

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



**Agenda of:** February 26, 2009  
**Item No.:** 10  
**Staff:** Jonathan Fong

**REZONE/SUBDIVISION MAP**

**FILE NUMBER:** Z08-0026/TM08-1476 Vista Grande Estates

**APPLICANT:** Bobbie Lebeck, Nicole Young, Eric Alligue

**AGENT:** LeBeck Young Engineering, Inc.

**REQUEST:** Zone change from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A).  
  
Tentative Subdivision Map creating five (5) parcels ranging in size from one (1) to 1.07-acres.  
  
Three Design Waivers have been submitted to allow the following:

- a) To reduce the road improvements on Vista Grande to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- b) To reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- c) To allow the creation of parcels which do not front a road.

**LOCATION:** The project is located on the east side of Sierrama Drive approximately 2,400 feet north of the intersection with Meder Road in the Shingle Springs Area. Supervisorial District IV (Exhibit A).

**APN:** 070-160-58 (Exhibit B)

**ACREAGE:** 5.07-acres

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

**ZONING:** Estate Residential Five-Acre (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**SUMMARY RECOMMENDATION:** Recommend approval of Z08-0026/ TM08-1476 and approve the Design Waivers A through C.

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

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

**Rezone:** The Rezone would amend the project zoning from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A). The proposed Rezone would be consistent within the Medium Density Residential (MDR) land use designation.

**Tentative Subdivision Map:** The Tentative Map would create five (5) one-acre residential parcels.

**Road Improvements:** The project site is bounded to the west by Sierrama Drive and the north by Vista Oaks Drive. Due to the project location within the Shingle Springs Community Region, road improvements would be required to adhere to Standard Plan 101B. Design Waivers have been requested to reduce the road improvements from 28 feet to 20 feet. As discussed in the Design Waiver Section below, DOT recommends approval of the Design Waivers.

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

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>	<b>Parcel Sizes</b>
<b>Site</b>	RE-5	MDR	Undeveloped Residential	5.07-acres
<b>North</b>	R2A	MDR	Existing single-family residential	1.6-acres
<b>South</b>	R2A	MDR	Existing single-family residential	1.03-acres
<b>East</b>	RE-10	LDR	Existing single-family residential	5.0-acres
<b>West</b>	RE-5	MDR	Existing single-family residential	1.15-acres

The site is surrounded by existing residential development. The project site is located within the Shingle Springs Community Region at the easternmost border of the Community Region Boundary.

The adjoining parcels to the north, south, and west are similarly size one-acre parcels proposed as part of the project. The site is bordered to the east by larger existing residential parcels within the Low Density Residential (LDR) land use designation. The proposed residential development of the site would be consistent with the surrounding land use pattern.

**General Plan:** The General Plan designates the subject site as Medium Density Residential (MDR), which permits a parcel size range of one to five acres. The project would create five (5) residential parcels ranging in size from one (1) to 1.07-acres acres. The project would result in a density range consistent within the MDR land use designation.

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

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

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

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

See #1 above.

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

The project would be served by private septic systems. The project is located within the Shingle Springs Community Region. **General Plan Policy 5.3.1.7** requires all new development within Community Regions to connect to public wastewater services. The applicant has requested that the private septic systems be approved based on the financial hardship of extending wastewater services to the site. The submitted Facilities Improvement Letter (FIL) sent by the El Dorado Irrigation District (EID) determined that no sewer services currently existing within Vista Grande Drive. The cost to extend sewer service to the project site would be unfeasible due to the small scope of the project.

The project has been designed with private on-site septic systems for each of the proposed parcels. The septic systems have been reviewed and approved by Environmental Management. Based on the limited scope of the project and adequate capacity of the proposed septic systems, Planning Services recommends approval of the use of septic systems for the project. Findings of Approval for the septic systems have been included in Attachment 2 of the Staff Report.

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

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

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

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

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

The project site is located within the Shingle Springs Community Region.

**7. Erosion hazard;**

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

The General Plan prohibits development on slopes exceeding 30%. Review of the Slope Map provided as part of the application determined that no slopes 30% or greater exist on the project site or would be impacted as a result of road improvements required for the project.

**8. Septic and leach field capability;**

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

**9. Groundwater capability to support wells;**

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

**10. Critical flora and fauna habitat areas;**

The Biological Resources Report that was prepared for the project identified rare special status plants on the project site. The Report was forwarded to the US Fish and Wildlife Service and the California Department of Fish and Game. Neither agency provided comment.

The project site is located within Mitigation Area 1 which is defined as lands with soil types capable of sustaining the Pine Hill Endemic Plant Species. As determined by the Biological Report, the plant species are largely located on proposed Lots 3, 4 and 5. The plants are located within the proposed setbacks and disturbance to the plants as a result of residential

development would be minimal. In accordance with the Chapter 17.71 of the Zoning Ordinance, the project would be required to pay the Mitigation Area 1 In-Lieu fee at the time of building permit issuance.

The project site contains oak canopy which pursuant to **General Plan Policy 7.4.4.4** would require retention and replacement provisions consistent with Option A of the policy. The applicant has provided an oak canopy analysis which estimates the potential oak impacts as a result of road improvements and infrastructure construction.

Project Site (acreage)	Oak Canopy Coverage (sf)	Percentage Oak Coverage	Required Retention	Proposed Oak Removal	Proposed Retention
5.07	14,167	6.4%	90%	1,395	90.2%

The estimated oak impacts as result of road improvements would be consistent with Option A. In accordance with the Oak Woodland Management Plan (OWMP) the developer would be required to pay the conservation in-lieu fee at a 1:1 ratio. The fee would be collected prior to issuance of a grading permit for the required road improvements.

Future residential development of the proposed lots would exceed the required retention rate established by Policy 7.4.4.4. A not would be required on the final map requiring that all future oak canopy as a result of residential development would be required to pay the conservation in-lieu fee at a 2:1 ratio as established by the OWMP. The conditions of approval included in Attachment 1 would require the final map include notes identifying that future development would be required to pay the conservation in-lieu fee at a 2:1 ratio.

**11. Important timber production areas;**

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

**12. Important agricultural areas;**

See #11 above.

**13. Important mineral resource areas;**

See #11 above.

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

The Department of Transportation has reviewed the project and required that road improvements be performed on Vista Grande Drive and Sierrama Drive. The applicant has requested a Design Waiver to reduce on the road improvement requirement from 28 to 20 feet. As discussed in the Design Waiver section below, the DOT has determined that the

reduced road width would provide for adequate access. Design Waiver Findings have been included in Attachment 2 of the staff report.

**15. Existing land use pattern;**

The project would allow residential development consistent with the Medium Density Residential Land Use Designation and Zoning in the project vicinity. The adjoining parcels to the north, south and west are designated as MDR. The project would not substantially alter the land use pattern established by the General Plan Land Use Map.

**16. Proximity to perennial water course;**

No riparian features exist on the project site. The nearest water course would be Kelley Creek which is located approximately ½ mile to the east of the project site. No impacts would like occur to water courses in the area as a result of the project.

**17. Important historical/ archeological sites;**

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

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

The project site is located within the Asbestos Review area. As required by the Air Quality Management District, an Asbestos Dust Mitigation Plan would be required prior to issuance of a grading permit for road construction or for any building permit.

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

The project would not conflict with the existing CC&R's. The proposed Lot 5 would be required to maintain the view easement currently recorded on the project parcel. The view easement establishes a maximum building height within the easement.

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

**Zoning:** The project request includes a Rezone request which would amend the Zoning designation from RE-5 to R1A. Section 17.28.080 establishes Development Standards for the R1A Zone District:

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

The parcels would range in size from one-acre to 1.07-acres which would be consistent with the minimum parcel size requirements.

**B. Minimum parcel area per dwelling unit, same as subsection A of this section;**

The proposed parcels would be consistent with this requirement.

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

No development is proposed as part of the project. All future development would be reviewed during the building permit submittal process to determine compliance with the building coverage requirements.

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

The proposed parcels would meet the minimum parcel width requirements of the R1A Zone District.

**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)**

No development is proposed as part of the project. All future development would be reviewed during the building permit submittal process to determine compliance with the setback requirements.

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

No development is proposed as part of the project. All future development would be reviewed during the building permit submittal process to determine compliance with the maximum height requirements.

As discussed above, the proposed project would conform to the R1A Zone District standards.

**Design Waivers:** Three Design Waivers have been submitted to allow the following:

**a) To reduce the road improvements on Sierrama Drive and Vista Grande Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;**

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

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

As discussed above, the request Design Waiver would reduce the road improvement requirements from 28 feet wide pursuant to Standard Plan 101B. The proposed 18 foot wide road with 1 foot

shoulders would provide adequate circulation and emergency access throughout the project site. Therefore, staff has recommended approval of the Design Waiver.

**c) To allow the creation of parcels which do not front a road**

As shown on the Tentative Map, the project would create five (5) residential parcels. Lot 3 and Lot 4 would be accessed via access easements across Lot 2 and Lot 5 respectively.

Volume II Section 2 B 5 of the County Design and Improvement Standards Manual requires that all lots front a road and contain frontage consistent with the Zoning Ordinance Development Standards. Due to the unique parcel configuration of the existing parcel, the proposed Lot 3 and Lot 4 would not be able to be designed with frontage on either Sierrama Drive or Vista Grande Drive. The alternative to the proposed access easements would be the creation of 'Flag' Lots which would also be discouraged pursuant to the DISM.

The proposed access easements would be consistent with the driveway requirements of the County Zoning Ordinance. The proposed easement configuration has been reviewed by the Department of Transportation and Planning Services. Due to the unique parcel configuration, staff has recommended approval of the requested Design Waiver

The Design Waiver has been requested in order to allow for future access from the proposed lots along Road 'C'. The Design Waiver would allow for Road 'C' to be constructed consistent with the Fire Safe Regulations minimum road width standard. The Department of Transportation has reviewed the Design Waiver and recommended approval.

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

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

Environmental Management: The submitted septic capability report was reviewed and approved by the Department. Due to the project location within the Asbestos Review Area, the project would require an Asbestos Dust Mitigation Plan prior to any on-site construction.

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

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



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

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

### **ENVIRONMENTAL REVIEW:**

Based on the Initial Study prepared by Planning Services, staff finds that the project would not have a significant environmental impacts, therefore a Negative Declaration has been prepared (Exhibit F).

**NOTE:** This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,983.00 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 \$1,933 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

### **RECOMMENDATION:**

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Rezone Z08-0026 based on the findings in Attachment 2;

3. Approve Tentative Subdivision Map Application TM08-1476, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
4. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
  - a) To reduce the road improvements on Vista Grande to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
  - b) To reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders; and
  - c) To allow the creation of parcels which do not front a road.

### **SUPPORT INFORMATION**

#### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings of Approval
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	Zoning Map
Exhibit D .....	General Plan Land Use Map
Exhibit E .....	Tentative Subdivision Map
Exhibit F .....	Environmental Checklist and Discussion of Impacts

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**FILE NUMBER Z08-0026/ TM08-1476**  
**Vista Grande Estates**  
**February 26, 2009**

**Planning Services:**

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

The project description is as follows:

Rezone from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A).

Tentative Map creating 5 residential lots. The lots would be served by EID public water and individual septic systems.

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

<b>Lot Number</b>	<b>Gross Area (acres)</b>
1	1.0
2	1.07
3	1.0
4	1.0
5	1.0

Three Design Waivers would be approved as follows:

- a) To reduce the road improvements on Vista Grande to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- b) To reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- c) To allow the creation of parcels which do not front a road.

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

## **CONDITIONS OF APPROVAL**

### **Planning Services**

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
3. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit
5. All Development Services Planning fees shall be paid prior to filing of the Final Map.
6. The applicant shall submit to Planning Services the recording fee and the Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
7. The developer shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a grading permit.

8. All future oak canopy removal as a result of residential development of the subdivision shall pay the oak mitigation fee at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee to Planning Services prior to issuance of a building permit. This note shall be placed on the Final Subdivision Map. Planning Services shall verify this note prior to filing the final map.
9. The subdivider shall pay a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
10. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid to the County Recreation District at the time of filing the final map.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
12. The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

**The Department of Transportation:**

13. **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 map: (the requirements outlined in Table 1 are minimums)

<b>Table 1</b>				
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDT H*</b>	<b>RIGHT OF WAY**</b>	<b>EXCEPTIONS/ NOTES</b>
Sierrama Drive <i>(offsite along project boundary)</i>	Modified Std Plan 101B (3"AC over 8"AB Min.)	20ft	50ft existing	No curb, gutter and sidewalk.
Vista Grande Drive <i>(onsite from Sierrama Dr to end)</i>	Modified Std Plan 101B (3"AC over 8"AB Min.)  Std Plan 103D @ intersection w/ Sierrama Dr.  Std Plan 114 or equivalent turnaround	20ft	44ft existing	No curb, gutter and sidewalk.

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

14. **Vehicular Access Restrictions:** Prior to filing of the map, the applicant shall record a vehicular access restriction on the Lot 3 driveway over Lot 2 and on the Lot 4 driveway over Lot 5 prior to filing of the map.
15. **Turnaround:** The applicant shall provide a turn around at the end of Vista Grande Drive 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.
16. **Offsite 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.
17. **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.

**DOT STANDARD CONDITIONS**

18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
19. **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 shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

20. **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 parcel map.
21. **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).
22. **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.
23. **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.
24. **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.
25. **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.
26. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

27. **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.
28. **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.
29. **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.
30. **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.

31. **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.
32. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
33. **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.
34. **Off-site Improvements (Security):** Prior to the filing of a parcel 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.
35. **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 map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

36. **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.
37. **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 Fire Protection District**

38. The project shall provide a potable water system that is capable of supplying the required fire flow of 1,000 gallons per minute with a 20 psi residual for a two hour period. This flow rate is in addition to the highest maximum daily consumption and is based on the premise that a single family dwelling is to be of Type V-B wood frame construction and shall not exceed 3,600 square feet in size. Any home exceeding 3,600 square feet shall supply a fire flow of 1,500 gpm. The Department shall review and approve the fire flow prior to filing the final map.
39. The District shall review and approve the road improvement plans. The District shall review and approve the plans prior to filing the final map.

**Department of Environmental Health- Air Quality Management District**

40. The applicant shall prepare a Fugitive Dust- Asbestos Hazard Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading plan.
41. The project shall adhere to all District rule during project construction.

**Surveyor's Office:**

42. 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.

## **ATTACHMENT 2 FINDINGS OF APPROVAL**

**FILE NUMBER Z08-0026/ TM08-1476**

**Vista Grande Estates**

**February 26, 2009**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the negative declaration together with the comments received during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG).
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services located at 2850 Fairlane Court, Placerville, CA.

#### **2.0 Tentative Map Findings**

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

The project will require a Rezone from RE-5 to R1A. The R1A Zone District is consistent within the MDR General Plan Land Use Designation. The project will create five (5), one-acre residential parcels which will be consistent within the MDR land use designation. The proposed parcel sizes will be consistent with the General Plan Land Use Map and applicable General Plan policies.

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

The subdivision will create 5 residential parcels on a 5.07-acre site. The proposed density will be consistent within the MDR land use designation. The proposed road improvements will be consistent with the requirements of the General Plan. The subdivision will be consistent with the retention and replacement provisions of Policy 7.4.4.4 and riparian areas will be protected consistent with Policy 7.3.3.4.

The project will be served by EID public water and private on-site septic systems. The septic systems have been designed to accommodate the potential demand and repair areas have been designated on each of the proposed lots.

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

The project site contains adequate buildable areas for the five (5) proposed lots. Adequate public utilities are available to serve the project and the proposed road improvements and Design Waivers will be consistent with the County Design Manual and the General Plan.

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

The project will create five residential parcels. Adequate developable areas have been provided for each of the parcels. The site will be capable of sustaining the proposed development.

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

The project will mitigate the potential impacts to oak canopy consistent with General Plan Policy 7.4.4.4 and the Oak Woodland Management Plan. The project will pay the rare plant mitigation fee at the time of building permit issuance as required by the Zoning Ordinance. No riparian features exist on-site that will be damaged as a result of the project. The project will mitigate for the impacts to biological resources as required by the County Code.

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

The project will widen the existing Sierrama Drive and Vista Grande Drive. The project has been designed to provide adequate access for the proposed parcels. The proposed lots that do not front a public road will be accessed via driveway access easements. The project will not include any designs or require improvements that will be detrimental to the public health, safety, or welfare of residents in the project area.

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

The proposed lots have been designed in accordance with the Development Standards of the R1A Zone District and the County Design Manual. The proposed buildable areas will provide for the required 30 foot setback as required by the Fire Safe Regulations.

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

The subdivision will perform road improvements to the adjoining roads and will not conflict with any easements for access through the subdivision.

**3.0 Zoning Findings**

**3.1 The Zone Change is consistent with the General Plan.**

The Rezone would amend the parcels zoning from Estate-Residential Five-Acre (RE-5) to One-Acre Residential (R1A). The Rezone is consistent within the Medium Density Residential (MDR) land use designation. The Rezone has been evaluated against the specific criteria include in General Plan Policy 2.2.5.3 and it has been determined that the adequate site conditions exist to support the increase in density.

**4.0 Design Waiver Findings**

**4.1 To reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;**

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

The proposed project will create five (5) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement. No substantial pedestrian needs will result in the creation of five additional parcels and sidewalk, curb, and gutters will not be necessary in the project area.

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

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

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

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

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

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

**4.2 To reduce the road improvements on Vista Grande Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;**

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

The proposed project will create five (5) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement. No substantial pedestrian needs will result in the creation of five additional parcels and sidewalk, curb, and gutters will not be necessary in the project area.

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

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

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

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

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

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

**4.3 To allow the creation of parcels which do not front a road.**

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

The existing parcel is uniquely shaped. The requested waiver will be required to provide access to two of the proposed parcels.

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

Due to the unique orientation of the existing parcel, strict application of road frontage requirements cannot be met. The requested waiver will necessary to utilize the full development potential of the site.

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

The lots would be accessed via driveway easements which would provide adequate access to the parcels. The waivers would not allow for any modification that will be detrimental to the health, safety or welfare of the public.

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

The design waiver will be consistent with the objectives of the County Design Manual, the Fire Safe Regulations and the Subdivision Ordinance. Approval of the waiver will ensure that adequate access will be available to the proposed lots which do not front Sierrama Drive or Vista Grande Drive.