

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: February 12, 2009
Item No.: 12
Staff: Aaron Mount

**GENERAL PLAN AMENDMENT/REZONE/PARCEL
MAP/PARCEL MAP AMENDMENT**

FILE NUMBER: A07-0017/Z07-0053/P07-0048/P76-0466-C

APPLICANT: Lorrie Stark and Jerry Stark

AGENT: Ted Woessner

REQUEST: The project consists of the following requests:

1. General Plan amendment for APN 102-070-17 from Rural Residential (RR) to Low Density Residential (LDR).
2. Zone change for APN 102-070-17 from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5).
3. Tentative parcel map for APN 102-070-17 to create four lots five acres in size on a 20 acre site.
4. Request to amend Parcel Map PM12-119 for APNs 102-070-29 and 107-020-30 to remove a 50-foot non-exclusive road and public utility easement.
5. Design waiver requests to:
 - a. Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and
 - b. Allow a hammerhead "T" at road terminus in lieu of a cul-de-sac.

LOCATION: On the east side of Deer Valley Road, approximately two miles north of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Exhibit A)

APNs: 102-070-17, 102-070-29, and 107-020-30

ACREAGE: 42 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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 prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve A07-0017 for APN 102-070-17 based on the findings in Attachment 2;
4. Approve Z07-0053 for APN 102-070-17 based on the findings in Attachment 2;
5. Conditionally approve parcel map application P07-0048 for APN 102-070-17 and
6. Conditionally approve map amendment P76-0466-C, amending Parcel Map PM12-119 for APNs 102-070-29 and 107-020-30, subject to the conditions in Attachment 1, based on the findings in Attachment 2;
7. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a. Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and
 - b. Allow a hammerhead "T" at road terminus in lieu of a cul-de-sac.

STAFF ANALYSIS

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

Project Description: General Plan amendment from RR to LDR, rezone from RE-10 to RE-5, and a parcel map creating four lots five acres in size from a 20 acre site for APN 102-070-17 and a parcel map correction to amend Parcel Map P12-119 to remove and relocate a 50-foot non-exclusive road and public utility easement for APNs 102-070-29 and 107-020-30. An onsite road would be developed to provide access to the proposed parcels. Water supply would be from individual wells and sewage disposal would be individual septic systems.

Site Description: The project site consists of a slope that drains into Martel Creek in the Rescue area. The site is situated between 1,260 and 1,480 feet above mean sea level with slopes varying from six percent on a knoll between two channels northwest of the existing house to 23 percent on the west facing slope east of the existing house. The project parcel is accessed by Deer Valley Road, which is a County maintained road. Improvements include an existing house and driveway.

The soils on the site are gabbro-derived, classified within the Rescue Series (USDA 1974). The soil types are Rescue sandy loam (ReB and ReC), rescue very stony sandy loam (RfC and RfD), and Rescue extremely stony sandy loam eroded (RgE2). Rescue sandy loam is found in the four acres just east of Deer Valley Road and is replaced by Rescue very stony loam over much of the remainder of the property. Rescue extremely stony sandy loam is found at the southeast corner of the property.

Four drainage channels are located on the project site. The main drainage, Martel Creek, flows southwesterly across the western portion of the project site. Martel creek is an intermittent tributary to Sweetwater Creek, which it joins about two miles northwest of the project site. Sweetwater Creek flows northwesterly another two miles to the South Fork American River arm of Folsom Lake. Channel A, an unnamed tributary to Martel Creek, flows southerly from a seasonal pond on an adjoining parcel, and joins Martel Creek near the south boundary of the project site. The remaining two channels are gullies or swales draining into Martel Creek. The existing driveway crosses Channel A and Martel Creek.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Single Family Residence
North	RE-10	RR	Single Family Residences
East	RE-5	LDR	Single Family Residences
South	RE-10	RR	Single Family Residences/Undeveloped
West	RE-5	LDR	Single Family Residences

Discussion: The proposed general plan amendment from RR to LDR, rezone from RE-10 to RE-5, and the creation of four parcels would be consistent with potential and existing densities to the east and west of the project parcel. The project would not result in land uses that would alter the rural residential character of the area.

Access and Circulation

Proposed project access would be Deer Valley Road, a County maintained road, and a proposed on-site road to serve the four parcels that would be developed to a width of twenty feet. The on-site road would be privately maintained and DOT has included a condition of approval requiring a maintenance entity be formed for this purpose. The Rescue Fire Protection District reviewed the project proposal and concluded that the project would result in adequate emergency access to any potential residential structures with the implementation of the conditions of approval included in Attachment 1 of the staff report.

Design Waivers

Design waivers requests have been submitted to: (1) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual and; (2) To allow a hammerhead “T” at the road terminus. Design waiver justification submitted by the applicant is included as Exhibit H. DOT and Rescue Fire are supportive of both design waivers. The addition of ten foot shoulders would cause further impact to the stream crossings and native oak canopy. Approval of a hammerhead “T” at the terminus of the road would reduce grading impacts by 50 percent compared to development of a cul-de-sac, while achieving the same intent of a fire safe turn around. A fire safe plan is a condition of approval and would fully evaluate compliance with fire safe regulations for the site.

Fire

The Rescue Fire Protection District reviewed the proposed project and would require an approved fire safe plan. The fire district had no concerns with the requested design waivers as discussed above. Fire issues are addressed within the project’s conditions of approval.

Land Use Compatibility

As discussed above, the subject site is surrounded by residential uses. The existing lots to the east and west range in size from five to seventeen acres and to the north and south they range from ten to twelve acres. The proposed project would create four five-acre lots from a twenty acre site.

The RR General Plan land use designation allows a density of one dwelling unit per 10 to 160 acres while the LDR General Plan land use designation allows a maximum allowable density of one dwelling unit per 5 acres. The current General Plan land use designation would permit a maximum density of two lots and the proposed General Plan amendment would increase the density to four lots. Therefore, this project would provide an appropriate residential density with adequate circulation and access and is compatible and consistent with the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Oak Tree Canopy

Existing project oak tree canopy coverage is estimated at 45 percent. Under General Plan Policy 7.4.4.4, Option A, 80 percent of the existing canopy must be retained. After road construction the project would retain 95 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Development of individual lots would not remove oak canopy beyond the established retention requirement. Future development of the proposed lots would have the option of complying with either Option A or Option B of Policy 7.4.4.4 in accordance with the Oak Woodland Management Plan.

Sewer/Water

Water is proposed to be provided by private wells and sewage disposal would be by individual septic systems. A wastewater disposal study was submitted and approved by Environmental Health for both septic capability and testing of the project sites existing well. The project is conditioned to provide a safe and reliable water supply for each parcel prior to filing of the parcel map. Final septic design would be approved at the building permit stage for each of the proposed parcels.

Special Setbacks

General Plan Policy 7.3.3.4 requires development projects to be set back a minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. The project site plan identifies these setbacks on the proposed parcel map and the proposed project is consistent with this policy. The tentative parcel map has been designed in a manner to avoid disturbances to the wetlands and Martel Creek. Development of the on-site road would include widening of two existing stream crossings used by the existing driveway which is exempt from Policy 7.3.3.4 but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Impacts related to the stream crossing are discussed in the Initial Study and have been mitigated to bring the potential impacts to a less than significant level.

General Plan:

This project is consistent with the policies of the adopted El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

The proposed General Plan Amendment from RR to LDR is consistent with all other applicable policies of the General Plan including 2.2.1.2 and 2.2.5.21 concerning the project's land use compatibility with adjacent residential development lot sizes and overall project density. The current General Plan land use designation would permit a maximum density of two lots at the subject site and the proposed General plan amendment would increase the density to four lots.

The proposed project would have a minimal growth-inducing impact. The current General Plan land use designation of RR would permit a maximum of two lots at the subject site and the proposed General plan amendment to LDR would increase that amount to four lots. This is an increase in density from 1 dwelling unit per 10 acres to 1 dwelling unit per 5 acres. If the General Plan amendment is approved, the resultant land use pattern would leave an island of RR land use designation, however only 9 parcels would be included in this island and they would require additional discretionary approval to increase density. All future residential development such as second-residential units would be required to comply with County development standards and would pay project related impact fees. These include traffic related impacts fees, park and public facilities impacts fees, school impact fees, and other fees, as required by the County's Building Services and affected County agencies. Any future development must meet comprehensive County policies and regulations before grading and/or building permits could be issued.

Policy 2.1.1.7 directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated.*

Discussion: As discussed above, the existing and proposed improvements would be adequate to serve the proposed subdivision.

Policy 2.2.1.2: states that the low-density residential land use designation *establishes areas for single-family residential development in a rural setting. The maximum allowable density shall be one dwelling unit per 5.0 acres.*

Discussion: The proposed project density is consistent with the density permitted under the LDR land use designation.

Policy 2.2.5.3 includes 19 specific criteria to be considered in evaluating zone change requests.

Discussion: Staff has reviewed the zone change request against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as groundwater capability to support wells, septic and leach field capability, capacity of the transportation system serving the area, and existing land use patterns.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: This project would provide a similar and consistent residential density between existing residential development of similar lot sizes. Therefore, the proposed project is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The project would be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface and road width. The project would be required to meet the required fire safe requirements of the Rescue Fire Protection District which would be reviewed and approved by them prior to filing the parcel map.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: As conditioned, and discussed under Access section above, the project would meet the intent of this policy. Fire issues are addressed within the project's conditions of approval.

Zoning:

The project includes a Rezone request which would amend the Zoning district from RE-10 to RE-5 and is consistent with the request for a General Plan amendment from RR to LDR. The proposed parcel map contains four parcels which are consistent with the RE-5 development standards identified within Section 17.28.210 of the Zoning Ordinance, including a minimum parcel size of five (5) acres, lot width, and minimum yard setbacks. The existing residential use at the subject site is permitted by right under Section 17.28.190.

Parcel Map Correction:

As part of the parcel map request, an undeveloped onsite road and public utility easement is to be abandoned and relocated in order to provide access to the proposed parcels. As this existing undeveloped easement provides legal access to adjacent parcels the request could not be fully achieved by the parcel map application. A parcel map correction for Parcel Map PM12-119 was submitted to amend the off-site portions of the subject easement. Parcel A of PM12-119 has an existing permitted encroachment onto Deer Valley road which provides alternative access. The design of the on-site road for the subject parcel map would provide access to Parcel B of P12-119 as shown on Exhibit H.

Pursuant to Section 66472.1 of the California Government Code (Subdivision Map Act), the map amendment can be approved because the removal of the 50-foot non-exclusive road and public utility easement, and relocation at the new location, would not adversely impact any public agency or any party with interest in this easement. The amendment, as proposed, conforms to Section

66474 and a certificate of correction would be filed to effect the relocation of the road and public utility easement.

Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allows the amending of parcel maps by either filing a certificate of correction or amending the map. Should the Planning Commission approve the amendment, a certificate of correction is recommended by the County Surveyor's Office to effect the relocation of the road and public utility easement.

Section 16.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 3.

Discussion: In order to approve the map amendment, the County must find that the amended map complies with the Government Code. An alternative easement exists for all affected parcel owners and utility companies. No utilities exist in the easement proposed to be abandoned as the easement is a "paper easement" that was never developed. The applicant has supplied a signed letter from the owner of the other two parcels, (APNs 102-070-29 and -30) with deeded rights to the easement that states they have no opposition to the map amendment.

Findings for approval of the amendment can be found in Attachment 2.

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 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

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,043 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments:

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	Tentative Parcel Map
Exhibit E	Slope Map
Exhibit F1-2	Preliminary Grading & Drainage Plan
Exhibit G	Tree Canopy Analysis
Exhibit H	Parcel Map Amendment Exhibit
Exhibit I	Parcel Map P12-119
Exhibit J	Parcel Map P8-60
Exhibit K	Assessor's Map Bk. 102 Pg. 07
Exhibit L	Carlton Engineering Letter; Design Waiver Justification
Exhibit M	Carlton Engineering Letter; Narrative of Requested PM Amendment
Exhibit N	Environmental Checklist Form and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number A07-0017/Z07-0053/P07-0048/P76-0466-C

I. PROJECT DESCRIPTION

1. This tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-H, approved February 12, 2009 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

General Plan amendment from Rural Residential (RR) to Low Density Residential (LDR), rezone from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5), a parcel map creating four lots five acres in size from a 20 acre lot for APN 102-070-17, and a parcel map correction to amend Parcel Map P12-119 to remove and relocate a 50-foot non-exclusive road and public utility easement for APNs 102-070-29 and 102-070-30. An onsite road will be developed to provide access to the proposed parcels with a width of twenty feet and will be privately maintained. Water supply will be from individual wells and sewage disposal will be individual septic systems.

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 required plans must be submitted for review and approval and shall be implemented as approved by the County.

II. CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION

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

2. [MM Bio1]. Prior to disturbance of any waters of the United States including any wetland features, a wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the

appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

Monitoring: The applicant shall provide a copy of the approved 404 permit and Corps of Engineer’s approved mitigation purchase documentation of mitigation credits, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project prior to issuance of any grading permits.

3. [MM Bio 2].A Streambed Alteration Agreement shall be obtained from California Department of Fish and Game, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with California Department of Fish and Game in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

Monitoring: The applicant shall provide a copy of the approved 1602 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the California Department of Fish and Game, a letter from Fish and Game shall be provided to Planning Services stating that no permit shall be required for this project prior to issuance of any grading permits.

4. [MM Bio 3]. Water Quality: The applicant shall determine if a 404 permit is required for the proposed project, water quality concerns during construction would be addressed in a required Section 401 water quality certification by the Regional Water Quality Control Board. A Storm Water Pollution Prevention Program (SWPPP) would be required during construction activities in conjunction with the 401 water quality certification. SWPPPs are required in issuance of a National Pollutant Discharge Elimination System (NPDES) construction discharge permit by the U.S. Environmental Protection Agency. Implementation of Best Management Practices (BMPs) during construction is standard in most SWPPPs and water quality certifications. Examples of BMPs include stockpiling of debris away from regulated wetlands and waterways; immediate removal of debris piles from the site during the rainy season; use of silt fencing and construction fencing around regulated

waterways; use of drip pans under work vehicles; and containment of fuel waste throughout the site during construction.

Monitoring: The applicant shall provide a copy of the approved 401 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Regional Water Quality Control Board, a letter from Regional Water Quality Control Board shall be provided to Planning Services stating that no permit shall be required for this project prior to issuance of any grading permits.

5. [MM Bio 4]. A 50-foot setback line shall be recorded on the final map that begins at all high-water marks or the outer boundary of any adjacent wetlands along Martel Creek and all other intermittent streams as determined by the submitted wetlands delineation and shown on the tentative map. No development shall occur within the setback area. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the final map, Site Plan Review, grading and building plans where applicable. [MM Bio 2].

Monitoring: Prior to filing of final map, Site Plan Review (SPR), grading and/or building plan approval, Planning Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

6. The applicant shall choose to mitigate for oak canopy loss with either Option A or Option B, pursuant to General Plan Policy 7.4.4.4.

If Option A is chosen, the applicant shall be required to replant 90 one-gallon sized interior live oaks (*Quercus wislizenii*) trees (200 trees x 0.45 acre = 90). Alternatively, the applicant may plant 270 acorns [(200 trees x 0.45 acre) x 3 acorns = 270 acorns]. Prior to filing of the parcel map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

If Option B is chosen, in lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 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 fee shall be paid prior to filing of the parcel map.

7. 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.

8. 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).

9. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment from the Facilities and Fleet Services Department, Parks Recreation Division of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

10. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
11. All fees associated with the tentative parcel map shall be paid prior to recording the final subdivision map.
12. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
13. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

El Dorado County Department of Transportation

14. Access Roadway: Applicant shall construct and/or verify that the proposed access roadway is constructed to the provisions of El Dorado County Design and Improvements Manual (DISM) 101C and the CA Fire Code 2007, a 20-ft roadway and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
15. Encroachment Permit: The applicant shall construct and/or verify the roadway encroachment from the onsite access road onto Deer Valley Road is consistent with the provisions of County Design Std 103D. If it is not, the applicant shall obtain an encroachment permit from DOT and construct the encroachment. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
16. Road & Public Utility Easements: The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map. Additionally, since the project includes abandonment of the existing 50-ft wide non-exclusive road and public utilities easement along the south side of the property, the new easement must be written in such a way as to convey all of the same rights to the previously benefited parcels. Finally, sight distance easements, as necessary, shall be provided at the project encroachment as indicated on the map.
17. Gates: Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.
18. Turnaround: The applicant shall provide a turn around at the end of the access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
19. Easements: All applicable existing and proposed easements shall be shown on the project plans.
20. Signage: The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of

Transportation prior to the filing of the parcel map. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

21. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private road, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
22. **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).
23. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
24. **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.
25. **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.
26. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
27. **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.
28. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage

Manual”, the “Off-Street Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

29. 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.
30. 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.
31. 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.
32. 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 map or the applicant shall obtain an approved improvement agreement with security.

33. 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 map.
34. Drainage Easements: The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
35. 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.
36. Off-site Access Easements: The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.
37. 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.

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

El Dorado County Department of Environmental Management

39. Prior to filing the parcel map each parcel shall have a safe and reliable water supply

Rescue Fire Protection District

40. A Fuel Modification and Wildland Fire Safety Plan by a Registered Forester shall be required by Rescue Fire Protection District and the California Department of Forestry and Fire Protection. The Fuel Modification and Wildland Fire Safety Plan shall be reviewed and approved by the Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to the parcel map being filed.
41. The fire access road and turnaround shall meet the minimum requirements of the fire and will be addressed in the required Fire Safety Plan.
42. The construction of this project shall comply with all codes and regulations as required by the California Building Code, Fire Code, and Fire District requirements.

County of El Dorado Office of the County Surveyor

43. The property owners shall submit a "Certificate of Correction" amending PM 12-119. The certificate shall be prepared by an appropriately licensed professional, to the County Surveyor pursuant to the Subdivision Map Act and County Code for review. Then upon approval by the County Surveyor the "Certificate of Correction" shall be recorded in the County Records Office, a copy of which shall be provided to Planning Services. The property owners are responsible for all associated processing and recording fees.
44. All survey monuments must be set prior to filing the parcel map.
45. The road serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the parcel map.
46. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P07-0048 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and the applicant.

ATTACHMENT 2

FINDINGS FOR APPROVAL

File Number A07-0017/Z07-0053/P07-0048/P76-0466-C

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 proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, 2.2.1.2, 2.2.5.3, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, and 7.4.4.4, concerning, adequate roadways, water supply, land use density, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, disturbance of slopes in excess of 30 percent, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as groundwater capability to support wells, septic and leach field capability, capacity of the transportation system serving the area, and existing land use patterns. There are no existing CC & R's. The project provides adequate access and site design that ensure compatibility with the

surrounding permitted land uses, and is consistent with the General Plan policies identified above.

- 2.2 The proposed General Plan Amendment from RR to LDR is consistent with all other applicable policies of the General Plan including 2.2.1.2 and 2.2.5.21 concerning the project's location within a rural region, land use compatibility with adjacent residential development, lot sizes, and overall project density. The proposed project would create four five-acre lots from a twenty acre site. The RR General Plan land use designation allows a density of one dwelling unit per 10 to 160 acres while the LDR General Plan land use designation allows a maximum allowable density of one dwelling unit per 5 acres. The current General Plan land use designation would permit a maximum density of two lots and the proposed General Plan amendment would increase the density to four lots. Therefore, this project would provide an appropriate residential density with adequate circulation and access and is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.
- 2.3 As proposed, the project is consistent with the Low Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable maximum density of one dwelling per five acres. The proposed project density conforms to the General Plan land use designation.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards and the proposed development plan because the proposed lots meet the development standards of the RE-5 zone district pursuant to section 17.28.210 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.
- 3.2 The existing residential structures at the subject site are permitted by right under Section 17.28.190.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan. As proposed, the tentative map conforms to the LDR General Plan land use designation and applicable General Plan policies including adequate roadways, compatibility with the surrounding neighborhood, groundwater capability, septic and leach field capability, adequate emergency access, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention.*
- 4.1.4 *The proposed tentative map conforms to the applicable standards and requirements of the*

County's zoning regulations and Minor Land Division Ordinance. As proposed, the tentative map conforms to the development standards within the Estate Residential Five-Acre (RE-5) Zone District and the Minor Land Division Ordinance.

- 4.1.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1 unit per five acres. Adequate groundwater capability and septic and leach field capability exists on the site.
- 4.1.3 *The proposed subdivision is not likely to cause substantial environmental damage.* A mitigated negative declaration was prepared for the proposed tentative subdivision map. Based on the Initial Study, staff finds that the project could have a significant effect on 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.

4.2 Map Amendment Findings

- 4.2.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.* Alternative access has been granted to Parcel A of PM 12-119 by an encroachment onto Deer Valley Road and development of the proposed parcel map will ensure access to Parcel B of PM 12-119 and Parcel 5 of PM 8-60. The subject easement was never used or developed by any affected land owners or utility companies. All parcel owners with deeded rights to the easement also did not oppose the project as well. Therefore, the subject easement is not needed.
- 4.2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* The abandonment and relocation of the road and public utility easement being requested would benefit, and not burden, the current owners.
- 4.2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The full 50-foot easement for road and public utilities was for the benefit of the parcels identified by Assessor's Parcel Numbers 102-070-17, -29, and -30. The subject road and public utility easement was never developed and alternative access has been shown for all three parcels through processing of the tentative parcel map and the parcel map amendment. Therefore, the map may be amended to reflect the project request.
- 4.3.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.* The applicable portion of Section 66474(g) requires that the County find the reduction of the road and public utility easement will not conflict with easements for access through or use of, property within the parcel map. No utility company, public agency, or parcel owner with interest in the easement, objected to the reduction in the length of the 50-foot non-exclusive road and public utility easement subject of this permit request.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The project design for the onsite roadway includes two stream crossings, removal of oak tree canopy, and areas of steep slopes. Both DOT and the responsible Fire District are supportive of the design waiver request.
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements will require increased impact to the two stream crossings, additional grading, and additional oak tree canopy removal. The onsite road will be developed to the full fire safe required width of 20 feet.
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the Fire District has determined that the reduced shoulder width will still provide adequate emergency vehicle access, connection to adjoining residences, and on site circulation.
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 Allow a hammerhead "T" at road terminus

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Due to steep slopes and oak tree canopy, the approval of the hammerhead "T" turnaround will reduce the grading and oak tree impacts by fifty percent as compared to the use of a standard cul-de-sac. The Fire District has no objections to the hammerhead "T" turnaround.
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The hammerhead "T" at road terminus will reduce potential project grading and oak tree canopy removal impacts.

- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The Fire District determined that the hammerhead “T” would provide the same turnaround objective as a standard cul-de-sac.

- 5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County’s implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.