

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** December 11, 2008

**Item No.:** 12.b

**Staff:** Gordon Bell

**REZONE/PLANNED DEVELOPMENT/  
SUBDIVISION MAP**

**FILE NUMBER:** Z08-0021/ PD 08-0012/TM 08-1472/Indian Creek Ranch Subdivision

**APPLICANT:** Echo Lane Investors LLC, P.O. Box 630, El Dorado, CA 95623

**AGENT:** Carlton Engineering, 3883 Ponderosa Road, Shingle Springs, CA 95682

**REQUEST:** The project consists of the following requests:

1. Rezone from Single-Family Three-Acre Residential (R3-A) and Agriculture (A) to RE-5-PD (Estate Residential 5-acre Planned Development) and Single-Family Three-acre Planned Development (R3A-PD)
2. Tentative Subdivision Map and Development Plan to create seventy-five (75) single family residential lots ranging in size from 1.00 to 2.5 acres (one lot at 5.02 acres), eleven (11) open space lots and one (1) remainder lot. The Tentative Subdivision Map would be phased, occurring in seven (7) phases.
3. Design waivers have been requested for the following:
  - a. Design Waiver to allow proposed Road "A" to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side and a 20-foot wide pavement with 2-foot shoulders across the dam width.
  - b. Design Waiver to allow for Echo Lane to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side where such improvements are feasible. Where such improvements are not feasible the applicant requests that the road remain the same as existing width 24 feet to 28 feet.

- c. Design Waiver to change the conditioned right-of-way requirement to a 40-foot wide right-of-way from the standard 50-foot wide right-of-way, for all onsite roads except Road "A" and Road "B".

**LOCATION:** North side of Echo Lane approximately 2000 feet west of its intersection with El Dorado Road, Placerville area. (Exhibit A)

**APN:** 327-050-02, 327-060-03, -04, -07 & -08, 327-070-55 & -56, 327-080-04, and 327-020-10

**ACREAGE:** 182.83 acres

**GENERAL PLAN:** 327-060-03, -04, -07, -08; 327-020-10: LDR  
327-050-02; 327-070-55, -56; 327-080-04: MDR  
(Exhibit B)

**ZONING:** R3A (Single-family Three-acre Residential) & A (Agriculture) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The subject zone change, tentative map, and planned development applications were submitted on May 29, 2008. The project was deemed complete on June 29, 2008.

The planning commission conceptually reviewed the project (PA 06-0051) on August 9, 2007. The primary purpose of this review was to resolve the issue of whether or not the Community Region boundary line should be adjusted to incorporate the project site, and whether or not the proposed density was appropriate without an adjustment of the Community Region boundary line. It was staff's position at the time that the project necessitated a General Plan Amendment to adjust the Community Region boundary to incorporate the project site, as the resulting density from the proposed project was more consistent an MDR (Medium Density Residential) land use designation than the existing LDR (Low Density Residential) land use designation. The staff report and associated discussion, and planning commission minutes are included as Exhibit M for your review.

It was the ultimate finding of the Planning Commission, on August 9, 2007, that a General Plan amendment was not needed for the project and that the planned development application process provides the vehicle to move densities between various general plan land use designations. The Planning Commission minutes of August 9, 2007 do not present the Planning Commission's reasoning for this determination (see Exhibit M).

## STAFF ANALYSIS

**Project Description:** The project request is for a Rezone, Planned Development and Tentative Subdivision Map. Discussed below are important project characteristics.

**Rezone:** Request for a Rezone from R3-A (Residential 3-acre minimum) and A (Agriculture) to RE-5-PD (Estate Residential 5-acre planned development) and R3A-PD (Single-family 3-acre planned development). See Table 1 below and Exhibits D & E (Existing and Proposed Zoning).

**Table 1. Existing and Proposed Zoning**

Assessor's Parcel No.	Total Acreage	Existing Zoning	Proposed Zoning
327-060-03	1.87	A	RE-5-PD
327-060-04	2.5	A	RE-5-PD
327-060-07	150.0	A	RE-5-PD
327-060-08	6.05	A	RE-5-PD
327-020-10	5.02	RE-5	RE-5-PD
	<b>160.42</b>		
327-070-55	0.090	R3A	R3A-PD
327-070-56	8.98	R3A	R3A-PD
327-050-02(portion)	10.01	R3A	R3A-PD
	<b>19.08</b>		
327-080-04	7.13	A	R3A

**Tentative Parcel Map:** Request to divide a 182.83-acre project site comprised of 9 parcels into 75 single-family residential parcels ranging in size from 1.0 to 5.02 acres (Exhibit F). The map also includes eleven (11) open space lots and one (1) remainder lot. See Tables 2 & 3 for lot sizes and lot types. The Tentative Subdivision Map would be phased, occurring in seven (7) phases. See Table 4 for the phasing plan and Exhibit I.

**TABLE 2. Gross and Net Lot Areas**

Lot No.	Gross Area <sup>1</sup> (S.F.)	Net Area <sup>2</sup> (S.F.)	Lot No.	Gross Area (S.F.)	Net Area (S.F.)
1	54,605	28,537	47	54,128	25,600
2	43,862	24,820	48	69,593	34,684
3	45,842	24,763	49	64,618	41,995
4	46,398	27,724	50	54,577	29,774
5	43,480	25,307	51	61,019	37,389
6	45,328	26,343	52	52,224	29,165
7	43,908	25,341	53	60,502	37,396
8	45,328	23,239	54	55,787	30,150
9	53,047	24,052	55	63,345	33,327
10	45,988	22,802	56	77,685	31,695
11	48,638	25,787	57	110,407	65,465
12	50,025	30,792	58	65,020	35,657
13	45,775	27,127	59	50,157	28,194
14	49,829	30,158	60	48,101	28,432

15	51,167	31,324	61	47,474	28,375
16	52,229	31,233	62	46,963	28,282
17	67,328	31,146	63	49,294	28,243
18	60,685	31,206	64	46,089	27,472
19	57,964	30,867	65	46,563	26,238
20	46,155	27,505	66	84,817	50,756
21	50,224	27,303	67	48,546	24,445
22	47,079	24,376	68	46,407	24,843
23	53,944	22,254	69	46,893	24,765
24	55,560	33,301	70	50,002	19,251
25	49,146	27,295	71	52,072	24,562
26	52,366	22,499	72	50,951	30,202
27	46,464	27,648	73	46,656	22,188
28	53,340	22,959	74	53,639	22,645
29	59,068	26,087	75 <sup>3</sup>	218,671	N/A
30	50,011	30,126	Open Space "A"	32.69 ac.	31.47 ac.
31	52,915	29,918	Open Space "B"	11.81 ac.	11.77 ac.
32	72,182	41,911	Open Space "C"	8.99 ac.	8.77 ac.
33	75,945	32,761	Open Space "D"	6.0 ac.	6.0 ac.
34	49,384	29,790	Open Space "E"	4.89 ac.	4.71 ac.
35	47,380	28,154	Open Space "F"	4.81 ac.	4.39 ac.
36	48,646	28,062	Open Space "G"	0.37 ac.	0.14 ac.
37	48,967	28,035	Open Space "H"	0.5 ac.	0.31 ac.
38	47,980	28,183	Open Space "I"	5.01 ac.	5.01 ac.
39	47,652	28,455	Open Space "J"	2.24 ac.	2.24 ac.
40	56,210	28,353	Open Space "K"	1.28 ac.	1.03 ac.
41	48,967	29,730	Remainder Parcel	7.13 ac.	7.13 ac.
42	60,210	38,955			
43	60,478	31,906			
44	53,936	31,840			
45	57,379	32,786			

<sup>1</sup>Gross area=total parcel size

<sup>2</sup>Net area = excludes road easements, defensible space, setbacks

<sup>3</sup>Lot 75 is not proposed for development with this map as it is an existing legal parcel

**Table 3. Lot Types**

Type of Lot	Acreage
75 One-acre Minimum Single-Family Residential Lots (1.0 to 5.02 acres)	<b>96.52</b>
7 Low Density Residential Open Space Lots	<b>67.56 (net)</b>
Open Space A	31.47 (net)
Open Space B	11.77 (net)
Open Space C	8.77(net)
Open Space D	6.00(net)
Open Space E	4.71(net)
Open Space F	4.39(net)
Open Space G	0.14(net)
Open Space H	0.31(net)

4 Medium Density Residential Open Space Lots	<b>9.05 (net)</b>
Open Space I	5.01 (net)
Open Space J	2.24 (net)
Open Space K	1.03 (net)
Open Space L	0.77 (net)
Miscellaneous Right-of-Way	<b>2.57</b>
Remainder Parcel	<b>7.13</b>
Total Acreage	<b>182.83</b>

**Table 4. Phasing Plan**

Phase	Lot Numbers
I	(48-55) (71-74)
II	(34-39) (60-70)
III	(56-59) (19-26)
IV	(22-29) (40-47)
V	(30-33, 52)
VI	(8-10, 18)
VII	(1-7) (11-16)
*Lot 75 is not proposed for development with the map	

Development Plan: Request for a PD overlay to allow for clustering of lots to avoid sensitive biological resources, steep slopes, and a reduction in the minimum parcel size of three and five acres required under the R3A and RE-5 zone districts. The project includes a density bonus request to allow for 51 additional residential lots over and above the 24 lots that would be allowed under the existing LDR and MDR land use designations. The applicant also requests that the development standards of the R1A zone district be modified to allow a 10-foot side yard setback as opposed to the 15 or 20 foot side yard setbacks required in the one and two acre parcel sizes, respectively.

Building Envelopes: No building envelopes are proposed as part of the subdivision. However, all structures will be required to meet setbacks per the proposed development plan (front: 30 feet, rear: 30 feet, side: 10 feet) and minimum setbacks for defensible space as required by the Fire District. Fire Safe Regulations require a 30 foot setback from all property boundaries unless a reduction is approved by the Fire District. No structural development will be allowed on slopes of greater than 30 percent consistent with El Dorado County General Plan Policies. Adequate area exists on each of the parcels to meet these restrictions as demonstrated on the slopes map submitted with the project (Exhibit H).

Open Space: The applicant has proposed 11 lettered open space lots totaling 76.61 acres. As part of the project proposal, these open space lots will be zoned to Open Space during the rezone process. Open space lots encompass land adjacent to agriculturally zoned property, oak woodland areas, perennial and ephemeral waterbodies and channels, and steeper sloped areas of the project site.

Water Supply: Water for the project would be provided by the El Dorado Irrigation District (EID). The El Dorado Irrigation District has indicated that they have the ability to serve the project with

existing mains as long as the applicant meets Fire Protection District standards development of a looped water system within the proposed development. This system would tie into existing lines in the neighborhood with no upgrades required.

Wastewater Disposal: Each of the proposed lots would be served by individual septic systems. The El Dorado County Environmental Management Department has reviewed representative percolation tests and found that soils are adequate to provide sewage disposal via individual septic systems.

Access/Road Improvements: As proposed, the project would provide three points of access. Two driveways are proposed on Echo Lane, and would be ingress/egress, one driveway is proposed on Sundance Trail and would be egress only. All access points are proposed to be gated, with no public access. Two access points to residents on Echo Lane would be provided by a remote control system, access to visitors would be provided by a telephone entry access system.

*Echo Lane Access:* The two entries on Echo Lane will have divided access, with separate gates for ingress and egress to the development. The gates will be constructed of decorative wrought iron or similar material, and will swing open to provide unobstructed ingress or egress. Each entry or exit lane will have a minimum unobstructed width of fifteen (15) feet.

*Sundance Trail Access:* The secondary access on Sundance Trail will be an undivided access road, with a single gate for both travel lanes. The access road will have a minimum unobstructed width of twenty (20) feet. The gate will be constructed of decorative wrought iron or similar material, and will swing open to provide unobstructed egress. Under normal conditions, in order to minimize traffic on Sundance Trail, this gate is proposed to allow **egress (exit) only** from the development. Any returning traffic would be required to use one of the main entries on Echo Lane.

*Emergency Access:* A loop system will be located on the inside portion of the access roadway or lane to permit vehicular traffic within the gated area to open the gate and exit. The loop system will keep the gate open as long as vehicular traffic is passing through.

To permit unobstructed access for emergency vehicles and provide for evacuation of residents within the development and in surrounding neighborhoods, all automatic gates will be:

1. Equipped with a “Knox” emergency access device consisting of a key activated switch acceptable to the Fire District.
2. Equipped with a 3M Opticom Control device and a linear receiver device to allow remote activation by emergency vehicles.
3. Designed to automatically open and remain in a fully opened position during a power failure.
4. Equipped with a mechanical release.
5. Equipped with a telephone entry access system that will permit the Fire District or other emergency dispatch center to open the gate from a remote location.

*Off-site Improvements:* Off-site road improvements include the widening of Echo Lane and Sundance Trail to DOT and Fire District standards. The applicant has proposed design waivers for

on and off site roadways. DOT supports the proposed design waivers (letter dated October 10, 2008).

**Site Description:** Indian Creek Ranch is located just west of the City of Placerville on the north side of Echo Lane approximately 2,000 feet west of its intersection with El Dorado Road, north of Highway 50 in El Dorado County. The physical majority of the project is located north of Echo Lane, with a remainder parcel located on the south side. The southwest portion of the project contains extensive existing improvements, including a single family residence, guest residence, caretaker's residence, two mobile homes and detached garage, several large barns and storage buildings, fenced pastures, a riding arena, a tennis court, paved driveways and landscape areas. The project site has been historically utilized as a Quarter Horse Ranch operation. The remainder of the parcel is undeveloped.

Project terrain consists of gentle to moderate slopes divided by ephemeral swales, with elevations ranging from approximately 1,465 feet to 1,690 feet. Indian Creek bisects the site from southeast to northwest, with a single pond approximately 11 acres in size at elevation 1,501 feet near the center of the main parcel. The pond is retained by a dam with a broad crested spillway which outlets into the continuation of Indian Creek.

There is a multitude of biological communities/areas on the 182.83-acre project site as identified by the biological report. These include the following: mixed oak woodland, California annual grassland, reservoirs, structures and landscaping, mixed willow riparian forest, Chamise chaparral, seasonal wetlands, creek channels, Indian Creek, reservoir spillway, broad-leafed cattail wetland, and a seep.

Soils onsite are developed upon weathered rock formations which are part of the mother lode belt Logtown Ridge Formation rocks. Logtown Ridge Formation rocks comprise the mother lode belt unit, including metamorphosed, pyroclastic, volcanoclastic, and basic schist rocks. These rocks range in color from dark red to reddish brown and yellowish red, and can range from weak blocky, soft material to massive, dense material. There are five separate soil units which are mapped on the project area. These include Auburn silt loam (AwD), Auburn very rocky silt loam (AxD), Auburn cobbly clay loam (AzE), Diamond Springs very fine sandy loam (DfC), Diamond Springs very fine sandy loam (DgE), and Placer Diggings (PrD).

Two cultural resource features have been identified onsite, one prehistoric feature and one historical feature.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R3A, A	LDR & MDR	Horse ranch, rural residences
<b>North</b>	RE-5	LDR	Rural/residences
<b>East</b>	R3A, R1A	MDR	Rural/residences
<b>South</b>	RE-5, R1A	LDR, MDR, C	Rural/residence, vacant land
<b>West</b>	A, RE-5	LDR	Rural/residences

**Discussion:** The project parcels are in an area that has been designated by the General Plan for Low (160.42 acres) and Medium-Density Residential (26.21 acres) uses. Land to the north and west of the project site is developed with low-density rural residential development (Sundance Trail Neighborhood to the north with 5-acre parcels, larger Rural Residential parcels to the west). Development to the east consists of medium-density residential development, one-acre parcels and larger rural parcels. Land to the south is vacant and designated for a mixture of commercial and medium-density residential uses. See Exhibit B for surrounding land use designations and parcel sizes.

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

Density Bonus: The project includes a request to utilize the Density Bonus provision. Use of the Density Bonus provision would allow the project to provide an additional 51 lots beyond that allowed within the proposed LDR and existing MDR land use designation. **General Plan Policy 2.2.4.1** establishes specific criteria associated with use of the Density Bonus provision. In addition to the number of base units permitted by the land use designation, one and one-half additional units may be allowed for each unit of developable land dedicated to public benefit. For this project the public benefit would be the additional open space to preserve the wetland areas, conserve wildlife habitat/corridors, and preserve cultural resources. **General Plan Policy 2.2.3.2** specifically exempts bodies of water such as perennial lakes, streams and rivers from calculable developable land for the purposes of the Density Bonus provision.

The project site includes a mixture of Low Density Residential (LDR) and Medium Density Residential (MDR) land use designations. The LDR designation permits a density range of one dwelling unit per 5-10 acres (du/a), the MDR designation permits a density range of one dwelling unit per 1-5 acres (du/a). The bonus density was calculated on the maximum density per zoning achievable within the respective land use designation allowed in accordance with General Plan Policy 2.2.5.3 as follows:

1. 56.3 acres open space (LDR/RE-5) density bonus yield = 56.3 acres at 1 dwelling unit per 5 acres = 11.3 units x 2.5 density bonus (1.0 base density + 1.5 density bonus) = 28.3 du's



2. 9.05 acres open space (MDR/R1A) density bonus yield = 9.05 acres at 1 du per 1 acre\* = 9.05 dwelling units x 2.5 density bonus (1.0 base density + 1.5 density bonus) = 22.6 du's
3. 94.2 acres developable area remaining (LDR//RE-5) at 1 dwelling unit per 5 acres =18.8
4. 5.1 acres developable area remaining (MDR/R1A) at 1 dwelling unit per 1 acre\* =5.1 acres
5. Total yield = 28.3 du's + 22.6 du's + 18.8 du's + 5.1 du's = **75 units**  
 \*Allowable density was calculated using R1A zoning consistent with density that could be supported (based on availability of services, access, topographic and environmental constraints) underlying proposed open space lots and R3A zoning.

Furthermore, **Policy 2.2.3.1** requires that the Planned Development (-PD) Combining Zone District provide for a minimum of 30 percent open space. As shown on the Tentative Map (Exhibit F), the project has provided for 41.9 percent open space.

Parcel Size	182.83 acres
Required Open Space	54.88 acres
Proposed Open Space	76.61 acres
Percent Open Space Proposed	41.9%

As indicated in Table 2-4 of the County's General Plan, General Plan Land Use Designation and Zoning District Consistency Matrix, the proposed RE-5-PD and R3A-PD Zone Districts would be consistent with the LDR and MDR land use designations, as required by **Policy 2.2.1.5**.

**Rezone:** General Plan **Policy 2.2.5.3** requires that the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated March 3, 2008, states, "This letter is not a commitment to serve, but does address the location and approximate capacity of existing facilities that may available to serve your project. In terms of water supply, as of January 1, 2007, there were 2,426 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. Your project as proposed on this date would require 74 EDUs of water supply."

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

Discussion: As discussed above, the El Dorado Irrigation District (EID) has adequate EDUs to serve the proposed project. Facility improvements which would be required by the EID

include the development of a looped water system within the development that would connect to existing 6-inch lines located in either Sayoma Lane or Sundance Trail. The applicant has developed utility improvement plans that would provide for said connections via either option.

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

Discussion: The project would not connect to public wastewater treatment systems as it proposes individual septic systems for each lot.

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

Discussion: The project is located within the Mother Lode Union School District. Conversations with the Superintendent's Office (email communication with Superintendent Shanda Hahn, 9/2/2008) indicates that the school district does have the capacity to serve the proposed project. Students would attend either Charles Brown or Indian Creek for grades K-5. All students attend Herbert Green Middle School. High school students are served by the El Dorado Union High School District, and would attend El Dorado High School. The high school district has indicated that they have the capacity to serve the proposed project (Letter from Facilities Director Patti McClellan dated 10/21/08).

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

Discussion: The Diamond Springs – El Dorado Fire Protection District would be responsible for serving the project. The closest fire station would be Station 48, located approximately 2.0 miles from the project site on Missouri Flat Road north of Highway 50. The District was contacted as part of the initial consultation process. As such, the District has reviewed the project and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of fire hydrants, provision of established fire flow, submittal of a fire safe plan, provision of secondary emergency access, and construction of road improvements as required by the El Dorado County Department of Transportation (DOT), would satisfactorily address all fire related safety issues.

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

Discussion: The project site is located immediately west of the Placerville Periphery Community Region. As proposed, the project is a residential project similar in character to existing and proposed medium to low-density residential uses surrounding the project site.

7. *Erosion hazard;*

Discussion: The site is relatively flat to moderately-sloped with site development. At this time no development is proposed on slopes greater than 30% as adequate area exists on all parcels to avoid steeper sloped areas (Exhibit H). Parcel development will be required to adhere to El Dorado County General Plan policies prohibiting development on slopes greater

than 30%. All existing drainage courses will be adequately protected from development through the incorporation of appropriate development setbacks with the exception of culverts under proposed roadways. Due to the fact that parcel sizes are one acre and larger, and development will not occur on steep slopes, erosion hazards are considered to be slight and localized on individual parcels.

8. *Septic and leach field capability;*

Discussion: The proposed lots would be served by individual septic systems for each lot. The El Dorado County Environmental Management Department has reviewed the land capability report and representative percolation tests performed for the project, and concurs that there will be adequate septic and leach field capability on each of the lots.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by El Dorado Irrigation District (EID) public water facilities. No wells are proposed.

10. *Critical flora and fauna habitat areas;*

Discussion: The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is within Rare Plant Mitigation Area 2. As such, the applicant conducted a survey for special-status species (*Biological Resources Evaluation and Botanical Inventory for the Indian Creek Ranch Project, El Dorado County, California, May 23, 2008, Sycamore Environmental Consultants, Inc.*). The survey did not encounter any special-status plant or animal species on the project site. Mitigation measures have been implemented into the project requiring a pre-construction survey to avoid taking any sensitive bird species, birds of prey, or Migratory Bird Treaty Act species.

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 Agricultural Commission reviewed the proposed project request, and did not have any concerns related directly to the rezoning of this agriculturally-zoned property to a residential zoning designation. The project site and surrounding properties are designated for low-density residential development (5-10 acre lots). There are no ongoing agricultural pursuits occurring within the project vicinity.

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

15. *Existing land use pattern;*

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

16. *Proximity to perennial watercourse;*

Discussion: There are a number of perennial watercourses and waterbodies on the project site as discussed in the Mitigated Negative Declaration (Biological Resources section). Development will maintain a 100-foot setback from all perennial watercourses and waterbodies, and a 50-foot setback from all ephemeral drainage channels.

17. *Important historical/archeological sites;*

Discussion: A cultural resources investigation of the project site identified one archaeological feature and one historic feature. The archaeological features will not be disturbed, as they will be maintained in the open space area that will be designated as an unbuildable area. Historical features have been recorded and are not considered significant.

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

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

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

Discussion: 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.

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

Water Supply and Fire Flow: General Plan **Policy 5.2.1.2** requires that the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development. The EID would provide water to the project site. According to their letter dated March 3, 2008, the project would require approximately 74 EDUs (equivalent dwelling units) of water. At this time, there are approximately 2,426 EDUs available in the Western/Eastern Water Supply Region as of January 1, 2007. The project will be required to develop a looped water system in order to provide adequate fire flows. The applicant has developed two utility plans that would be capable of providing these flows. The system would connect to existing 6-inch water lines in either Sundance Trail or Sayoma Lane.

Fire protection services would be provided for the proposed development as required under General Plan **Policy 5.7.1.1**. The Diamond Springs-El Dorado Fire Protection District would provide fire protection services to the project site. Water system (looped water line) and transportation infrastructure would be provided concurrent with development sufficient to meet District requirements for fire suppression. A Fire Safe Plan, minimum roadway widths, secondary emergency access, and fire hydrant placement have been required by the Fire District to ensure adequate fire protection infrastructure.

Wetlands/Intermittent Streams: Pursuant to the General Plan **Policy 7.3.3.4** a 100-foot setback is required from perennial water features, and a 50-foot setback is required from wetlands and intermittent streams. A wetland delineation was prepared for the project by Sycamore Environmental Consultants, Inc. to evaluate the significance of existing water features on the project site (*Preliminary Jurisdictional Delineation for the Indian Creek Ranch Project, El Dorado County, California*, May 22, 2008, Sycamore Environmental Consultants, Inc.). The study identified approximately 15.186 acres of wetlands and waters as shown in Table 6.

**Table 6. Wetlands and Water Features**

Wetland Feature	Description	Area (acres)
Forested Wetland 1	Abuts Indian Creek & Reservoir 2. Dominant vegetation includes willow, white alder, broad-leaved cattail, and Himalayan blackberry. The herb layer is dominated by knotweed, Baltic rush, and fireweed.	2.463
Forested Wetland 2	Abuts Reservoir 2. Dominant vegetation is willow, broad-leaved cattail, and Himalayan blackberry. The herb layer is dominated by knotweed, Baltic rush, and colonial bent grass.	1.212

Emergent Wetland 1	Abuts Reservoir 2. Dominant vegetation is Emergent Wetland.	0.124
Seep 1	Abuts Reservoir 2. Dominant vegetation is arroyo willow and Himalayan blackberry. The herb layer is dominated by Baltic rush, fireweed, Klamathweed, bull thistle, and narrow-leaved cattail.	0.033
Seasonal Wetlands 1 and 2	SW1 is in the drainage of Channel 2, and SW2 is in the drainage of Channel 3. Dominant vegetation is spikerush, fiddle dock, soft chess, and yellow monkeyflower.	0.016
Seasonal Wetlands 3 and 4	Contiguous with Forested Wetland 1 and Indian Creek. Dominant vegetation includes Baltic rush and prickly lettuce.	0.292
Seasonal Wetland 5	Abuts channel 11. Dominant vegetation includes curly dock, Italian ryegrass, and <i>Torlis arvensis</i> .	0.040
Seasonal Wetland 6	Abuts channel 8. Dominant vegetation is Italian ryegrass, cransebill, dock, and sedge.	0.017
<b>Total Wetlands</b>		<b>4.197</b>
Perennial Water Bodies	Indian Creek, Reservoir 1 &2,	11.184
Ephemeral Channels	Channels 1-12	0.403
<b>Total Waters</b>		<b>11.587</b>
<b>Total Wetlands &amp; Waters</b>		<b>15.784</b>

The project proposes to avoid all wetlands and intermittent streams with the exception of road improvements which cross intermittent/ephemeral channels.

Oak Tree Canopy: In order to ensure consistency with General Plan **Policy 7.4.4.4** the applicant submitted a tree canopy analysis, which determined that existing oak tree canopy at the site is 52 percent, requiring 80 percent retention of existing oak canopy cover, “Option A” of General Plan Policy 7.4.4.4. The site contains a total of 92.14 acres of oak canopy. The proposed project estimates tree removal for lot development and roadways to be 11.93 acres. The estimated tree canopy retention after road improvements and lot development is approximately 87.1 percent, in compliance with the General Plan policy requiring 80 percent retention. Thus, the total oak canopy loss 11.93 acres of oak woodland that would be required to be either replaced or the applicant would be required to pay into the conservation fund under pursuant to Option A of Policy 7.4.4.4 (Table 7). The Oak Canopy Analysis prepared by Sycamore Environmental Consultants (May 27, 2008 & September 19, 2008), confirms that the project would be consistent with General Plan tree canopy retention and replacement policies.

Project Site (Acres)	Oak Tree Canopy Coverage (Acres)	Percentage of Oak Coverage Required (Acreage)	Percentage of Required Retention	Proposed Oak Removal (Acreage)	Percentage Retention Proposed
182.83	52.3%	76.4	80%	11.93	87.1%

As discussed in the addendum to the Oak Canopy Analysis from Sycamore Environmental Consultants (dated September 19, 2008), the project would require the removal of 11.93 acres of the

onsite canopy. Development envelopes, which include access ways, were plotted in order to determine the extent of oak impacts as a result of infrastructure improvements and due to future residential development of the project. Given that the project will maintain 87.1% of its oak tree canopy consistent with the retention requirements of the Oak Woodland Management Plan, the applicant and/or lot developers are required to mitigate on a 1:1 replacement ratio as long they adhere to allocated oak canopy removal estimates contained in Exhibit L.

Chapter 17.72 of the Zoning Ordinance establishes requirements for the implementation of General Plan Policy 7.4.4.4. Section 17.72.100 of the Ordinance allows payment of the mitigation in-lieu fee prior to issuance of a grading permit for road and infrastructure improvements and prior to issuance of any building permits for future development of the project site. A breakdown of the oak canopy impacts has been included in Table 8.

<b>TABLE 8: Oak Canopy Removal Summary</b>		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Canopy Removed for Development Envelopes (Acres)
11.93	5.78	6.15

Mitigation Measures have been included in Attachment 1 of the Conditions of Approval requiring payment of the mitigation fee for the road improvement impacts prior to issuance of a grading permit and Conservation Fund In-Lieu fee or submittal and approval of a tree replacement plan for the lot development impacts prior to issuance of any building and grading permits.

**ZONING**

The proposed subdivision contains 75 residential lots that are consistent with the development standards of the R1A zone district with a reduction in the side yard setback from 30 feet to 10 feet, which are proposed as part of the development plan. Zoning proposed as part of the project is RE-5-PD, and R3A-PD. The R1A development standards (outlined in Section 17.28.080 of the Zoning Ordinance) are proposed to be added to the project to allow for flexibility of setbacks, which would result in a more interesting and visually appealing street scene according to the applicant. Proposed lot sizes range from 1.00 acres to 5.02 acres, with only one lot exceeding the five-acre minimum within the RE-5 zone district. The reduced lot sizes would be required to allow for the clustered development proposed allowing for avoidance of resources and provision of open space. Proposed deviations from the development standards are discussed in the planned development section below.

A comparison of the development standards of the R1A zone district, R3A zone district, and the RE-5 zone district are presented below:

<b>Standard</b>	<b>R1A Zone District</b>	<b>R3A Zone District</b>	<b>RE-5 Zone District</b>
Min. Lot Area	1 acre	3 acres	5 acres
Min. Parcel Area/Dwelling Unit	1 acre	3 acres	5 acres
Max. Building Coverage	35%	No max. building coverage	No max. building

			coverage
Min. Lot Width	100 feet	150 feet	100 feet
Min. Yard Setbacks	Front, thirty feet; sides, fifteen feet, except the side yard shall be increased one foot (1') for each additional foot of building height in excess of twenty-five feet (25'); rear thirty feet (30'); stable (front), thirty feet (30'); sides, thirty feet (30'); rear, thirty feet (30');	Front and rear, thirty feet; sides, thirty feet, except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25').	Front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25')
Max. Building Height	45 feet	45 feet	45 feet
Agricultural Setbacks	No standard	No standard	50 feet on all yards
Min. Dwelling Unit Size	No standard	No standard	600 square feet
Location of Parcel in Relation to Surrounding Land Use	No standard	No standard	A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential five acres abuts planned agricultural zone lands which are currently not in horticultural and timber production.

Development Standards: Section 17.28.080 of the Zoning Ordinance establishes the requirements for development within the R1A Zone District:

**A. Minimum parcel area, one acre.**

The project would create 75 residential lots ranging in size from 1.00 to 5.02 acres. Lot number 75, comprising 5.02 acres, would be subject to the RE-5 development standards. Seventy-four (74) of the proposed lots would be less than the minimum lot area established for the RE-5 Zone District. However, all of the proposed lots would meet the one acre minimum parcel area size mandated by the proposed R1A development standards as requested by the applicant. Reduced lot sizes, from the RE-5 and R3A development standards, would be required to allow for the clustered development using the Density Bonus Provision under General Plan Policy 2.2.4.1. As discussed above, the project would dedicate approximately 42 percent of the site as open space. The open space areas would avoid development impacts to oak habitat, riparian areas, perennial and ephemeral streams and waterbodies, and avoid grading on 30 percent slopes.

**B. Minimum parcel area per dwelling unit, one acre per dwelling unit.**

All proposed lots are in excess of 1.0 acre and would only be allowed one dwelling unit per acre per this development standard.



**C. Maximum building coverage, thirty-five percent.**

All proposed plans for development on individual parcels shall be required to meet this development standard prior to issuance of building permits. Each lot may also construct one secondary dwelling unit not to exceed 1,200 square feet.

**D. Minimum parcel width, one hundred feet.**

The project request is for a clustered development, which would result in varying lot widths and dimensions. The proposed lots would be consistent with the minimum lot width requirements of the R1A, R3A and RE-5 Zone Districts.

**E. Minimum yards: front, thirty feet; sides, fifteen feet, except the side yard shall be increased one foot (1') for each additional foot of building height in excess of twenty-five feet (25'); rear thirty feet (30'); stable (front), thirty feet (30'); sides, thirty feet (30'); rear, thirty feet (30'); (Ord. 4236, 1992)**

As shown on the Tentative Map, the proposed setbacks would be 30 feet for the front and rear with 30-foot side setbacks. Side yard setbacks would be 10 feet. The PD overlay allows for application of modified setbacks as approved.

**F. Maximum building height, forty-five feet (45'). Prior code §9411.5(c); Ord. 4236, 1992)**

Future development on each lot would require compliance with the maximum height requirements of the R1A/R3A/RE-5 Zone Districts height limit requirement prior to issuance of building permits.

**Design Waivers Discussion:** As proposed, several Design Waivers have been requested for the Tentative Subdivision Map to allow for modifications to DOT road standards in an effort to minimize impacts associated with road widening related to on and offsite improvements. DOT supports these design waivers (DOT letter dated October 10, 2008).

**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, take into consideration topographical constraints, provide significant amount of open space, and apply the development standards of the R1A zone district to the project, and to reduce side yard setback requirements to 10 feet. Residential lots range in size between 1.00 and 2.5 acres (with the exception of Lot 75 which is 5.02 acres). Lots will be consistent with development standards of R1A the zone district, as described in the zoning section above.

**OTHER ISSUES:**

Access/Circulation: As discussed previously in this staff report, access is proposed to be provided on both Echo Lane and Sundance Trail. The applicant is proposing gated access at all entrances/exits to the project, but is proposing egress only access at the Sundance Trail driveway. The Diamond Springs – El Dorado Fire Protection District is adamantly opposed to GATING any of the project access points, and will only recommend approval if unrestricted access is provided. At this time, the County can only recommend approval of the project if Fire District conditions are met. However, the applicant believes that other measures, as described previously in the staff report, would sufficiently address emergency access concerns related to the proposed project. Planning staff supports either alternative, gated access with emergency access provision, or unrestricted access as currently required by the Fire District.

The proposed project does abut an existing neighborhood, the Sundance Trail neighborhood. This area is within a Zone of Benefit that currently serves parcels that take access from Sundance Trail. The Sundance Trail Road Association Zone of Benefit Board has drafted a consensus letter stating their concerns regarding the proposed project. Their primary concerns are as follows with respect to access being provided on Sundance Trail:

- They OPPOSE any open intersection connecting Sundance Trail with a rear access road into the proposed Indian Creek Ranch Subdivision due to the increased traffic, exacerbated wear and tear, and resulting uncompensated damage to the “public” roads in the privately maintained zone of benefit.
- They approve a connecting road into and out of the proposed Indian Creek Ranch subdivision PROVIDED HOWEVER, that the connection road is gated and its use is restricted only to emergencies, and the cost of the improvements and the ongoing maintenance of the improvements (i.e., roadways, gates, etc.) is borne solely by the developer of the Indian Creek Ranch subdivision and the homeowners association that will be formed.
- That the emergency access approved by the property owners on Sundance Trail represented by the road association shall be restricted by means of an electronically controlled gate activated by competent authority, or a suitable set of removable bollards similar to those in use by the City of Roseville.
- The property owners of Sundance Trail shall not be responsible for any construction costs or ongoing maintenance costs of the access road benefiting the Indian Creek Ranch Subdivision. The developer of the Indian Creek Ranch Subdivision and the homeowners association for that subdivision are jointly and severally solely responsible for the installation and maintenance of the access way and any required improvements to Sundance Trail.
- A requirement to widen Sundance Trail to accommodate non-emergency traffic from Indian Creek Ranch Subdivision will create an increased risk of injury or death by increasing speeds and traffic on Sundance Trail, which suffers from blind corners and obstructions located immediately adjacent to the pavement in the form of trees, drainage ditches, telephone poles, etc.
- A requirement to widen Sundance Trail to the Fire District recommended width will destroy landscaping and structures constructed by property owners adjacent to the roadway. While these improvements are in the easement, the full cost of relocation or removal of them must be at the sole expense of the developer of Indian Creek Ranch Development, with a adequate

escrow account established in advance to cover the reasonably-estimated costs of relocation or removal.

- In summary, the Sundance Trail Zone of Benefit will not oppose the approval of the Indian Creek Ranch Planned Development only if the access conditions and restrictions and other conditions discussed above are incorporated in the final approval for the project and accepted by the developer of Indian Creek Ranch and made binding on the home owners association that will be formed by the developer.

Land Use: As discussed in Section IX.b (Land Use) of the Mitigated Negative Declaration, and in the Staff Report for PA 06-0051 (attached as Exhibit M), the project will be creating relatively small parcels (e.g. 1.0-acre parcels) in an area designated as Low Density Residential by the County's General Plan. These small parcel sizes within the rural region are potentially inconsistent with the objectives of the rural region (Objective 2.1.3) which is to "Provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations." The applicant has provided a large amount of open space to ensure consistency with this objective, by maintaining the character of the area with large open space dedications. In order to ensure that this project maintains consistency with this objective, mitigation has been added to the project requiring the applicant to rezone proposed open space lots to an "Open Space" zone district.

Defensible Space: As the project proposes to adopt a minimum side yard setback of 10 feet as part of the Development Plan, there may be a conflict with Fire District conditions of approval requiring 30 foot structural setbacks from property lines. The applicant feels that as long as there is 30 foot distance between structures that the intent of this measure will be met. The fire district has stated that they will review project plans with respect to this issue, however, no resolution has been provided as of the writing of this staff report. At this time, structural setbacks of 30 feet from property lines will be required to be maintained consistent with Diamond Springs – El Dorado Fire Protection District conditions of approval, unless a reduced setback is approved by the District.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and have included standard conditions to reduce the impacts on the air quality. The standard conditions are required to be adhered to as a Condition of Approval.

Cultural Resources: A Cultural Resources Study was prepared by Historic Resource Associates in October 2006. The survey identified two cultural resource sites, one historic and one prehistoric. The study concluded that the historic resource did not warrant further investigation and would not be eligible for the CRHR or for the National Register of Historic Places (NRHP). The pre-historic resource, while determined to be significant, is to remain outside the zone of impact and be preserved in an open space area as an unbuildable area. This measure was discussed with the Native American Heritage Commission (Katy Sanchez, telecom with Gordon Bell, November 13, 2008) and determined to be adequate.

Noise: The project, during construction and earthwork, may generate temporary and intermittent noise. There are residential units on parcels adjacent to the project site to the north and under the

County's noise ordinance, construction activities and earthwork would be limited to certain hours of the day to minimize affects on nearby residences. As addressed in the acoustical analysis prepared for the project, several of the proposed lots may be subject to noise levels in excess of thresholds adopted for sensitive receptors. Mitigation measures are required to be incorporated into the project that would reduce these potentially significant impacts to future residences.

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

School Districts: Both the Mother Lode Union School District and El Dorado Union High School District have reviewed the project and have indicated that they have the capacity to serve the proposed project. The Mother Lode Union School District has commented that all streets should have adequate street width for two cars to pass, with parking if proposed, that there be designated bus stops, and adequate turn-arounds for buses if needed. Since the road system is looped, this should not be a concern. There will be adequate turnaround for buses at the terminus of Echo Lane if a bus stop was proposed at this location.

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

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

**Agency and Public Comments:** Appropriate conditions from each reviewing agency are included in the project permit. The following agencies provided comments and/or conditions for this project:

- Diamond Springs -El Dorado Fire Protection District (letter dated August 29, 2008)
- Diamond Springs -El Dorado Fire Protection District (letter dated October 15, 2008)
- El Dorado Irrigation District (letter dated March 3, 2008)
- El Dorado County Environmental Management (letter dated September 2, 2008)
- El Dorado County Department of Transportation (letter dated October 10, 2008)
- U.S. Army Corps of Engineers (letter dated August 15, 2008)
- El Dorado Union High School District (letter dated October 21, 2008)
- Mother Lode Union School District (Email from Shanda Hahn dated September 8, 2008)
- Cal Fire (letter dated October 10, 2008)
- State of California, Native American Heritage Commission (letter dated November 13, 2008)

## **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, and noise. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study that 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 that 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 Rezone Z08-0021 based on the findings in Attachment 2;
4. Conditionally approve planned development application PD08-0012, approving the Development Plan as the official Development Plan, and tentative subdivision map application TM08-1472 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
  
- Exhibit A .....Vicinity Map

Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D .....Existing General Plan & Zoning Map  
Exhibit E .....Proposed General Plan & Zoning Map  
Exhibit F .....Tentative Map  
Exhibit G .....Preliminary Grading & Drainage Plan  
Exhibit H .....Slopes Map  
Exhibit I .....Phasing Plan  
Exhibit J .....Utility Plan – Option 1  
Exhibit K .....Utility Plan – Option 2  
Exhibit L .....Oak Tree Removal Allocation  
Exhibit M .....(PA 06-0051) Conceptual Review Staff Report &  
Minutes  
Exhibit N .....Photo Exhibit to Accompany Tentative Map  
Exhibit O .....Mitigated Negative Declaration

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

FILE NUMBER Z 08-0021/PD 08-0012/TM 08-1472

### 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 (for either road development or lot development) are scheduled to commence within the typical breeding season for a bird of prey or Migratory Bird Treaty Act (MBTA) bird (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist. The biologist shall adhere to the following protocol:
  - The biologist shall survey for active nests in the construction footprint and in accessible areas within 250 feet of the construction footprint within 30 days prior to construction. If no active nest of a bird of prey or MBTA bird is found, then no further mitigation is necessary.
  - If an active nest of a bird of prey or MBTA bird is found, then the biologist shall flag a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.
  - No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest. The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends upon the species of the bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.
  - If a nest becomes active after construction has started, then the bird

is considered to be acclimated to construction activity, and no further mitigation is required.

*Timing/Implementation: Prior to issuance of grading and building permits the applicant shall include this measure as a note on all building plans and grading plans.*

*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 LU-1:** All areas designated on the tentative map as an “Open Space Lot” shall be zoned as Open Space as part of the rezone application. Minor deviations from approved exhibits shall be allowed as needed to accommodate roads and grading adjustments that may occur during development of final improvement plans and the final map.

*Plan Requirements/Timing: Prior to final approval, the applicant shall amend the project description to request that all areas designated on the recorded final map as Open Space Lots be rezoned to an Open Space zoning district.*

***Compliance: El Dorado County Planning Services shall incorporate the revised project description into all planning documents forwarded to the Planning Commission and Board of Supervisors. Prior to the issuance of any development permits (building or grading permits), the County shall amend zoning maps consistent with the tentative map submitted for recordation as the final map. Planning Services shall review submitted maps to ensure consistency with the intent of this condition of approval, which is that all areas designated as an open space lot be zoned as such. The applicant shall be responsible for coordinating with El Dorado County Planning Services to ensure zoning maps have been updated consistent with the proposed final map.***

4. **MM NOI-1:** The applicant shall construct property line noise barriers measuring 6-7 feet high above the existing ground elevations for Lots 65, 66 and 71 consistent with the Bollard Acoustical Consultants, Inc. Environmental Noise Assessment prepared for the Indian Creek Ranch Single-Family Residential Development dated March 5, 2008. Alternatively, the applicant may provide El Dorado County Planning Services with updated acoustical analyses for these lots which provide for alternative methods of noise attenuation, including, but not limited to, siting of building envelopes on the final map outside areas of exposure in exceedance of General Plan Noise Element criteria (60 dB L<sub>dn</sub> for residential uses).

*Timing/Implementation: Prior to issuance of grading and building permits for individual lots 65, 66, and 71, El Dorado County Planning Services shall verify that building plans*



*include noise barriers consistent with the requirements of the above-referenced noise study. Alternatively, updated analyses may be presented to Planning Services for review and approval that describe alternative methods of noise attenuation which shall be implemented as part of project development on identified lots.*

*Enforcement/Monitoring: El Dorado County Planning Services*

## CONDITIONS OF APPROVAL

### Planning Services

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

This 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 F-L (Rezone/Planned Development/Tentative Map) dated December 11, 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:** The project includes a request for a zone change from Single-Family Three-Acre Residential (R3A) and Agriculture (A) to Estate Residential 5-acre planned development (RE-5-PD) and Single-Family Three-Acre Residential Planned Development (R3A-PD), a Phased Tentative Subdivision Map to create 75 residential lots ranging in size from 1.0 to 2.5 acres (with the exception of Lot 75 which comprises 5.02 acres and would be held to the development standards of the RE-5 zone district) and eleven lettered open space lots (to be combined and zoned open space) totaling 76.61 acres, and a Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and the minimum parcel size of three acres in the R3A zone district, to allow for a density bonus, to apply the development standards of the R1A zone district, and allow for a reduction in side yard setbacks to 10 feet. The Tentative Subdivision Map would be phased, occurring in seven (7) phases in accordance with Table 2 and Exhibit I. Access to the project would be provided by two road connections on Echo Lane and one road connection on Sundance Trail. Access design shall meet Diamond Springs – El Dorado Fire Protection District requirements. The project proposes to use the Density Bonus provision for fifty-one (51) additional residential lots. Design waivers have been requested for modifications to DOT road standards. DOT supports the three requested design waivers.

The gross and net lot area shall comply with Table 1 below:

<b>TABLE 1. Gross and Net Lot Areas</b>					
<b>Lot No.</b>	<b>Gross area (S.F.)</b>	<b>Net Area (S.F.)</b>	<b>Lot No.</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
1	54,605	28,537	45	57,379	32,786
2	43,862	24,820	46	55,169	33,967
3	45,842	24,763	47	54,128	25,600
4	46,398	27,724	48	69,593	34,684
5	43,480	25,307	49	64,618	41,995
6	45,328	26,343	50	54,577	29,774
7	43,908	25,341	51	61,019	37,389
8	45,328	23,239	52	52,224	29,165
9	53,047	24,052	53	60,502	37,396
10	45,988	22,802	54	55,787	30,150
11	48,638	25,787	55	63,345	33,327
12	50,025	30,792	56	77,685	31,695
13	45,775	27,127	57	110,407	65,465
14	49,829	30,158	58	65,020	35,657
15	51,167	31,324	59	50,157	28,194
16	52,229	31,233	60	48,101	28,432
17	67,328	31,146	61	47,474	28,375
18	60,685	31,206	62	46,963	28,282
19	57,964	30,867	63	49,294	28,243
20	46,155	27,505	64	46,089	27,472
21	50,224	27,303	65	46,563	26,238
22	47,079	24,376	66	84,817	50,756
23	53,944	22,254	67	48,546	24,445
24	55,560	33,301	68	46,407	24,843
25	49,146	27,295	69	46,893	24,765
26	52,366	22,499	70	50,002	19,251
27	46,464	27,648	71	52,072	24,562
28	53,340	22,959	72	50,951	30,202
29	59,068	26,087	73	46,656	22,188
30	50,011	30,126	74	53,639	22,645
31	52,915	29,918	75*	218,671	N/A
32	72,182	41,911	Open Space "A"	32.69 ac.	31.47 ac.
33	75,945	32,761	Open Space "B"	11.81 ac.	11.77 ac.
34	49,384	29,790	Open Space "C"	8.99 ac.	8.77 ac.
35	47,380	28,154	Open Space "D"	6.0 ac.	6.0 ac.
36	48,646	28,062	Open Space "E"	4.89 ac.	4.71 ac.
37	48,967	28,035	Open Space "F"	4.81 ac.	4.39 ac.
38	47,980	28,183	Open Space "G"	0.37 ac.	0.14 ac.
39	47,652	28,455	Open Space "H"	0.5 ac.	0.31 ac.
40	56,210	28,353	Open Space "I"	5.01 ac.	5.01 ac.
41	48,967	29,730	Open Space "J"	2.24 ac.	2.24 ac.
42	60,210	38,955	Open Space "K"	1.28 ac.	1.03 ac.
43	60,478	31,906	Remainder Parcel	7.13 ac.	7.13 ac.
44	53,936	31,840	*Lot 75 is not to be developed with this map and shall be required to		

			adhere to the development standards of the RE-5 Zone District.
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Phasing shall comply with the Phasing Plan in Table 2 below:

<b>Table 2. Phasing Plan</b>	
Phase	Lot Numbers
I	(48-55) (71-74)
II	(34-39) (60-70)
III	(56-59) (19-26)
IV	(22-29) (40-47)
V	(30-33, 52)
VI	(8-10, 18)
VII	(1-7) (11-16)
*Lot 75 is not proposed for development with the map as it is an existing legal lot not to be reconfigured. This lot is included in the PD.	

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

<b>TABLE 3: Oak Canopy Removal Summary</b>		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Proposed Canopy Removed for Residential Development Envelopes (Acres)
11.93	5.78	6.15

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.

6. All site improvements shall conform to Exhibits F-L.
7. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 5.78 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the

mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.

8. The Final Subdivision Map shall include the following notes:
  - a. Oak tree removal required for lot development shall adhere to allocated estimates contained in Exhibit L (Oak Tree Removal Allocation). Individual property owners shall pay the mitigation fee or provide a replacement plan. Lot owners/developers shall demonstrate, consistent with guidelines contained in the Oak Woodland Conservation Ordinance, that proposed removals are consistent with the estimated allocation. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
  - b. Any oak canopy removal beyond that allocated in Exhibit L (Oak Tree Removal Allocation) for any individual lot within the subdivision, shall pay the applicable mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
9. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
10. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
11. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
12. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

13. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
14. 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.
15. At time of final map filing, CC&R's shall be submitted and reviewed by Planning Services and the Department of Transportation.
16. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
17. The map shall be recorded and constructed in phases consistent with the phasing plan included with the Tentative Subdivision Map, Exhibit I. All Open Space Lots shall be zoned open space and shall be dedicated at the time of filing of the first phase of the map.
18. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.
19. 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.
20. The location of fire hydrants and systems for fire flows are to meet the requirements of the Diamond Springs - El Dorado 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 cannot be met, all habitable structures shall be sprinklered in accordance with Fire District requirements. This condition shall be included in the CC&Rs for the project.
21. A fire safe management plan, acceptable to the Diamond Springs – El Dorado 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.

22. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
23. 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.
24. 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.
25. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

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

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

26. 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)

### **Diamond Springs - El Dorado Fire Protection District**

27. Minimum fire flow required is 1,500 gpm @ 20 psi for 2 hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm @ 20 psi for 2 hours.
28. The applicant shall provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
29. Hydrant locations shall be approved by the Fire District on the Civil Drawings.
30. All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length, and be capable of supporting a minimum 40,000 pound load.
31. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
32. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval may include a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of dedicated onsite water storage for each parcel for fire protection.
33. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
34. All roadways will be all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width. Parking on both sides of the road will require 40 feet minimum road width; appropriate, associated signage and road markings shall apply and be provided.
35. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead "T," a modified "T" or a modified "Y" in lieu of a circular type turnaround, per El Dorado County DOT Standards 101C.
36. Diamond Springs-El Dorado Fire Protection District prohibits gates delaying ingress/egress. Should the Planning Commission/Board of Supervisors allow such gates, these gates shall meet El Dorado County Fire Prevention Officers Standards.

37. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
38. A Fire Safe Plan shall be designed for this subdivision by a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide:
  - a. Increased safety for emergency fire equipment, personnel and the evacuation of civilians.
  - b. A point of attack or defense from a wildfire.
  - c. CAL FIRE requires a Wildland Fire Safe Plan be developed by a qualified consultant to address mitigations that need to be developed to ensure that the safety of the public and firefighters who may be called upon to respond to wildland fires and other emergencies within the project area.
39. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
40. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall locate said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.
41. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services<sup>1</sup>. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.
42. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).

## **Cal Fire**



43. Total roadway width in the project area should meet DOT standards.
44. Roads shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D).
45. Secondary Access: The Design Improvements Standards Manual (DISM) Section 3.A.9 requires at least two connections with an existing, improved public street, or with a future street connection approved by the Planning Commission or the Board. Both the primary and secondary accesses must be to through roads (i.e., they cannot both tie into the same dead end road) and they must meet County standards.
46. The two points of acceptable access and egress in this case would be off of Sundance Trail and Echo Lane.

**El Dorado County Department of Transportation**

**PROJECT SPECIFIC CONDITIONS:**

47. **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* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS/ NOTES</b>
Sundance Trail (Offsite)	Modified Std Plan 101B (3"AC over 8"AB Min. )	20/1 ft	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP. Improvements shall be from Road "A" to El Dorado Road
Road A	Modified Std Plan 101B (3"AC over 8"AB Min.)	28 ft – 20 ft at dam crossing /2)	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing

					constraints.
Road B, C, D, E, F, G	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft/2	40ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Echo Lane Offsite (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft	60ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Improvements shall be from Road "A" to El Dorado Road

\* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

\*\* Non-exclusive road and public utility easements included

48. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways Road A, Road B, Road C, Road D, Road E, Road F, and Road G prior to the filing of the final map. Slope easements shall be included as necessary.
49. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 30-ft right-of-way along the entire frontage of Echo Lane as determined by EDC DOT, prior to the filing of the final map. This offer will be *accepted* by the County
50. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the Road A onto Sundance Trail and Echo Lane to the provisions of County Design Std **103D**, or as required by the approved traffic study. 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 final map
51. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:
  - parcels zoned for less than one acre-----800 feet
  - parcels zoned for 1 acre to 4.99 acres-----1,320 feet
  - parcels zoned for 5 acres to 19.99 acres -----2,640 feet

- parcels zoned for 20 acres or larger -----5,280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

52. **Turnaround:** The applicant shall provide a turn around at the end of the roadways 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 final map.
53. **Tangents:** 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 final map.
54. **Minimum Radius:** Pursuant to Section 3.B.7. of the DISM, the minimum centerline curve radius length of subdivision streets shall be 100 feet for local streets and 300 feet for minor collecting streets. 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.
55. **Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. 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.
56. **Fill Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. 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.
57. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the

improvement plans.

58. **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 map.
59. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
60. **Offsite Road Maintenance (Sundance Trail):** Access to the Indian Creek Ranch project is indicated across APN 327-020-10 to Sundance Trail, the main roadway in the Sundance Trail Road Zone of Benefit. The formation was initiated in 1984 through a petition of the property owner residents from within the subdivision. The cost of maintaining Sundance Trail from El Dorado Road to the end is borne entirely by the property owners within the Zone, and the maintenance is recommended by them through an Advisory Committee appointed by the Board of Supervisors. The Zone is not eligible for, nor does it receive any support from the Road Fund, General Fund, or any other source.

Any necessary improvements to Sundance Trail must be completed under a contract that meets the requirements for a Public Works project, and funded by the developer through an agreement with the County such that there is no negative fiscal impact to the Zone of Benefit. In other words, administrative costs associated with the contract preparation, bidding, and administration would be covered by the developer, not paid for through the Zone benefit assessments. This is similar to the Road Improvement Agreement requirements for improvements to County Maintained roads. Additionally, since the roads in the Sundance Trail Zone of Benefit are public for the purpose of use, they cannot be gated. This means that newly constructed roads added to the Zone would be subject to this same prohibition.

The conditions of approval for the Indian Creek Ranch subdivision shall include a requirement to annex the project territory to the existing Sundance Trail Zone of Benefit, and to establish sufficient funding to maintain the whole of the road system in the amended Zone of Benefit, including Sundance Trail. The Sundance Trail Zone of Benefit is currently funded through a benefit assessment. Because additional territory in the Zone increases the amount of roadway for which it provides funding to maintain, the annexation process would not take affect, nor will the project conditions be satisfied unless the change to the benefit assessment is approved. Any change to the benefit

assessment requires: 1) justification of the amount through a professionally prepared engineer's report that meets the requirements of Articles XIII C and XIII D of the California state constitution ("Prop 218"); and 2) approval of the change to the funding source by the electorate within the boundaries of the zone through the appropriate proceeding. Funding for the proceeding shall be provided by the developer, and not paid for through Zone benefit assessments."

### **DOT STANDARD CONDITIONS**

61. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
62. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
63. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
64. **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).
65. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
66. **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.
67. **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.

68. **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 final map.
69. **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.
70. **Grading Permit / Plan:** The applicant shall submit a improvement/grading plan for onsite and offsite improvements 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 the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
71. **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.
72. **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.
73. **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.

74. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

75. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
76. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on

all improvement plans and the final map.

77. **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.
78. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
79. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant’s expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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



80. **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.
81. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

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

82. 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.
83. 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 Environmental Management**

#### **Air Quality Management**

84. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated September 2, 2008 prior to issuance of any permits associated with this project.

#### **Hazardous Materials**

85. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

## **ATTACHMENT 2 FINDINGS**

**FILE NUMBER Z 08-0021/PD 08-0012/TM 08-1472  
Planning Commission December 11, 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** The proposed use and design conforms to the Low and Medium-Density General Plan Land Use Designations. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes,

2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, 7.3.3.4 regarding special setback for riparian areas and wetlands, and 7.4.4.4 regarding oak woodlands.

**2.2** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

**2.3** The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

### **3.0 ZONING FINDINGS**

**3.1** The subdivision contains 74 residential lots which are consistent with the development standards identified within the R1A zone district outlined in Sections 17.28.080 of the Zoning Ordinance, except for setback requirements. Proposed residential lot sizes range from 1.0 acres to 2.5 acres, with the exception of Lot 75 which is 5.02 acres and shall comply with the development standards of the RE-5 zone district.. 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 76.61 acres of open space that include riparian areas, water bodies, wildlife corridors 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.* A deviation from the Residential Five-Acre (RE-5) Development Standards and Single-Family Three-Acre Residential (R3A) Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 and R3A Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan and to allow for provision of open space.
- 4.1.5** *The site is physically suited for the proposed use.* The 182.83-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.
- 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 the El Dorado Irrigation District (EID). The EID provided a letter dated March 3, 2008 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system (a looped water system connecting to existing 6-inch mains). Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to handle project traffic. The Fire District has provided conditions of approval to ensure that roads are developed in accordance with the proposed phasing plan in order to provide for adequate emergency access.
- 4.1.7** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 76.61 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

## **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 LDR and MDR General Plan land use designations 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.* As shown on the Oak Canopy Analysis (Exhibit L), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.
- 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 O) 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 and biological resources. 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.* The project will provide access at three locations, two access points on Echo Lane which will provide primary access to the site, and one access on Sundance Trail which will provide secondary access. DOT has reviewed the proposed circulation plan and has concluded that adequate access is available to accommodate the proposed density with required road improvements.

**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 Diamond Springs – El Dorado Fire Protection District and Cal Fire has reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements, provision of secondary emergency access, and an approved fire safe plan. Fire issues are addressed within the project’s conditions of approval.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

The applicant requested a three design waivers to allow for the following:

- To allow proposed Road “A” to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side and a 20-foot wide pavement with 2-foot shoulders across the dam width.
- To allow for Echo Lane to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side where such improvements are feasible. Where such improvements are not feasible the applicant requests that the road remain the same as existing width of 24 feet to 28 feet.
- To change the conditioned right-of-way requirement to a 40-foot wide right-of-way from the standard 50-foot wide right-of-way, for all onsite roads except Road “A” and Road “B”.

DOT supports the above design waivers (letter dated October 10, 2008).

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

Proposed roadways and improvements to existing roads would meet DOT modified standards as discussed above with the exception of locations where impacts to wetlands, water bodies, or dam structures may occur. Allowance of the design waivers will allow for the project to avoid impacts to wetlands, water features, the existing dam, as well as maintain a more rural character to the project and the surrounding area.

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

Strict adherence to County design guidelines for on and offsite road improvements would potentially create unnecessary significant and unavoidable environmental impacts that would restrict development of the project. In addition, existing and proposed road widths (with design waivers) are adequate to handle proposed traffic volumes as determined by DOT. Given that both Echo Lane and Sundance Trail are not through roads, future development which may increase traffic volumes are not anticipated, thus the DOT can support proposed design waivers.

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

The proposed design waivers would actually allow impacts to adjacent properties to be avoided, as it would reduce the need for grading and road improvement activities to occur on these properties. A reduction in width would not be detrimental to the health, safety, convenience and welfare of the public as roadways proposed to be widened are already adequate to handle traffic volumes of the proposed project as determined by DOT.

**5.4 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 waivers are consistent with the design standards applied to other subdivisions where special circumstances exist that call for the application of modified design standards. Thus, the proposed design waivers would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.