

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



**Agenda of:** March 12, 2009  
**Item No.:** 8  
**Staff:** Tom Dougherty

**REZONE/PLANNED DEVELOPMENT/SUBDIVISION MAP**

**FILE NUMBER:** Z07-0033/PD07-0020/TM07-1448/McCann Subdivision

**APPLICANT:** Michael, Robynn, and Joshua McCann

**REQUEST:** 1) Zone change from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development (R1-PD), and Open Space-Planned Development (OS-PD);

2) Development Plan and Tentative Subdivision Map to subdivide the property into 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot.

Design waivers have been requested for the following:

- a) To allow Lots 17, 18, 20, 21, 48, 50, 51 and 52 to have less than the required lot widths.
- b) To allow flag-shaped lots on Lots 17, 18 and 51.
- c) To allow sidewalks to be reduced from six feet to four feet in width.

**LOCATION:** The property is located approximately 1,600 feet east of the intersection of Truscott Lane and Union Mine Road in the El Dorado area, Supervisorial District III. (Exhibit A)

**APN:** 331-420-12 (Exhibit B1)

**ACREAGE:** 24.3 acres

**GENERAL PLAN:** High Density Residential (HDR) (Exhibit C1)

**ZONING:** Planned Agricultural 20-Acre (PA-20) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Rezone Z07-0033, based on the Findings in Attachment 2;
4. Approve Planned Development PD07-0020 adopting the development plan as the official Development Plan subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2;
5. Approve Tentative Map TM07-1448 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2;
6. Approve the request for design waiver to reduce the sidewalks from six feet to four-feet wide; and
7. Deny the following design waivers since appropriate findings required in Section 16.40.010 cannot be found to exist:
  - a) To allow Lots 17, 18, 20, 21, 48, 50, 51 and 52 to have less than the required lot widths.
  - b) To allow flag-shaped lots on Lots 17, 18 and 51.

**BACKGROUND:** The 24.3-acre parcel was created first by Parcels 11 & 12 which were originally APN 053-020-64, held by W.B. Clemenger, being parcel 3 of O.R. 1417-474. Subsequently after passing through by inheritance, John Clemenger conveyed the westerly portion to Central Sierra Regional Occupational Program by Doc. 2000-08802 thereby creating APN 331-420-11 and APN 331-420-12 was the resulting remainder parcel. The subject application was deemed complete on January 31, 2008.

**STAFF ANALYSIS**

**Project Description:**

**Rezone:** Request to rezone a 24.3-acre parcel from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development (R1-PD). The 7.4996-acre open space lot shown in Exhibit F would be rezoned to Open Space-Planned Development (OS-PD).

**Tentative Subdivision Map and Development Plan:** Development Plan and Tentative Subdivision Map to subdivide the property into 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet, and one 7.5-acre open space lot. Design waivers have been requested to allow less than the required lot width for lots 17, 18, 20, 21, 48, 50, 51 and 52, and to allow flag-shaped lots for Lots 17, 18 and 51, and to allow sidewalks to be reduced to from six feet to four feet in width. All lots would be served by public water and sewer. The applicants would be required to construct new access through roads and improve the existing ones to include Truscott Road from Union Mine Road to Solstice Circle. The project is not proposed to be phased. The following table is a breakdown of the coverage within the subdivision:

<b>McCann Tentative Subdivision Map Total Area Summary</b>			
<b>Road right-of-way</b>	168,960.4 sq. ft.	3.8788 acres	15.96 percent
<b>Open space</b>	326,682.7 sq. ft.	7.4996 acres	30.87 percent
<b>Residential parcels</b>	562,757.2 sq. ft.	12.9191 acres	53.17 percent
<b>Total area</b>	1,058,400.3 sq. ft.	24.2975 acres	100 percent

<b>McCann Tentative Subdivision Map Individual Lot Area Summary</b>			
<b>Lot No.</b>	<b>Gross Area (Total parcel area in square feet)</b>	<b>Lot No.</b>	<b>Gross Area (Total parcel area in square feet)</b>
1	6,063	38	7,955
2	7,500	37	7,115
3	7,415	38	7,955
4	7,294	39	7,763
5	7,372	40	7,466
6	7,556	41	8,167
7	7,731	42	16,809
8	8,496	43	11,414
9	8,469	44	11,881
10	7,954	45	12,347
11	6,749	46	12,562
12	6,060	47	10,691
13	6,914	48	11,311
14	6,696	49	7,454
15	6,669	50	8,792
16	6,607	51	14,142
17	9,710	52	7,860

18	7,724	53	6,553
19	10,167	54	6,002
20	10,735	55	6,309
21	8,040	56	6,641
22	7,931	57	7,832
23	6,489	58	8,423
24	6,779	59	7,730
25	6,006	60	6,785
26	6,009	61	7,348
27	6,542	62	7,532
28	6,199	63	7,290
29	7,360	64	6,686
30	6,505	65	6,475
31	6,842	66	6,263
32	6,050	67	6,052
33	6,308	68	6,035
34	6,074	69	6,089
35	6,004	70	7,122
36	6,004	71	8,374
37	7,115	72	8,474
38	7,955	Lot A	7.4996 acres

**Site Description:** The 24.3-acre parcel varies in elevation from 1,660 to 1,760 feet above sea level. The highest point is in the southwestern portion of the parcel which slopes moderately to steeply from that point in all directions. Deadman Creek is an intermittent stream that flows north to south in the western portion of the parcel. The majority of the parcel is grassland and the oak woodland exists primarily in the southern and western portions around the perimeter. The parcel has historically been used for grazing livestock, though not currently.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	PA-20	HDR	Planned agricultural, vacant (one, 24.3-acre parcel).
<b>North</b>	PA-20	HDR	Planned agricultural, vacant (one, 24.4-acre parcel).
<b>South</b>	RA-20	HDR	Residential agricultural, vacant (one, 40-acre parcel).
<b>East</b>	RA-20	HDR	Residential agricultural, vacant (one, 25.27-acre parcel).
<b>West</b>	PA-20	HDR	School, Shenandoah High School (one, 20.4-acre parcel).

Discussion: Exhibits A and B1 to B3 illustrate that the general area consists of 20 to 40-acre parcels in 20-acre zones with all parcels adjoining the subject parcel. All surrounding parcels have the high-density residential land use designation and three schools are located to the west of the parcel. The proposed lots can be found to be compatible with the surrounding development for an area planned for high density residential land use and located in a Community Region.

**Project Issues:** Discussion items for this project include access and circulation, agricultural impacts, building envelopes, design waiver requests, development plan, fire safety, grading, homeowner's association, parks, public transit, open space, schools, trails, wastewater disposal, water supply, and zone of benefit.

**Access and Circulation:** The project proposes to use the existing private roadway of Truscott Lane via Union Mine Road as the primary access point. DOT would require that Truscott Lane be improved to County Design Standard 101-B since the parcel is located within a Community Region. That access is labeled as Street A on the Tentative Subdivision Map shown in Exhibit F. The map shows Street B as entering into the parcel to the north identified by APN 331-400-02. The applicants have stated that if a development plan or tentative subdivision map is not filed on that parcel prior to filing the subject final map, a temporary turnaround cul-de-sac would be constructed with a temporary standard barricade.

The project would be required to have a secondary access from the east terminus of Street A through Solstice Circle to Patterson Drive. That would create a through road from Solstice Circle within Deer Park Estates Unit 2, along Truscott Lane to Union Mine Road. Because the project consists of small lots in the size range of 6,000 to 8,000 square feet, it is assumed that on-street parking would be utilized. DOT would require a 48-foot road width for Streets A and B (that portion north of Street A) and 40 feet for Streets C and B (that portion south of Street A), with all to include four-foot wide sidewalks on both sides of the roadway within the subdivision, as well as for Truscott Lane to Union Mine Road, to accommodate parking on both sides of the road. The offsite road width from the subject parcel to Solstice Circle would be required to be 28-feet wide with *No Parking* signs installed and would not be required to have sidewalks. The HOA established for the subdivision would be fully responsible for the ongoing maintenance of the roads within the subdivision.

Pursuant to the conclusions of the submitted *Traffic Impact Analysis* dated April 6, 2007, the applicants would further be required to pay their fair share for the following:

- 1) An additional approach lane for southbound traffic on Forni Road.
- 2) Installation of a traffic signal at Pleasant Valley Road and Patterson Drive.
- 3) Installation of a traffic signal at Pleasant Valley Road and State Route 40 West.

The fees for those three offsite improvements would be required to be paid by the applicants prior to the filing of the Final Map. The project would be required to establish a Zone of Benefit and to establish sufficient funding to maintain the whole of the road system in the Zone of Benefit.

The County has concern about the cumulative impacts to traffic and pedestrian circulation for the area south of Pleasant Valley Road between Union Mine Road and Fowler Lane and south to Truscott Road to Solstice Circle because of the dead end roads and inadequate road surface widths (Exhibit L). There is also concern about the existing traffic on the regional circulation roads such as Missouri Flat Road, Union Mine Road, Fowler Road, El Dorado Road and Mother Lode Drive. Attached to this staff report as Exhibit L is a map entitled *Communities of El*

*Dorado and Diamond Springs Concurrent Projects.* This map identifies the location of projects with submitted applications as of the time of this project staff report being completed and shows a road connection vision map for proposed road connections to provide secondary accesses and traffic circulation. It has been progressively updated in an attempt to look at the cumulative impacts to the El Dorado-Diamond Springs area. In May of 2008, this map, along with project descriptions, was distributed to Caltrans, El Dorado County DOT, El Dorado Irrigation District, El Dorado County General Facilities Department, El Dorado County Water Agency and has been reviewed with the El Dorado County Transportation Commission staff as well as the El Dorado County Parks and Recreation Commission. The map led to the development of a traffic circulation vision plan for the project vicinity. The projects on that map that contribute to cumulative traffic impacts are listed as follows and are labeled with the number related to said map:

5. Harrington Business Park, Z06-0020/P05-0004: 42 industrial lots (in process).
6. Oak Highlands Subdivision, Z08-0008/ PD08-0008/ TM08-1469: 220 single family lots, 48 condominium lots (in process).
7. Stonehenge Springs Subdivision, TM 08-1474/Z08-0024/PD08-0013: in progress, 331 single family lots (in process).
8. Diamond-Dorado Subdivision (Jongordon). Preliminary map submitted with 109 lots proposed.
9. McCann Subdivision, Z07-0033/PD07-0020/TM07-1448: 72 single family lots (in process).

A *Traffic Impact Analysis* was prepared by Farhad and Associates, dated April 6, 2007, that was reviewed and analyzed by DOT, which looked at the cumulative effects of this project combined with #8, the Jongordon project, pertaining to the existing and future traffic numbers and circulation. That analysis resulted in recommended Conditions of Approval 21 to 56. As each of the potential proposed projects listed above moves forward, each would be conditioned to annex into the Zone of Benefit established by the subject application. They further would be required to improve the project related roads to adjust to the perceived local as well as cumulative traffic impacts that they would have on the local circulation as well as the regional circulation.

The full discussion about the potential environmental effects of the proposal relative to primary access, secondary access, circulation, road widths, and cumulative effects when combined with existing and future traffic in the vicinity is located in Section XV, Transportation/Traffic of the Environmental Checklist and Discussion of Impacts, attached as Exhibit R.

**Agricultural Impacts:** The subject parcel is surrounded on all four sides by parcels that are zoned either RA-20, PA-20 or A. None of those parcels except one are currently involved in agricultural pursuits. All are vacant except to the west and all are located within the El Dorado-Diamond Springs Community Region and designated by the General Plan for High Density Residential use. The parcel to the west does currently have cattle grazing on it. There is a school on the parcel to the west. The project was reviewed at the El Dorado County Agricultural Commission meeting on March 12, 2008. Because of the current General Plan policies that require buffers and setbacks from agriculturally zoned lands, the Commission had no other option available to them but to recommend denial of the project. The memo from the

Commission that followed their meeting and summarized their comments is attached as Exhibit Q. The full discussion of the potential effects on agricultural lands is located in Section II, Agriculture Resources of the Environmental Checklist and Discussion of Impacts, attached as Exhibit R.

**Building Envelopes:** No building envelopes are proposed as part of the subdivision. However, all structures will be required to meet setbacks per the development standards of the R1 zone district (front: 20 feet, rear: 15 feet, side: 5 feet) and minimum setbacks for defensible space as required by the Fire District. Fire Safe Regulations require a 30-foot setback from all property boundaries unless a reduction is approved by the Fire District. No structural development will be allowed on slopes of greater than 30 percent consistent with El Dorado County General Plan Policies. The project proposes to use mass pad grading within the lot development areas and those areas where the road infrastructure is proposed. Adequate area would then be created on each of the lots to meet these restrictions.

**Design Waiver Requests:** Design waivers are requests to deviate from the requirements of the El Dorado County Design Improvement Standards Manual (DISM). Design waivers have been requested to allow less than the required lot width for lots 17, 18, 20, 21, 48, 50, 51 and 52 pursuant to Volume II, Section 2.B.5; and to allow flag-shaped lots for Lots 17, 18 and 51 pursuant to Volume II, Section 2.B.7, both of the DISM. Planning cannot support the approval of these design waivers as they appear to simply increase the lot density with no extra benefit to the project or the County. The use of the planned development concept requires that the project include 30 percent open space. As submitted, the project currently includes 30.87 percent open space.

An additional design waiver is requested to allow sidewalks to be reduced from six feet to four feet wide. DOT has stated they would support the design waiver to reduce the sidewalks from six feet to four-feet wide with the required 40-foot road width and 50-foot right-of-way.

Planning is recommending approving the request for design waiver to reduce the sidewalks from six feet to four-feet wide, and denying the requests for design waivers to allow Lots 17, 18, 19, 20, 21, 48, 50, 51 and 52 to have less than the required lot widths and to allow flag-shaped lots on Lots 17, 18 and 51. Staff further recommends elimination of Lots 17, 18, and 51 which should allow for Lots 20, 21, 48, 50, and 52 to provide for the minimum lot width. The applicants would be required to submit the final map providing for the minimum road frontage of 60 feet.

**Fire Safety:** The site is located in the El Dorado Irrigation District (EID) service area. There are existing domestic water delivery facilities on Truscott Road southwest of the project on the adjoining parcel. The lots would be required to meet the required fire flow needed for fire protection as determined by the Diamond Springs-El Dorado Fire Protection District. Pursuant to the Fire District, these standards would include the installation of fire hydrants every 500 feet with hydrants supplied by a water delivery system capable of maintaining a fire flow of 1,000 gallons per-minute for duration of two hours for homes less than 3,600 square feet and 1,500 gallons per minute for two hours for those over 3,600 square feet. According to the EID Facility Improvement Letter dated December 5, 2007, that would require the construction of a water line

extension from the 12-inch water line located on Truscott Road near Union Mine High School. The project has been conditioned to meet this requirement prior to filing the final map.

Cal Fire staff responded to the request for comments by stating that the roads and clearances around structures meet the SRA Fire Safe Regulations and portions of the 2007 California Fire Code as adopted by the County of El Dorado. Diamond Springs-El Dorado Fire Protection District has required that a Fire Safe Plan prepared by a District-approved Fire Safe Planner be prepared and then approved by the District as well as by Cal Fire staff. This plan would address the reduction of the intensity of potential wildfires by reducing the volume and density of flammable vegetation within the project vicinity. The project has been conditioned to meet this requirement prior to filing the final map.

**Grading:** The proposed project qualifies as mass pad grading pursuant to Section 2.C.1 of the El Dorado County Design Improvement Standards Manual. DOT has advised the applicant to show interceptor drains to avoid cross-lot drainage issues, to obtain offsite easements when applicable, and to use contour grading to avoid the stair-step effect. The Preliminary Grading Plan is shown in Exhibit H.

**Homeowner's Association:** A Homeowner's Association (HOA) would need to be established for the purposes of implementing, the Fire Safe Plan, trail maintenance and management, maintenance of any fences and walls constructed on the subdivision property lines, the maintenance of the shared roads, and all drainage facilities within the subdivision. Covenants, Conditions and Restrictions (CC&Rs) would be reviewed by the County prior to filing of the final map to assure they include those provisions.

**Open Space:** The applicant has proposed one 7.5-acre open space lot (Lot A). As part of the project proposal, the open space lot would be zoned to Open Space-Planned Development (OS-PD) during the rezone process. The open space lot predominately encompasses the oak woodland areas, the Deadman Creek intermittent stream area, and the steeper sloped areas of the project site.

**Parks:** 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 would be paid at the time of filing the final map to the El Dorado County Department of General Services Facilities Department. The project was distributed for review to the El Dorado County Parks and Recreation Commission who did not respond with any requests or concerns.

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

**Schools:** The Mother Lode Union School District and El Dorado Union High School District provides schools for residents. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project. The Districts have expressed a desire for all new subdivisions in the area to have safe and adequate sidewalks. The proposed project is planned for all interior roads to have four-foot



wide sidewalks on both sides of the roadways and bike lanes through the subdivision to the Union Mine and Shenandoah high school sites. Should the parcel to the north be developed in the future, connections to Charles Brown School could potentially be constructed.

**Wastewater Disposal:** There is a 12-inch gravity fed sewer and an eight-inch force main located in Oakdell Road. A sewer lift station is located by Charles Brown School approximately 500 feet north of the project. The lift station, force main and 12-inch gravity sewer line do not have adequate capacity to serve the proposed subdivision. In order for the subdivision to receive sewer service, construction of a new District lift station, force main and gravity sewer line would need to be constructed out to Pleasant Valley Road. The required Facility Plan Report would need to explore the possibility of abandoning the Charles Brown Lift Station and existing eight-inch force main and then to utilize new facilities for the combined flow created by the subdivision.

**Water Supply:** Water for the project would be provided by the El Dorado Irrigation District (EID). EID has indicated that they have the ability to serve the project with existing mains as long as the applicant meets Fire Protection District standards development of a looped water system within the proposed development. This system would tie into existing lines in the neighborhood with no upgrades required. An EID Facility Improvement Letter (FIL), dated December 5, 2007, makes it clear that is not a commitment to serve, but does address the location and approximate capacity of existing facilities that may be available to serve the proposed project. In terms of water supply, as of January 1, 2007, there were 2,426 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. The FIL states that the project, as proposed on the date of the notice, would require 70 additional equivalent dwelling units (EDUs). The resulting lots for the current proposal would be required to establish separate domestic water service accounts with EID. The applicant would be responsible for the installation of all improvements to the District's *Water, Sewer and Recycled Water Design and Construction Standards* necessary to provide these services. The exact improvements required would be determined by an applicant-supplied Facility Plan Report of the system which would be given to EID to analyze to see if the proposed system is adequate to supply the domestic water at the correct pressure to satisfy the Diamond Springs-El Dorado Fire Protection District fire flow requirements.

**Zone of Benefit/Offer of Dedication:** The proposed project includes onsite and offsite roads that would make east-west connections between existing roadways. The applicant would be responsible for constructing these improvements as part of the project. These roadways would be offered for dedication to the County. Once constructed, a Zone of Benefit would be established that would provide for the maintenance of these roadways. These conditions have been added to the DOT Project-Specific Conditions in the Conditions of Approval.

**General Plan:** The General Plan designates the subject site as High-Density Residential (HDR) which identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Residential subdivisions utilizing the planned development concept are directed to maintain a density range from one to five dwelling units per acre. The project proposes a density of three units per acre. As conditioned, this project would be consistent with the policies of the adopted 2004 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:

**Community Region:** **Objective 2.1.1** established the El Dorado – Diamond Springs Community Region boundary. The subject parcel is located within that boundary. **Policy 2.1.1.2** defines Community Regions as *those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries.*

Discussion: Planning staff has found that the subject proposal does meet the intent of these policies by providing the allowable density within this High Density Residential designated parcel.

**Adequate Roads, Public Utilities, Wildfire Hazards:** **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 in the *Project Issues* section, the existing and proposed improvements would be adequate to serve the proposed subdivision.

**Open Space Requirement:** **Policy 2.2.3.1** states that the major components of a Planned Development in residential projects is to include commonly owned or publicly dedicated open space lands of at least 30 percent of the total site as well as clustered housing units or lots designed to conform to the natural topography.

Discussion: As proposed, the project would include approximately 30.87 percent total open space and would be clustered to avoid areas with wetlands and slopes in excess of 30 percent.

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

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	<b>Consistent:</b> As discussed above in the Water section in <i>Project Issues</i> , there is sufficient water available for the project.
2. <i>Availability and capacity of public treated water system</i>	<b>Consistent:</b> As discussed above in the Water section in <i>Project Issues</i> , the El Dorado Irrigation District (EID) has adequate EDUs to serve the proposed project and adjacent

	<p>facilities for the project to potentially connect to. The applicant has submitted a tentative utility improvement plan that would provide for said connections.</p>
<p>3. <i>Availability and capacity of public waste water treatment system.</i></p>	<p><b>Consistent:</b> The project would connect to an existing EID public wastewater treatment system and would be required to improve the existing lift station to the north of the parcel to handle the increased capacity.</p>
<p>4. <i>Distance to and capacity of the serving elementary and high school.</i></p>	<p><b>Consistent:</b> The project is located within the Mother Lode Union School District. Students would attend Charles Brown School, which is one parcel over from the project site to the northwest, for grades K-5 and would then attend Herbert Green Middle School. High school students are served by the El Dorado Union High School District and would attend Union Mine or Shenandoah high schools which are located directly west of the project site. Neither school district indicated in their responses that they do not have the capacity to serve the project.</p>
<p>5. <i>Response time from nearest fire station handling structure fires.</i></p>	<p><b>Consistent:</b> The Diamond Springs-El Dorado Fire Protection District would be responsible for serving the project and has recommended conditions of approval that would require that the project adhere to the applicable building and fire codes, as well as conditions of approval regarding the installation of fire hydrants, provision of established fire flow, submittal of a fire safe plan, provision of a secondary emergency access, and construction of road improvements as required by the El Dorado County Department of Transportation (DOT). The fulfillment of those recommended conditions would satisfactorily address all fire related safety issues.</p>
<p>6. <i>Distance to nearest Community Region or Rural Center.</i></p>	<p><b>Consistent:</b> The project site is located within the El Dorado-Diamond Springs Community Region Community Region. As proposed, the project is a residential project similar in character to existing and proposed high-density residential uses surrounding the project site.</p>
<p>7. <i>Erosion hazard.</i></p>	<p><b>Consistent:</b> The project proposes mass pad grading for site development. Lot development would be required to assure that all existing drainage courses would be adequately protected by the incorporation of appropriate development setbacks with the exception of culverts under proposed roadways. Erosion hazards would be required to be mitigated by strict adherence to Best Management practices required during the grading permit process.</p>
<p>8. <i>Septic and leach field capability.</i></p>	<p><b>Consistent:</b> The proposed lots would be served extensions to existing EID sewer facilities.</p>

<p>9. <i>Groundwater capability to support wells.</i></p>	<p><b>Consistent:</b> The project will be served by EID public water facilities. No wells are proposed.</p>
<p>10. <i>Critical flora and fauna habitat areas.</i></p>	<p><b>Consistent:</b> The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is within Rare Plant Mitigation Area 2. A <i>Focused Plant Survey</i> prepared by Foothill Associates, dated May 29, 2007, included the results of a survey of the parcel for the special status and locally significant plants and suitable habitat for the same. The field study was done on May 23, 2007, to encompass the blooming period of all special-status plants with a potential to occur on the site and was done in accordance with the California Native Plant Society Botanical Survey Guidelines. No special-status species were found on the site.</p>
<p>11. <i>Important timber production areas.</i></p>	<p><b>Consistent:</b> The project site does not contain or is adjacent to any important timber production areas.</p>
<p>12. <i>Important agricultural areas.</i></p>	<p><b>Consistent:</b> This property and project is not under and would not conflict with an adjacent Williamson Act Contract. There would be a conflict with existing zone designations protecting agricultural uses and with General Plan Policies 8.1.3.1, 8.1.3.2 and 8.2.2.5 that require that newly created parcels adjacent to Agricultural land be ten acres or larger and be of such size as to allow for adequate setback. In Section 5.2-1, the General Plan DEIR identified potential significant impacts by new development that would convert Important Farmlands and grazing areas. DEIR Mitigation Measure 5.2-1(a) identifies that these impacts are significant and unavoidable in many instances. Table 5.2-5 identifies that an estimated 104,149 agriculturally zoned acres were subject to a medium or high conversion potential. DEIR Mitigation Measures 5.1-3(a) and (b) direct that the County establish a General Plan conformity review process for all development projects and that development be located and designed in a manner that avoids adjacent incompatible land uses.</p> <p>The DEIR also suggests that zoning districts changed be compatible with the relative General Plan designation, and the General Plan requires that as well. The project was reviewed at the El Dorado County Agricultural Commission meeting on March 12, 2008, and they</p>

	<p>recommended denial because of conflicts with General Plan Policies 8.1.3.1, 8.1.3.2 and 8.2.2.5 for conflicts with existing surrounding agriculturally zoned lands. They recognized that the requested rezone from PA-20 to R1 – PD would be consistent with the current General Plan designation of HDR for the subject parcel, as well as the adjacent parcels. However, they could not recommend approval because the zoning currently is not compatible with the HDR land use designation because it is zoned PA-20, and thus, the Commission had no other option available to them but to recommend denial of the project. Their memo dated March 19, 2008 that summarizes their decision states that <i>other General Plan Policies that are fundamental, mandatory and specific such as 8.1.3.1, 8.1.3.2 and 8.2.2.5 require that newly created parcels adjacent to Agricultural land must be ten acres or larger and be of such size as to allow for an adequate setback.</i></p> <p>The subject parcel is located within the El Dorado-Diamond Springs Community Region. General Plan Policy 2.1.1.2 establishes Community Regions as those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban-type development. The parcel also has a General Plan land use designation of High Density Residential and Policy 2.2.1.5 determines that land use designation identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Planning Services staff has determined it could be found that this parcel is not located in an area intended by the 2004 General Plan to be preserved for agricultural use.</p>
<p>13. <i>Important mineral resource areas.</i></p>	<p><b>Consistent:</b> The project site does not contain or is located adjacent to any important mineral resource areas.</p>
<p>14. <i>Capacity of the transportation system serving the area.</i></p>	<p><b>Consistent:</b> DOT reviewed the submitted traffic study and concluded that the recommended conditions of approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area. El Dorado Transit has reviewed the project and had no specific conditions of approval regarding the project.</p>
<p>15. <i>Existing land use pattern.</i></p>	<p><b>Consistent:</b> The project site is surrounded by land designated and utilized for high-density rural residential uses. The proposed rezone, with the Development Plan and proposed density, would be consistent with that land use pattern.</p>

<p>16. <i>Proximity to perennial watercourse.</i></p>	<p><b>Consistent:</b> There are no perennial watercourses within the project parcel. The western portion of the Deadman Creek drainage that transverses the parcel at the western boundary draining north to south, is mapped as an intermittent stream. The entire drainage length is characterized by blue oak woodland habitat of varying density. Implementing a 50-foot buffer from the drainage and proposed development is expected to protect riparian habitat values and quality of the drainage in the open space corridor. That 50-foot buffer line would be required to be shown on the Final Map.</p>
<p>17. <i>Important historical/archeological sites.</i></p>	<p><b>Consistent:</b> A <i>Cultural Resources Inventory</i> dated January 2007 by Ric Windmiller, Consulting Archeologist was completed for the subject parcel and reported there were no significant prehistoric and historic-period cultural resources sites, artifacts, historic buildings, structures or objects found. Because of the possibility in the future that ground disturbances could discover significant cultural resources, Planning has added standard conditions of approval to assure that potential issue is addressed during project development.</p>
<p>18. <i>Seismic hazards and present of active faults.</i></p>	<p><b>Consistent:</b> As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i>, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.</p>
<p>19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i></p>	<p><b>Consistent:</b> The project would be required to develop CC&amp;Rs for the purposes of implementing, overseeing and maintenance of the Fire Safe Plan, trail maintenance, and maintenance of any fences and walls constructed on the subdivision property lines, the maintenance of the shared roads, and all drainage facilities within the subdivision. The Covenants, Conditions and Restrictions (CC&amp;Rs) would be submitted to Planning for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the provisions of the final County approved version of the CC&amp;Rs would require further County approval.</p>

**Land Use Compatibility:** **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Discussion: As previously discussed and shown in the *Adjacent Land Use Table* above, the proposed residential project would be consistent with General Plan **Policy 2.2.5.21**. Pursuant to the existing General Plan land use designations, the project area would be surrounded by high-density residential uses that would be compatible with the proposed development. The new lots would be consistent and compatible with the General Plan intended development pattern expected in lands designated as High Density Residential and would be consistent with the dominant pattern of parcel development expected for the surrounding neighborhood also designated for high-density development and located within the Community Region.

**Lighting Impacts:** **Policy 2.8.1.1** directs that development shall limit excess nighttime light and that consideration will be given to design features, namely directional shielding, for street lighting that could reduce effects from nighttime lighting.

Discussion: Twelve street lights are proposed. Planning staff recommends that the project be conditioned for all lighting to conform to Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. It is further recommended that the height of pole lighting be restricted to a maximum of 16-feet tall from finished grade to the top of the light head so street trees can grow over the tops of the lights and not obscure the lighting. Planning would also recommend that a Lighting and Landscape District be formed to fund the street lighting and any shared street landscaping within the subdivision. As conditioned, staff finds the submitted lighting plan complies with this Policy. The lighting plan is provided as Exhibit K.

**Pedestrian/Bike Paths:** **Policy TC-4i** directs that *within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible.*

Discussion: As discussed below in the Chapter/Policy 9 section, a trail would be recommended to be shown on the final map adjacent to Deadman Creek. Given input from the EDC Transportation Commission staff (see letter and map in Exhibit P), and in compliance with General Plan Policy TC-4i, DOT has recommended that Class II bike lanes and four-foot wide sidewalks be included in the project requirements. The project is conditioned to meet this Policy requirement.

**Water Supply and Fire Flow:** **Policy 5.2.1.2** requires that the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development. **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. As discussed above in the *Project Issues* section, the project is conditioned to meet these requirements.

Discussion: Water supply and required fire flow were discussed previously above in the *Project Issues, Fire Safety* and *Water Supply* sections. The project is conditioned to meet these Policy requirements.

Availability of Water Supply: **Policy 5.2.1.4** directs that subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.

Discussion: As discussed above, public water service would be provided to the project site by EID. EID provided a letter dated March 28, 2008 indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with General Plan Policy 5.2.1.4 regarding availability of reliable water supply.

Public Wastewater Collection Facilities: **Policy 5.3.1.1** directs that high-density and multi-family residential, commercial, and industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval except in Rural Centers and areas designated as Platted Lands (-PL).

Discussion: As discussed above, EID provided a letter dated January 30, 2008 indicating that it has adequate sewer capacity to serve the project.

Fire Protection Services: **Policy 5.7.1.1** requires that adequate fire protection services be provided for the proposed development.

Discussion: The Diamond Springs-El Dorado Fire Protection District would provide fire protection services to the project site. As discussed above in the *Project Issues* and *Fire Safety* sections, a Fire Safe Plan, minimum roadway widths, secondary emergency access, and fire hydrant placement have been required by the Fire District to ensure adequate fire protection infrastructure. The project is conditioned to meet this Policy requirement.

Adequate Access for Emergencies: **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 and Circulation* in the *Project Issues* section, the project would meet the intent of this policy.

Wetlands/Intermittent Streams: **Policy 7.3.3.4** directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands.

Discussion: The applicants submitted two reports which examined the impacts to wetlands with the understanding that water lines would be placed within the new road alignments and sewer lines would be placed within existing sewer easements. The new sewer line proposed to connect to the existing lift station was surveyed for wetlands. A total of 0.3092 acres of channels and 0.0497 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. It was recommended by the report that in order to assure that wetland impacts are



mitigated to a level that is less than significant, that wetland mitigation credits be purchased from an approved wetland mitigation bank. Planning staff contacted staff at the U.S. Army Corps of Engineers about this recommendation and this conversation resulted in the incorporation of Mitigation Measures 3, 4, and 5 which, upon fulfillment, would mitigate the impacts to wetlands and the project would then be compliant with this Policy. The full discussion of the impacts to 7.3.3.4 is contained in Section IV Biological Resources in the Environmental Checklist/Discussion of Impacts as shown in Exhibit R.

**Oak Tree Canopy:** **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: The subject parcel contains 24.3 acres. There are 11.17 acres in the infrastructure corridors where the roads and utilities will be expanded off site. That amounts to 35.47 acres of which there are 12.03 acres of oak canopy (8.81 + 3.22) or 34 percent of total oak canopy coverage. General Plan Policy 7.4.4.4 requires retention of 85 percent of the indigenous oak tree canopy on the subject parcel and corridor as a whole. The submitted Oak Tree Impacts map prepared by Foothill Associates dated May 30, 2008 determined that 3.22 acres of the 12.03 would be impacted which is 27 percent. That means 73 percent would be retained which is less than the required 85 percent by 12 percent. In lieu of the replanting and monitoring requirements set forth in Option A, the applicant has chosen mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan. With the adoption of the recommended Condition of Approval No. 4, the project would be compliant with Policy 7.4.4.4. The full discussion of the impacts to 7.4.4.4 is contained in section IV Biological Resources in Initial Study/Environmental Checklist as shown in Exhibit R.

**Impacts to Agriculture:** **Policies 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5:** The stated policies direct that agriculturally zoned lands be buffered by ten-acre sized parcels, 200-foot setbacks and will not create conflicts between residential and agricultural activities.

Discussion: These issues are discussed in more detail above in the *Agricultural Impacts* section in *Project Issues* above, as well as in Section II, Agriculture Resources of the Environmental Checklist and Discussion of Impacts, attached as Exhibit R. Planning has determined that it can be found that because the subject parcel, as well as all adjoining parcels, are designated by the General Plan for High-Density land uses within the El Dorado-Diamond Springs Community Region, that there is no need for the creation of buffers and parcel sizes to protect the agricultural zoned parcels adjoining the subject parcel.

**Trails:** **Objective 9.1.2** seeks to *provide for a County-wide, non-motorized, multi-purpose trail system and trail linkages to existing and proposed local, State, and Federal trail systems. The County will actively seek to establish trail linkages between schools, parks, residential, commercial, and industrial uses and to coordinate this non-motorized system with the vehicular circulation system.* **Policy 9.1.2.8** seeks to *integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use.* **Objective 9.1.3** seeks to *incorporate parks and non-motorized trails into urban and rural areas to promote the scenic, economic, and social importance of recreation and open*

*space areas. Policy 9.1.3.1 seeks to create linear parks and trails may be incorporated along rivers, creeks, and streams wherever possible.*

**Discussion:** Planning is recommending that the trail depicted on the submitted Tentative Subdivision Map be shown as a ten-foot wide dedicated trail easement on the final map as shown in Exhibit F. The ongoing management and maintenance of that trail within the subject parcel would be the responsibility of the HOA established for the subdivision. Four-foot wide sidewalks for pedestrian traffic would be required to be constructed along Truscott Road from Union Mine Road to the east boundary of the project parcel as well as all other interior roads.

**Conclusion:** The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan.

**Zoning:** The subject site is currently zoned Planned Agricultural 20-Acre (PA-20). With an approved rezone to R1 - PD, and with the exception of Lots 17, 18, 19, 20, 21, 48, 50, 51 and 52 as discussed above in the Design Waiver Requests section, 63 of the proposed 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot, parcels would conform to existing zoning and the development standards in Section 17.28.040 for minimum lot width of 60 feet, minimum parcel size of 6,000 square feet when served by public water and sewer, building setback requirements of 20 feet in the front yards, five feet for the side yards and 15 feet for the rear yards as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

**Development Plan:** The use of a Development Plan can allow for warranted adjustments to the development standards of the Zoning Ordinance but not the DISM. General Plan Policy 2.2.5.4 requires that all development applications which have the potential to create 50 parcels or more shall require the application of the Planned Development combining zone district. The submittal of a development plan normally includes review of the site plan, building elevations, access, signage, landscaping, and other issues which may impact the site and the neighborhood. In this case the Development Plan is the same as the Tentative Subdivision Map in Exhibit F. This Development Plan includes the use of mass pad grading to cluster infrastructure improvements and residential density to minimize impacts to the natural features of the 7.5 acres or 30.87 percent open space within a parcel planned for high-density development. The project would incorporate sidewalks and trails that would promote pedestrian, non-motorized travel. Lot widths are regulated within the DISM as well as the Zoning Code. As discussed above in the *Project Issues* section about design waivers, the request for nine lots less than the required size simply to increase density is not warranted.

**Conclusion:** As discussed above, with the exception of Lots 17, 18, 19, 20, 21, 48, 50, 51 and 52 the project conforms to the Zoning Code. Staff finds that the necessary findings can be made to support the parcel map, development plan and rezone request. The details of those findings are contained in Attachment 2.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to biological resources and traffic. Staff has determined that significant effects of the project on the environment have been mitigated; therefore, a Mitigated Negative Declaration has been prepared.

**NOTE:** This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus 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 to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibits B1 to B3 .....	Parcelization (Assessor's Parcel) Map
Exhibit C1 .....	General Plan Land Use Map
Exhibit C2 .....	El Dorado-Diamond Springs Community Region Boundary
Exhibit D .....	Zoning Map
Exhibit E .....	Record of Survey 28-137
Exhibit F .....	Tentative Subdivision Map
Exhibit G .....	Tentative Subdivision Map overlaid on an aerial photo
Exhibit H .....	Preliminary Grading Plan (two pages)
Exhibit I .....	Placerville U.S.G.S. Quadrangle
Exhibit J .....	Soils Map
Exhibit K .....	Lighting plan, three pages
Exhibit L .....	Communities of El Dorado and Diamond Springs Concurrent Projects Map
Exhibit M .....	Truscott Road easement aerial map
Exhibits N1 to N5 .....	Site visit photos
Exhibits O1, O2 .....	Aerial photos of the project site
Exhibit P .....	EDC Transportation Commission Diamond Springs bike lanes comment letter and map (three pages)
Exhibit Q .....	Agricultural Commission Memo, March 19, 2008 (two pages)
Exhibit R .....	Environmental Checklist/Discussion of Impacts

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL AND MITIGATIONS**  
**REZONE/PLANNED DEVELOPMENT/SUBDIVISION MAP**

**File Numbers Z07-0033/PD07-0020/TM07-1448/McCann Subdivision**

March 12, 2009 Planning Commission Hearing

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-R, approved March 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:

Rezone from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development, (R1-PD). The 7.4996-acre open space lot shown in Exhibit F will be rezoned to Open Space-Planned Development (OS-PD).

Tentative Subdivision Map and Development Plan to subdivide the property into 63 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot. Sidewalks are to be reduced to from six feet to four feet wide. All lots will be served by public water and sewer and would be required to participate in a funding program to construct new access through roads and improve the existing ones to include Union Mine Road from Truscott Road to State Route 49, Truscott Road to Solstice Circle, and Patterson Road to Pleasant Valley Road/State Route 49. A phasing plan does not accompany this approval. The following table is a breakdown of the interior of the subdivision and the approved lots:

<b>McCann Tentative Subdivision Map Total Area Summary</b>			
<b>Road right-of-way</b>	168,960.4 sq. ft.	3.8788 acres	15.96 percent
<b>Open space</b>	326,682.7 sq. ft.	7.4996 acres	30.87 percent
<b>Residential parcels</b>	562,757.2 sq. ft.	12.9191 acres	53.17 percent
<b>Total area</b>	1,058,400.3 sq. ft.	24.2975 acres	100 percent

<b>McCann Tentative Subdivision Map Individual Lot Area Summary</b>			
(Lots in bold to be re-designed to have 60-foot frontage, Lots with strikethrough shall be deleted)			
<b>Lot No.</b>	<b>Gross Area (Total parcel area in square feet)</b>	<b>Lot No.</b>	<b>Gross Area (Total parcel area in square feet)</b>
1	6,063	38	7,955
2	7,500	37	7,115

3	7,415	38	7,955
4	7,294	39	7,763
5	7,372	40	7,466
6	7,556	41	8,167
7	7,731	42	16,809
8	8,496	43	11,414
9	8,469	44	11,881
10	7,954	45	12,347
11	6,749	46	12,562
12	6,060	47	10,691
13	6,914	48	<b>11,311</b>
14	6,696	49	7,454
15	6,669	50	<b>8,792</b>
16	6,607	51	<b>14,142</b>
17	<b>9,710</b>	52	<b>7,860</b>
18	<b>7,724</b>	53	6,553
19	10,167	54	6,002
20	<b>10,735</b>	55	6,309
21	<b>8,040</b>	56	6,641
22	7,931	57	7,832
23	6,489	58	8,423
24	6,779	59	7,730
25	6,006	60	6,785
26	6,009	61	7,348
27	6,542	62	7,532
28	6,199	63	7,290
29	7,360	64	6,686
30	6,505	65	6,475
31	6,842	66	6,263
32	6,050	67	6,052
33	6,308	68	6,035
34	6,074	69	6,089
35	6,004	70	7,122
36	6,004	71	8,374
37	7,115	72	8,474
38	7,955	Lot A	7.4996 acres

The applicants shall submit a revised map deleting Lots 17, 18 and 51 (flag lots) and re-design Lots 20, 21, 48, 50 and 52 to provide for a minimum of 60-foot lot frontage. The revised map shall also label the open space lot as “Lot A” and “Open Space Lot,” with a note on the Final Map that said Lot A is to be maintained in perpetuity as permanent open space.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above

and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Conditions from the Mitigated Negative Declaration**

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

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

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

3. Prior to disturbance of any waters of the United States including any wetland features, the 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. A total of 0.3092 acres of channels and 0.0497 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. 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. **[MM Bio 1].**

**Monitoring:** The applicant shall provide a copy of the 404 permit, if required, to Development 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 Development Services stating that no permit shall be required for this project.

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 Dead Man Creek as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. 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, Development Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable. The setback lines shall be shown on any submitted development plans submitted for the grading permit and Development Services shall verify this prior to issuance of any grading permit.

5. A Streambed Alteration Agreement shall be obtained from CDFG, 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 CDFG 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. **[MM Bio 3]**.

**Monitoring:** The applicant shall provide a copy of the 1602 permit to Development Services prior to issuance of the grading permit.

#### **Planning Services Site Specific and Standard Conditions**

6. The applicant shall pay the full mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Development Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.
7. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.



8. Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
9. The applicant shall submit to Development Services the Department of Fish and Game filing fee and noticing 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.
10. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Development Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
11. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Development Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
12. A water meter award letter from El Dorado Irrigation District or similar assurance form the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to Development Services at the time of filing the Final Map.
13. Pursuant to Section 16.12.090, the project is responsible for parkland dedication which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the General Services Facilities Department, and shall submit the receipt to El Dorado County Development Services with the Final Map application.
14. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
15. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Development Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Development Services Director.

16. A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
  - a. Implementation of all provisions of the Fire Safe Plan, to be approved by Diamond Springs-El Dorado Fire Protection District and Calfire.
  - b. Ongoing management and maintenance of the ten-foot wide trail easements shown on the final map.
  - c. The HOA shall be fully responsible for the ongoing maintenance and monitoring of the shared private road easement area that is entirely within the subdivision boundary as shown on TM07-1448, Exhibit F, as well as the associated drainage facilities and the associated fire safety management of those areas to specifications recommended by the Fire Safe Plan.
  - d. The HOA shall share in the maintenance and monitoring of the entire 50-foot wide easement area for Truscott Road from the west subject Subdivision boundary to where it encroaches onto Union Mine Road, and from the east boundary to where it joins with Solstice Circle, as well as the associated drainage facilities and the associated fire safety management of those areas to specifications recommended by the Fire Safe Plan to be approved by Diamond Springs-El Dorado Fire Protection District and Cal Fire.
  - d. The HOA shall be fully responsible for the management, monitoring and maintenance associated with the open space management of the 7.5-acre open space lot shown on TM07-1448, Exhibit F.
  - e. The HOA shall form a Lighting and Landscape District to fund the street lighting and the ongoing maintenance thereof, and any shared street landscaping and perimeter boundary fencing within the subdivision.
  - f. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Development Services for review, and subsequent County approval, prior to filing of the Final Map.

Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

17. The trail shown on the submitted Tentative Subdivision Map (Exhibit F) shall be recorded as a ten-foot wide dedicated trail easement on the Final Map. Development Services shall review and approve the location of the trail easement prior to filing the Final Map.
18. The twelve street lights shown in Exhibit K shall conform to Zoning Code 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The height of the lights shall be a maximum of 16-feet tall from finished grade to the top of the light head. A Lighting and Landscape District be formed to fund the street lighting and any shared street landscaping within the subdivision. Development Services shall receive proof of the formation of said District prior to filing the Final Map.
19. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.00 per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.00 as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
20. 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**

21 **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 WIDTH*</b>	<b>RIGHT OF WAY</b>	<b>EXCEPTIONS/ NOTES</b>
Truscott Lane <i>(offsite from Union Mine Road to the edge of the project property)</i> (Segment B-C)	Modified Std Plan 101B <i>(3"AC over 8"AB Min. or as recommended by geotechnical engineer )</i>	42 ft minimum	60 ft preferred but 50 ft allowed due to constraints	Curb, and gutter. A 4-foot sidewalk on the north side of roadway is required. Parking allowed on the north side in an 8-foot wide paved shoulder. A 5-foot wide bike lane on both sides.
Street A, B, & C- <i>(onsite)</i> (Includes Segment C-D and northward to G)	Modified Std Plan 101B <i>(3"AC over 8"AB Min. or as recommended by geotechnical engineer)</i>	48 ft (parking allowed either side) Street B south of Road A intersection: 40 ft Street C cul-de-sacs: 40 ft	60 ft	Curb, gutter, and 4-foot sidewalks on both sides required. A 4-foot wide bike lane on both sides of the roadways consistent with the Highway Design Manual. Bike lanes would only be required on Road B north of the intersection with Road A.
<i>Solstice Circle South (offsite from the edge of the project property to existing Solstice Circle South)</i> (Segment D-E)	Modified Std Plan 101B <i>(3"AC over 8"AB Min. or as recommended by geotechnical engineer)</i>	28 ft	60 ft	Curb and gutter required. No sidewalks required. No Parking signs to be installed by applicant.

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

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

22. **Encroachment Permit:** a) The applicant shall obtain an encroachment permit from DOT for all work done on Solstice Circle South and Union Mine Road. 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.

- b) The applicant shall construct the roadway encroachment from Cody Lane to Truscott to the provisions of County Design Std 103D. 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.
23. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate a Road and Public Utilities Easement for each segment of roadway as indicated in Table 1, upon completion of the construction of each roadway.
24. **Maintenance Entity:** The proposed project shall form an entity for the maintenance of the private roads, parking facilities, landscaping, and drainage facilities. A Zone of Benefit (ZOB) shall be formed for the perpetual maintenance of Truscott Lane (Segment B-C) within 120 days of submittal of a complete Offer of Dedication application from the Union Mine High School District. The remaining roadway segments in Table 1 must either be included in this ZOB or must be maintained by a separate maintenance entity. DOT shall review the documents forming the ZOB and the maintenance entity to ensure the provisions are adequate prior to filing of the map.
25. **Turnaround:** All proposed turnarounds shall be built 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 map.
26. **Temporary Turnaround:** Until Street B is connected as a through road north of the project, the applicant shall provide a temporary turnaround at the end of the road. The applicant shall also install a temporary standard barricade at the end to signify a future roadway connection will be constructed in the future. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
27. **Cut Slopes:** Per the El Dorado County Grading Design Manual, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for required interceptor drains. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
28. **Fill Slopes:** Per the El Dorado County Grading Design Manual, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is

developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

29. **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.
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 final map or the applicant shall obtain an approved improvement agreement with security.

31. **Traffic Impact Mitigation:** Pursuant to the conclusions of the project-specific traffic study, the applicants shall pay their fair share for: 1) the installation of an additional approach lane for southbound traffic on Forni Road, 2) installation of a traffic signal at Pleasant Valley and Patterson, and 3) the installation of a traffic signal at Pleasant Valley and SR 49 West. The applicant shall pay for these improvements as determined by DOT, prior to filing of the Final Map.

32. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
33. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the map.
34. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
35. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
36. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
37. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Final Map.
38. **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).
39. **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.
40. **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.

41. **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.
42. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Final Map.
43. **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.
44. **Grading Permit / Plan:** A subdivision grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
45. **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.
46. **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.



47. **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.
48. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Final Map.
49. **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 Final Map.
50. **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.
51. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
52. **Off-site Improvements (Security):** Prior to the filing of the 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.

53. **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 map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

54. **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 "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the Final Map.
55. **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.
56. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**Environmental Management Department - Hazardous Materials Division**

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

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

58. Required fire flow for a residential type parcel split for less than 3,600 square feet is 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Over 3,600 square feet is 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i.
59. Fire Hydrants: Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503, and fire hydrant placement shall be approved by this Fire District.
60. Fire apparatus access roads, 20 to 29 feet wide, shall be posted on both sides as a fire lane, with no parking allowed on either side of the roadway.
61. Fire apparatus access roads, 30 to 39 feet wide, shall be posted on one side as No Parking, Fire Lane, with parking allowed only on the opposite side of the roadway.
62. Fire apparatus access roads 40 feet and greater may allow parking on both sides of the roadway.
63. A Fire Safe Plan shall be required for this subdivision by a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide.
64. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District ("CFD") established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.) established by the Diamond Springs / El Dorado Fire Protection District

(“District”) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively “Public Services”), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract’s inclusion or annexation into the CFD.

**County of El Dorado Office of the County Surveyor**

65. 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.
66. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map

**ATTACHMENT 2**  
**FINDINGS**  
**REZONE/PLANNED DEVELOPMENT/SUBDIVISION MAP**

**File Numbers Z07-0033/PD07-0020/TM07-1448/McCann Subdivision**

March 12, 2009 Planning Commission Hearing

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

**FINDINGS FOR APPROVAL**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

**2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation identifies those areas suitable for intensive single-family residential development. Residential subdivisions utilizing the planned development concept are directed to maintain a density range from one to five dwelling units per acre. The project proposes a density of three units per acre. The 63 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot conform to the General Plan land use designation.

2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of General Plan Objectives 2.1.1 (Community Region boundaries), Policies 2.1.1.2 (Community Region definition), 2.1.1.7 (adequate roads, utilities and addressing fire hazards), 2.2.3.1 (open space for Planned Developments), 2.2.5.3 (rezone criteria), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), TC – 4i (bike lanes), 5.1.2.1 (adequate utilities), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.3.1.1 (public wastewater), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.3.3.4 (impacts to wetlands), 7.4.4.4 (impacts to oak canopy, 8.1.3.2, 8.1.4.1, 8.2.2.5 (impacts to agricultural lands), Objective 9.1.2, 9.1.2.8, Objective 9.1.3, 9.1.3.1 (trails and sidewalks). Because of the review for General Plan consistency, and as conditioned and mitigated, less than significant impacts to water, agricultural lands, visual qualities, noise, traffic, services, public facilities, public utilities, and on existing emergency response capabilities will occur. The project can be found to be compatible with the local community. It has been reviewed and conditioned by the Diamond Springs-El Dorado Fire Protection District, Department of Transportation, County Surveyor and the El Dorado Irrigation District noting there are adequate available utilities such as water, power and solid waste facilities. As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.

### **3.0 Zoning Findings**

3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards with an approved rezone to R1-PD and OS-PD, and with the exception of Lots 17, 18, 19, 20, 21, 48, 50, 51, 63 of the proposed 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot parcels conform to existing zoning and the development standards in Section 17.28.040 for minimum lot width of 60 feet, minimum parcel size of 6,000 square feet when served by public water and sewer, building setback requirements of 20 feet in the front yards, five feet for the side yards and 15 feet for the rear yards as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

### **4.0 Administrative Findings**

#### **4.1 Planned Development**

4.1.1 The Development Plan can be found to be consistent with the General Plan because the application is for clustering the residential lots and use of mass pad grading to limit the impacts to the allowable development area and thus permitting the natural features of the open space area to be preserved, and is consistent with applicable policies as outlined in Finding 2.2.

4.1.2 The proposed development is so designed to provide a desirable environment within its own boundaries. The Development Plan is providing lighting, and design features which

will maintain the natural features of the Deadman Creek area as well as provide a buffer from the adjacent school.

- 4.1.3 With the addition of the Planned Development overlay creating the opportunity to evaluate any changes in the future with the submission of a revision to an approved Development Plan. The Development Plan, as conditioned and mitigated and with strict adherence to County Code, can be found to exist in compliance with all County Code requirements.
- 4.1.4 The site is physically suited for the proposed uses because it is located within a Community Region and is designated by the General Plan for high-density residential use. As conditioned and mitigated and with strict adherence to County Code, there will be sufficient infrastructure to support the project.
- 4.1.5 All required utilities are available for the residential uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.6 The proposed uses can be found not to significantly detract from the natural land and scenic values of the site by concentrating the intended high-density use in one area and surrounding it with open space for buffering and preservation of the natural features.

## **4.2 Tentative Subdivision Map**

- 4.2.1 *The proposed tentative subdivision map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, and modified by the conditions of approval, the map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy and wetland impacts.*
- 4.2.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 3.00 units per acre.*
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. Potential environmental impacts for the subdivision have been minimized by the lot designs, use of mass pad grading to concentrate infrastructure locations in the development area thus creating fewer impacts to the natural features in the open space area. The loss of indigenous oak tree canopy will be mitigated by in-lieu fee requirements, the wetlands will be mitigated for minimal impacts, and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.*
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and Diamond Springs-El Dorado Fire Protection District requirements to assure adequate access.*

4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs-El Dorado Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

## **5.0 Design Waiver Findings**

### **5.1.0 Design Waiver Approval Findings**

*Allow sidewalks to be reduced to from six feet to four feet wide.* The support for the design waiver is based on the following findings:

5.1.1 *It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because DOT has stated they would support the design waiver to reduce the sidewalks from six feet to four-foot wide with the required 40-foot road width and 50-foot right-of-way. The permitted reduction would reduce the required grading and lessen the impacts to the natural features.*

5.1.2 *It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property no agency or individual solicited for comments found that the six-foot width would be necessary and that the four-foot width can be found to be adequate to support the level of anticipated pedestrian circulation.*

5.1.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because Diamond Springs - El Dorado County Fire Protection District and El Dorado County Department of Transportation have reviewed the subdivision request and design waiver request, and as conditioned, have recommended approval of the layout and design of the proposed lots and emergency access of the proposed parcels with implementation of the required *Wildland Fire Safe Plan*, and their recommended conditions of approval.*

5.1.4 *It can be found that this waiver 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 because the project has been mitigated and conditioned to meet all applicable County Codes.*

### **5.2.0 Design Waiver Findings for Denial**

Permit a design waiver to deviate from the requirements of the El Dorado County Design Improvement Standards Manual (DISM). Design waivers have been requested to allow less than the required lot width for lots 17, 18, 20, 21, 48, 50, 51 and 52 pursuant to Volume II, Section 2.B.5, to allow flag-shaped lots for Lots 17, 18 and 51 pursuant to



Volume II, Section 2.B.7, both of the DISM. The findings for denial for the design waiver are based on the following findings:

- 5.2.1 *It cannot be found that special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because the design waivers appear to simply increase the lot density with no extra benefit to the project or the County. The additional flag lots do not provide any identified benefits such as reduction of grading or avoidance of natural resources. There are no special conditions found warranting the design waiver request.*
- 5.2.2 *It cannot be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because as submitted the project currently includes 30.87 percent open space and could retain that as well as the development area footprint by simply merging the substandard lots.*
- 5.2.3 *It cannot be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because front yard setback and lot width requirements are in place to assure structure and resident protection from outside road hazards and to provide adequate emergency ingress/egress capabilities.*
- 5.2.4 *It can be found that this waiver would 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 because it can be found the reduction of lot width and to allow flag lots would only allow greater density and would not provide a public benefit.*