proposed Road 'C' would require a right turn followed immediately by a left turn terminating at the proposed cul-de-sac. The County Design Manual requires a minimum distance of 100 feet.

The Design Waiver has been requested in order to reduce the potential impacts the biological resources on-site and to allow for future access from the proposed lots along Road 'C'. The Design Waiver would allow for Road 'C' to be constructed consistent with the Fire Safe Regulations

minimum road width standard. The Department of Transportation and the El Dorado Hills Fire Department have reviewed the Design Waiver and recommended approval.

Agency Comments: The following agencies have provided comments for the project. The comments have been incorporated into conditions of approval listed in Attachment 1 of the project.

Department of Transportation: The Department has reviewed the traffic study prepared for the project and has determined that the on-site and off-site access roads would be requiring widening to provide for a 24-foot wide roadway pursuant to Standard Plan 101B. The project would be required to conform to Standard Plan 101B because the project is located within the El Dorado Hills Community Region.

El Dorado Hills Fire Department: The Fire Department would require additional fire hydrants and would require the applicant demonstrate that adequate fire flow would be available to serve the project.

El Dorado Irrigation District: The project would be required to connect to EID services for public water services. The submitted Facilities Improvement Letter indicated that adequate water service would be available for the project.

Air Quality Management District: The project would be required to obtain an Asbestos Dust Mitigation Plan for all construction activities relating to the project. The project would be required to adhere to all District rules during project construction.

Surveyor's Office: All survey monuments must be set prior to presentation of the final map to the Board of Supervisors. The proposed access road is to be named by filing a completed Road Name Petition with the Surveyor's Office prior to filing the Final Map.

ENVIRONMENTAL REVIEW:

Based on the Initial Study prepared by Planning Services, staff finds that the project could have a significant effect on air quality, biological resources, air quality, and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which would reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared (Exhibit H).

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 \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

RECOMMENDATION:

Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Rezone Z07-0023 based on the findings in Attachment 2;
4. Approve Tentative Subdivision Map Application TM07-1444, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a) To reduce the road improvements on Lomita Way and Lomita Court to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
 - b) To reduce the road improvements the proposed cul-de-sac roadways to a modified 101B Standard with a road width of 18 feet with 1 foot shoulders;
 - c) To reduce the right-of-way requirement from 60 feet to 50 feet along Lomita Way, Lomita Court and the proposed cul-de-sac roads;
 - d) To allow the reversed curves of 100-foot radii within Road C to be separated by a tangent of less than 100 feet in length.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Tentative Subdivision Map
Exhibit F	Aerial Photograph
Exhibit G	Letter from Southpointe HOA
Exhibit H	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER Z07-0023/ TM07-1444
Lomita Way Subdivision
October 23, 2008

Planning Services:

1. This Tentative Map and Rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated October 23, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Rezone would amend the parcel zoning from Estate Residential Ten-Acre (RE-10) to Two-Acre Residential (R2A).

The Tentative Map would create 22 residential lots and one remainder parcel. The lots would be served by EID public water and individual septic systems.

The gross and net acreages of the proposed lots shall correspond to the table below:

Lot Number	Gross Area (acres)	Net Area (acres)
1	5.01	3.97
2	2.00	1.63
3	2.00	1.72
4	2.00	1.83
5	2.00	1.93
6	4.09	3.42
7	2.00	1.64
8	2.00	1.50
9	6.00	5.35
10	2.73	2.56
11	2.01	1.73
12	2.68	2.31
13	5.70	3.46
14	2.01	1.78
15	2.00	1.54
16	2.00	1.50

Lot Number	Gross Area (acres)	Net Area (acres)
17	2.01	0.79
18	2.38	1.35
19	2.01	1.49
20	2.93	2.34
21	2.00	1.94
22	2.95	2.06
Rezone Only	13.6	13.6

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

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. Prior to any construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit (MM BIO-1).

MONITORING: Planning Services shall verify that the above measure has been incorporated in the project plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

3. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each crossing or any activities affecting the onsite riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit (MM BIO-2).

MONITORING: Planning Service shall verify the agreement has been obtained and necessary mitigation measures incorporated on the plans prior to issuance of a grading permit.

4. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the U.S. Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project (MM BIO-3).

MONITORING: Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

CONDITIONS OF APPROVAL

Planning Services

5. The applicant shall pay the oak mitigation in-lieu fee for all impacted oak canopy in accordance with General Plan Policy 7.4.4.4 and the Oak Woodland Management Plan. The mitigation fee shall be paid at a 1:1 ratio based on the fee established by the Board of Supervisors. Proof of payment of the fee shall be provided to Planning Services prior to issuance of a grading permit.
6. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
7. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
8. A 50-foot setback shall be shown from all intermittent streams as determined by the *Biological Resources Evaluation and Preliminary Delineation Report for Lomita Rezone* prepared by Sycamore Environmental Consultants dated November 2006. Planning Services shall verify that the setback has been provided on the final map.
9. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit
10. All Development Services Planning fees shall be paid prior to filing of the Final Map.

11. The applicant shall submit to Planning Services the recording fee and the Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
12. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
13. The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.
14. County shall notify the applicant of any claim, action, or proceeding and County shall cooperate fully in the defense.

The Department of Transportation:

Project Specific Conditions:

15. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual and the following table. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map:

ROAD NAME	ROAD WIDTH	DISM REFERENCE	GENERAL PLAN REFERENCE
On site road (Lomita Way/Lomita Court)	20 ft (50 ft R/W)	Modified Std Plan 101B	Table TC-1
Off site road (Lomita Way/Lomita Court)	20 ft (50 ft R/W)	Modified Std Plan 101B	Table TC-1

16. The applicant shall construct the proposed roadway approach to the provisions of the DISM Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
17. A 20-foot ingress/egress easement shall be provided for Lot 12 through Lot 13, prior to the filing of the final map.
18. Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the map.
- 19.
20. The applicant shall irrevocably offer to dedicate a total of 50 feet of right of way, along all on-site roads, as required by the General Plan. Only the portion of the right of way that is on-site needs to be dedicated. This offer shall be rejected by the County.
21. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site road and public utility easement along the eastern and western boundaries of this project.
22. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
23. Prior to filing of the final map, the applicant shall join or form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
24. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
25. The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” road signs as required by the Department of Transportation prior to issuance of building permit.
26. If the subdivider is required to perform off-site improvements and 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

commencement 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 Agent, 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 professional appraiser of the cost of land necessary to complete the off-site improvements.
- d. Completed CEQA analysis.

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

STANDARD DOT CONDITIONS

27. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
28. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
29. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

30. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis.
31. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
32. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
33. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
34. 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.
35. 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.
36. 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.
37. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of

Transportation approves the final grading and erosion control plans and the grading is completed.

38. 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.
39. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
40. 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).
41. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
42. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
43. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays.
44. This project disturbs more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water

Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

El Dorado Hills Fire Department:

45. The project shall provide a potable water system that is capable of supplying the required fire flow of 1,500 gallons per minute with a 20 psi residual for a two hour period. This flow rate is in addition to the highest maximum daily consumption and is based on the premise that a single family dwelling is to be of Type V-B wood frame construction and shall not exceed 4,800 square feet in size. Any home not meeting the minimum fire flow required for the square footage shall have fire sprinklers installed per NFPA 13D Standards. The Department shall review and approve the fire flow prior to filing the final map.
46. The applicant shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specification for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The location of each hydrant shall be reviewed and approved by the Department prior to filing the final map.
47. All access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members. The Department shall verify compliance with this requirement prior to issuance of a building permit.
48. The driveways shall not exceed a 20% grade. Any driveways exceeding this requirement shall install fire sprinklers per NFPA 13D within any dwelling unit. The Department shall review and approve all driveways prior to issuance of a building permit.
49. The development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump section of roadway. The Department shall review and approve the improvement plans prior to issuance of a grading permit.
50. All lots shall conform to the 30-foot setback as required by the Fire Safe Regulations. The Department shall verify the setback prior to issuance of a building permit.
51. The gate located adjacent to Lot 7 shall conform to the El Dorado Hills Fire Department Electric Gate Standard. The location of the gate shall be no less than 70 feet from the center line of the hammerhead. The Department shall review and approve the gate location prior to issuance of a grading permit.
52. All roads shall conform to the Preliminary Grading and Drainage Plan dated May 15, 2008. The Department shall review and approve the roads prior to issuance of a grading permit.

El Dorado Hills Community Services District

53. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the El Dorado Hills CSD.
54. The subdivider shall pay a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
55. 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 to the CSD at the time of filing the final map.
56. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the CSD.

Department of Environmental Health- Air Quality Management District

57. The applicant shall prepare a Fugitive Dust- Asbestos Hazard Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading plan.
58. The project shall adhere to all District rule during project construction.
59. The existing well on Lot 19 shall be destroyed under permit. Environmental Health shall review and verify the well has been destroyed prior to filing the final map.

Surveyor's Office:

60. 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.
61. 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.

ATTACHMENT 2 FINDINGS OF APPROVAL

**FILE NUMBER Z07-0023/ TM07-1444
Lomita Way Subdivision
October 23, 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:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources, Air Quality, and Transportation categories. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department- Planning Services 2850 Fairlane Court Placerville, CA 95667.

2.0 Tentative Map Findings

- 2.1. **The proposed parcel sizes are consistent with the General Plan land use map and/or policies.**

The project will require a Rezone from RE-10 to R2A. The R2A Zone District will be consistent within the MDR General Plan Land Use Designation. The project will create 22 residential parcels which will be consistent within the MDR land use designation.

2.2. The design or improvements of the proposed division are consistent with the General Plan.

The subdivision will create 22 residential parcels on a 74.06-acre site. The proposed density will be consistent within the MDR land use designation. The proposed road improvements will be consistent with the requirements of the General Plan. The subdivision will be consistent with the retention and replacement provisions of Policy 7.4.4.4 and riparian areas will be protected consistent with Policy 7.3.3.4.

2.3. The site is physically suitable for the type of development proposed.

The project site contains adequate buildable areas for the 22 proposed lots. Adequate public utilities are available to serve the project and the proposed road improvements will be consistent with the County Design Manual and the General Plan.

2.4. The site is physically suitable for the proposed density of development.

The project will result in a residential density of approximately three dwelling units per acre (3 du/a). The proposed density is consistent within the MDR land use designation. The subdivision will be consistent with the oak canopy retention and replacement requirements and will not disturb slopes exceeding 30% or sensitive biological resources. The subdivision includes mitigation measures to protect oak canopy on-site and requires the applicant to obtain the necessary permits for any impacts to riparian areas.

2.5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The project will not negatively impact rare or sensitive plant species. Mitigation measures have been included to require pre-construction surveys to protect animal and plant species during project construction, monitoring programs for replaced oak canopy and state and federal permits for impacts to riparian areas.

2.6. The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The project will construct road improvements to provide adequate emergency access to the project site. The Fire Department has reviewed the project and determined that installation of fire hydrants and implementation of a fire safe plan will provide adequate emergency protection for the project.

2.7. The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

The proposed lots have been designed in accordance with the Development Standards of the R2A Zone District and the County Design Manual. The proposed buildable areas will provide for the required 30 foot setback as required by the Fire Safe Regulations.

2.8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.

The subdivision will create a through road system connecting Lomita Way and Castec Court. The project will not conflict with any easements for access through the subdivision.

3.0 Zoning Findings

3.1 The Zone Change is consistent with the General Plan.

The Rezone would amend the parcels zoning from Estate-Residential Ten-Acre (RE-10) to Two-Acre Residential (R2A). The Rezone is consistent within the Medium Density Residential (MDR) land use designation. The Rezone has been evaluated against the specific criteria include in General Plan Policy 2.2.5.3 and it has been determined that the adequate site conditions exist to support the increase in density.

4.0 Design Waiver Findings

4.1 To reduce the road improvements on Lomita Way and Lomita Court to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;

4.1.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create 22 additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement.

4.1.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

4.1.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for two way vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.1.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.2 To reduce the road improvements the proposed cul-de-sac roadways to a modified 101B Standard with a road width of 18 feet with 1 foot shoulders;

4.2.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create 22 additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement.

4.2.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

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

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for two way vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.2.4. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.3 To reduce the right-of-way requirement from 60 feet to 50 feet along Lomita Way, Lomita Court and the proposed cul-de-sac roads;

4.3.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The project will be constructing 20 and 18 foot wide roads. The additional right-of-way will not be necessary for the proposed road improvements.

4.3.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The additional right-of-way will result in reduced developable areas on the proposed lots. Future development will be restricted from building in the right-of-way areas. Due to the reduced road widths, the additional right-of-way will not be used for roadway improvements.

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

The reduced right-of-way will accommodate the proposed road improvements which will be consistent with the County Design Manual and the Fire Safe Regulations.

4.3.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision

The reduced right-of-way will be consistent with the objectives of the County Design Manual, the Fire Safe Regulations and the Subdivision Ordinance.

4.4 To allow the reversed curves of 100-foot radii within Road C to be separated by a tangent of less than 100 feet in length.

4.4.1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed roadway will require the crossing of intermittent drainages on the site. The proposed roadway design will reduce the potential impacts to the drainages and will allow for adequate vehicular access to the proposed lots.

4.4.2. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

Increasing the tangent line of the proposed road will create conflicts with future encroachments onto the proposed roadway. The proposed design speed of the roadway will not warrant strict application of the County Design Manual.

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

The proposed Design Waiver will limit the potential environmental impacts while providing adequate vehicular and emergency access to the project site.

4.4.4. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision

The Design Waiver will be consistent with the objectives of the County Design Manual by providing adequate access to the proposed lots within the project site.