

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** May 28, 2009

**Item No.:** 7.a

**Staff:** Gordon Bell

**REZONE/PLANNED DEVELOPMENT/  
TENTATIVE MAP**

**FILE NUMBER:** Rezone Z08-0001 / Planned Development PD08-0003 / Phased Tentative Map TM08-1463 / La Canada Subdivision

**APPLICANT:** Dan & Laura Parkes, 2471 Loch Way, El Dorado Hills, CA 95762

**AGENT:** CTA Engineering Surveying, 3233 Monier Circle, Rancho Cordova, CA 95742

**REQUEST:**

1. Rezone from RE-5 (Estate Residential Five-Acre) to RE-5-PD (Estate Residential Five-Acre-Planned Development)
2. Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and to allow for a density bonus.
3. Phased Tentative Map to create 47 residential lots ranging in size from 1.09 to 4.04 acres and four lettered open space lots (three open space lots and one landscape lot) totaling 63.18 acres. Phase I would encompass Lots 1-3 & 26 – 46 (24 lots), Phase II would encompass Lots 4-6, 12-25, & 47 (18 lots), and Phase III would encompass Lots 7-11 (5 lots).

**LOCATION:** East side of Salmon Falls Road approximately  $\frac{3}{4}$  of a mile north of the intersection with Green Valley Road, El Dorado Hills area, Supervisorial District IV. (Exhibit A)

**APN:** 126-100-18 & 110-020-12 (Exhibit B)

**ACREAGE:** 143 acres

**GENERAL PLAN:** LDR (Low Density Residential) (Exhibit C)

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

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The subject Zone Change, Planned Development, and Tentative Map applications were submitted on January 23, 2008. The project was initially deemed incomplete on February 19, 2008, with a request for additional detail regarding oak canopy analysis, wetland delineation and special status species evaluation, rare plant surveys, and slope analysis. The applicant responded by providing further detail regarding the oak canopy analysis, adding driveways to the building envelopes and denoting the information on the Tree Preservation Plan (Exhibit H). Wetland issues were addressed by delineating non-building areas with 100-foot setbacks along the New York Creek corridor, and a 50-foot setback along the intermittent drainage exhibiting riparian characteristics. Further studies were completed to determine the potential for rare plants and the Red-legged Frog, both with negative findings. A detailed slope analysis was performed which resulted in further lot detail and grading restrictions placed on Lot 13 due to slopes in excess of 30 percent. The last of the necessary information to complete processing of the project was presented to planning staff on August 6, 2008.

## **STAFF ANALYSIS**

**Project Description:** The project request includes a Rezone, Planned Development, and Tentative Map. The Zone Change request would add the Planned Development (PD) overlay to project parcels currently zoned Estate Residential Five-Acre to allow the flexibility of zoning development standards to allow for clustering of units and reduce minimum parcel sizes in order to avoid slopes and provide open space areas as well as allowing for density bonus. The Tentative Map and Development Plan would create 47 residential lots ranging in size from 1.09 to 4.04 acres and four lettered open space lots (three open space lots and one landscape lot) totaling 63.18 acres. The three open space lots would total 62.81 acres (minus 0.375 ac. landscape Lot D). The proposed map would be phased, with Lots 1-3 & 26 – 46 (24 lots) being recorded first, Lots 4-6, 12-25, & 47 (18 lots) being recorded second, with the development of Drive “B”. Phase 3 would record Lots 7-11 (5 lots).

**Site Description:** The project site is currently fallow, undeveloped land and encompasses approximately 143 acres within an irregularly shaped property. The site is currently accessed via a dirt road from Salmon Falls Road approximately one mile north of the intersection of Salmon Falls Road and Green Valley Road in the El Dorado Hills area of El Dorado County. Vegetation on the property is predominantly dense oak woodland with minor grassland on gently rolling to steep terrain. The project topography is dominated by three westerly flowing ephemeral drainages. A perennial creek, New York Creek, exists on the southwestern portion of the project site, adjacent to Salmon Falls Road. Ground elevations range from approximately 510 feet above mean sea level

(MSL) on the west side to 810 feet above MSL on the east side of the property.

Soils on the site are derived from the underlying weathered rock formations. The entire project site is underlain by one soil series, the Auburn very rocky silt loam. This soil type is mapped on the site as two variants: Auburn very rocky silt loam, 2 to 30 percent slopes (AxD) and Auburn very rocky silt loam, 30 to 50 percent slopes (AxE). Minor amounts of Auburn silt loam, 2 to 30 percent slopes (AwD) are present in a small area located on the southeastern portion of the site. The project site is an area designated as potentially having Naturally Occurring Asbestos according to the Asbestos Review Map of El Dorado County Western Slope.

No sensitive plant or animal species were found onsite. Two cultural resource sites were identified on the project site, one pre-historic site and one historic site.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR	Vacant Land
<b>North</b>	RE-5	LDR	Rural residence
<b>East</b>	AE	LDR	Vacant Land,
<b>South</b>	AE, RE-5	LDR	Vacant Land, Rural residences
<b>West</b>	RE-5, RE-10, RF	MDR, OS	Open Space, Rural residences

**Discussion:** The project parcels are in an area that has been designated by the General Plan for Low Density Residential uses. Currently, a majority of the land surrounding the project site is undeveloped at its potential density. However, projects have been submitted or are in the process of being submitted to rezone and subdivide the property immediately adjacent to the project site to the south and to the east. These projects include the Alto LLC subdivision and the Diamante Estates subdivision. Once approved and constructed, the density and character of these subdivisions would be very similar to that proposed by this subdivision. Land to the north and west of the project site is already developed with low-density rural residential development.

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

Density Bonus: The project includes a request to utilize the Density Bonus provision. Use of the Density Bonus provision would allow the project to provide an additional 19 lots beyond that allowed within the proposed LDR land use designation. **General Plan Policy 2.2.4.1** establishes specific criteria associated with use of the Density Bonus provision. In addition to the number of base units permitted by the land use designation, one and one-half additional units may be allowed for each unit of developable land dedicated to public benefit. For this project the public benefit

would be the additional open space to conserve the public view shed, avoid wetland areas, as well as conserve wildlife habitat. “Public benefit” under General Plan Policy 2.2.4.1 has been interpreted by formal action of the Board of Supervisors to recognize that public benefit is derived from commonly owned or publicly dedicated lands that are set aside for open space areas, parks and wildlife habitat areas, whether or not those lands are directly accessible to the general public. Open space areas may be used to provide physical and visual separation between adjacent land uses, to buffer adjacent agricultural operations or be incorporated as greenbelt areas in fire safe plans. Preservation of land as wildlife habitat supports resident and migratory bird and animal populations, and may also provide opportunities for corridors or connections between existing protected lands. Both open space and wildlife habitat lands benefit regional water quality by reducing soil erosion and sedimentation, increasing infiltration rates and reducing the volume of nutrients leaching into rivers and streams. These benefits are "made available" to the public, within the meaning of this Policy, when the lands are protected from further development, which in and of itself, constitutes a bona fide public benefit. [Board of Supervisors Agenda/Minutes, October 7, 2008, Item #13.] Thus, for this project the additional open space proposed to conserve the public view shed as well as conserve wildlife habitat constitutes a public benefit basis for applying a density bonus.

**General Plan Policy 2.2.3.2** specifically exempts bodies of water such as perennial lakes, streams and rivers from calculable developable land for the purposes of the Density Bonus provision. Based on aerial topographic information, a perennial area of New York Creek consists of 21,881 sf (0.50 ac). This area of the perennial stream was excluded from the density calculations for this project.

The Low Density Residential land use designation permits a density range of one dwelling unit per 5-10 acres (du/a). The 143-acre site would yield a maximum density of 28.6 residential units. A total of 62.81 acres of land would be dedicated as an open space. This would yield a total of 62.81 acres of land eligible for the Density Bonus provision. The 62.81 acres of land would yield 12.56 base residential units consistent with the allowable density within the LDR land use designation and the RE-5 Zone District. The Density Bonus would allow for one and one-half additional units or 18.84 units rounded to 19 additional residential units / lots. The project request for 47 lots includes the 28.6 base residential units and the additional 19 Density Bonus units to the proposed 47 residential units. Therefore, the proposed 47-lot subdivision would be consistent within the LDR land use designation utilizing the Density Bonus provision. Table 1 summarizes the number of dwelling units allowed for each Zone District as well as the request for additional units using the Density Bonus provision.

<b>TABLE 1. Density Calculation</b>		
Acreage – 143 acres	Allowable Density in the RE-5 Zone District	Allowable Units Using Density Bonus
	Minimum 5-acre parcel sizes	1.5 Density Bonus

# of Lots	28.6	47.6 (28.6 + 19)
-----------	------	------------------

Furthermore, **Policy 2.2.3.1** requires that the Planned Development (-PD) Combining Zone District provide for a minimum of 30 percent open space. As shown on the Tentative Map (Exhibit E), the project has provided for 43.92 percent open space.

Parcel Size	143 acres
Required Open Space	42.9 acres
Proposed Open Space	62.81 acres
Percent Open Space Proposed	43.92 %

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

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

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated December 7, 2007, states, “The District has received approval for an additional 17,000 acre-feet of water to be diverted from Folsom Lake. The State Water Resources Control Board (SWRCB) approved Permit 21 112 in 2002. The District has applied for and anticipates execution of a long term Warren Act Contract with the United States Bureau of Reclamation for the Permit 21 112 water right. Some capacity to utilize this new supply exists in the District facilities currently in place and operating. Facilities to utilize the full amount of this additional water supply are included in the District’s 5-year Capital Improvement Plan and are in various phases of planning, design and construction. Additional EDU’s are expected to be available in several years.” The FIL also states that water facilities adjacent to the project site would need to be upgraded by the applicant. The upgrades include a new booster pump that would provide minimum fire flow in order for EID to serve the project. The project has been conditioned to require annexation by LAFCO into the El Dorado Irrigation District Service Area.

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

Discussion: As discussed above, the El Dorado Irrigation District (EID) would require the applicant to construct water facility improvements to adequately serve the project.

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

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

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

Discussion: The project site is located within the Rescue Union School District and the El Dorado Union High School District. The distance to the closest elementary school, Lake Forest Elementary, is 0.55 miles, in El Dorado Hills. The distance to the closest high school, Oak Ridge High School, is 2.75 miles, in El Dorado Hills. The affected school districts were contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

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

Discussion: The El Dorado Hills Fire Department would be responsible for providing fire protection to the subject site upon annexation into the District. The closest fire station would be Station 84, located 2.1 miles from the project site. The project site is located within the Departments Response Zone 84b. The District was contacted as part of the initial consultation process. As such, the Department has reviewed the project and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of fire hydrants, provision of established fire flow, submittal of a fire safe plan, and construction of road improvements shown on the Tentative Subdivision Map, would satisfactorily address all fire related safety issues.

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

Discussion: The project site is located immediately north of the El Dorado Hills Community Region. As proposed, the project is a residential project similar in character to existing and proposed medium to low-density residential uses.

7. *Erosion hazard;*

Discussion: The site is moderately sloping with site development proposed to occur on grades of up to 30 percent. Access roads have been analyzed and are shown on the Tentative Subdivision Map. The applicant supplied a drainage study for review by the Department of Transportation (CTA Civil Engineering, November 2007). Drainage issues would be resolved through Conditions of Approval and Improvement Plans reviewed and approved by the Department of Transportation during the Final Map phase.

8. *Septic and leach field capability;*

Discussion: The proposed lots would be served by individual septic systems for each lot. A Land Capability Study dated December 2007 conducted by Youngdahl Consulting Group, Inc. concluded that onsite wastewater disposal would be feasible. The study included requirements for proper location of the septic systems, such as boundary constraints, buffers, and disposal area requirements.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by El Dorado Irrigation District (EID) public water facilities once the property is annexed into the District through LAFCO. No wells are proposed.

10. *Critical flora and fauna habitat areas;*

Discussion: The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is not within a Rare Plant Mitigation Area. Based on a Special Status Species Survey conducted May 22, 2008 by Miriam Green Associates, there are no special status flora species that occur within the project site and no further review would be necessary. Mitigation Measures have been implemented into the project requiring a pre-construction survey to avoid taking any raptor nests.

11. *Important timber production areas;*

Discussion: The project site does not contain or is adjacent to any important timber production areas.

12. *Important agricultural areas;*

Discussion: The project site is not located adjacent to any important agricultural areas. The project site and surrounding properties are designated for low-density residential development. There are no ongoing agricultural pursuits occurring within the project vicinity.

13. *Important mineral resource areas;*

Discussion: The project site does not contain or is located adjacent to any important mineral resource areas.

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

Discussion: The El Dorado County Department of Transportation was directed to develop an area circulation plan for Salmon Falls / Malcolm Dixon Road area. That plan has been developed and amongst other aspects provides a significant new connection road from Malcolm Dixon Road to Green Valley Road. When implemented, these proposed improvements will reduce traffic on Malcolm Dixon Road from existing levels and provide safety improvements to Malcolm Dixon Road. The plan is depicted on the attached Exhibit X entitled “Malcolm Dixon Area Traffic Circulation Plan.” The El Dorado County Department of Transportation reviewed the Malcolm Dixon Area Traffic Circulation Plan, and the submitted traffic studies, and found that the proposed Circulation Plan would be in the public interest and beneficial to the desired area goals raised by the area residents and the Planning Commission during recent hearings of other projects in the vicinity. DOT has reviewed the submitted traffic studies and concluded that the recommended conditions of approval, including improvements to existing roadways, sufficiently address traffic issues and will ensure that the transportation system is adequate to serve the area and proposed projects within the area plan. El Dorado Transit has reviewed the project and had no specific conditions of approval regarding the project.

15. *Existing land use pattern;*

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

16. *Proximity to perennial watercourse;*

Discussion: A perennial watercourse, New York Creek, exists on the southwestern portion of the project site. Development will maintain a 100-foot setback from that creek consistent with General Plan **Policy 7.3.3.4**, and the majority of the creek’s watershed will be maintained in open space.

17. *Important historical/archeological sites;*

Discussion: A cultural resources investigation of the project site identified one archaeological feature and one historic feature. The sites have been recorded and no further investigation is recommended. The archaeological features will not be disturbed, as they will be located in Open Space Lot “B” which is to be designated as an unbuildable area pursuant to conditions of approval. Proposed measures to protect the culturally sensitive area are consistent with General Plan **Policy 2.2.5.3**.

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

Discussion: As shown in the Division of Mines and Geology’s publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or

seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

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

Discussion: The project parcels do not have any existing CC&Rs. CC&Rs would be required for the maintenance of the onsite roads and preservation of the proposed open space lots. The CC&Rs would require review and approval from DOT and Planning Services.

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

Water Supply and Fire Flow: General Plan **Policy 5.2.1.2** requires that the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development. Upon annexation, the El Dorado Irrigation District (EID) would provide water to the subject site. EID has reviewed the proposed project (letter dated December 7, 2007) and determined that the project requires construction of a new booster pump near the southwest portion of the property that would provide minimum fire flows. EID anticipates that a new water source may be available for the project after the execution of a long term Warren Act Contract with the Bureau of Reclamation (USBR). Upon annexation, completion of the required improvements, and acquisition of additional water supplies, EID would provide water to the subject site.

Fire protection services would be provided for the proposed development as required under General Plan **Policy 5.7.1.1**. The El Dorado Hills Fire Department would provide fire service to the site upon annexation. The water flows and transportation infrastructure would be provided concurrent with development sufficient to meet District requirements for fire suppression. A Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the Fire Department to ensure adequate fire protection infrastructure.

Wetlands/Intermittent Streams: Pursuant to the General Plan **Policy 7.3.3.4** a 50-foot setback is required from wetlands and intermittent streams. A Wetland Delineation was supplied by Gibson & Skordal, LLC- Wetland Consultants dated October 2007 and concluded that there are total of 6.8187 acres of jurisdictional waters of the United States on the project site. These include 6.1144 acres of the New York Creek (0.5 ac) and abutting wetlands (5.61 ac) and 0.7043 acres of tributaries to New York Creek. All wetlands and intermittent streams with their appropriate setbacks shall be shown on the Final Map prior to approval. These water features are also shown on the Tentative Subdivision Map as Exhibit E. The project proposes to avoid all wetlands and intermittent streams. The applicant has worked with the U.S. Army Corps of Engineers (Peck Ha, Regulatory Project Manager) to ensure that their plans for avoidance of jurisdictional waters is adequate, and have revised the map accordingly based on Corps comments and field observations. Currently, the Tentative Subdivision Map has designated a 100-foot building setback from the New York Creek

corridor (which will remain in open space) and a 50-foot building setback from intermittent streams. All stream/drainage crossings are proposed to be spanned by bottomless drainage crossings (e.g., bridge abutments to be placed outside the delineated jurisdictional feature with no impact within the delineated drainage feature).

**Oak Tree Canopy:** In order to ensure consistency with General Plan **Policy 7.4.4.4**, the applicant submitted a tree canopy analysis, which determined that existing oak tree canopy at the site is 90 percent requiring 60 percent retention of existing oak canopy cover under “Option A” of General Plan Policy 7.4.4.4. The site contains a total of 129.4 acres of oak canopy. The proposed project estimates tree removal for lot development and roadways to be 51.8 acres. The estimated tree canopy retention after road improvements and lot development is approximately 60 percent, in compliance with the General Plan policy requiring 60 percent retention. Thus, the total oak canopy loss of 51.8 acres of oak woodland that would be required to be mitigated by either replacement on-site at a 1:1 canopy surface area ratio; or payment of the mitigation fee under Option A of the OWMP; or acquire an off-site conservation easement of oak woodlands at a 1:1 ratio, or a combination of the three requirements for the removal of 40 percent of the oak canopy for roads, infrastructure, and lot development (Table 3). The Tree Preservation Plan prepared by CTA Engineering together with the Arborist’s Report prepared by Foothill Associates (January 17, 2008), confirms that the project would be consistent with General Plan tree canopy retention and replacement policies.

Project Site (Acres)	Oak Tree Canopy Coverage (Acres)	Percentage of Oak Coverage Required (Acreage)	Percentage of Required Retention	Proposed Oak Removal (Acreage)	Percentage Retention Proposed
143	90%	77.64	60%	51.8	60%

As shown on the Tree Preservation Plan (Exhibit H, I, J), the project would require the removal of 51.8 acres of the onsite canopy. The project would be required to participate in on-site replacement or offsite replacement, or a payment of the mitigation fee established by Board of Supervisors and OWMP. Given that the project will maintain 60 percent of its oak tree canopy and since the oak canopy density is high on the site, it is not feasible to mitigate by replacing oak canopy onsite for all future oak canopy removal. The applicant will therefore be required to pay into the Conservation Fund In-Lieu fee when replacement is not a feasible option.

Chapter 17.72 of the Zoning Ordinance establishes requirements for the implementation of General Plan Policy 7.4.4.4. Section 17.72.100 of the Ordinance allows payment of the mitigation in-lieu fee prior to issuance of a grading permit for road and infrastructure improvements and prior to issuance of any building permits for future development of the project site. A breakdown of the oak canopy impacts has been included in Table 4.

Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Canopy Removed on individual lots (Acres)

51.8	9.8	42
------	-----	----

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

## **ZONING**

The proposed subdivision contains 47 residential lots which are consistent with the development standards identified within the proposed zoning district, RE-5-PD, outlined in Section 17.28.210 of the Zoning Ordinance, except for minimum lot size. Proposed lot sizes range from 1.09 acres to 4.04 acres with all of the lots being less than the five-acre minimum within the RE-5 zone district. The reduced lot sizes would be required to allow for the clustered development proposed allowing for avoidance of resources and provision of open space. Proposed deviations from the development standards are discussed in the planned development section below.

Development Standards: Section 17.28.210 A-H of the Zoning Ordinance establishes the requirements for development within the RE-5 Zone District:

**A. Minimum lot area, five acres**

The project would create 47 residential lots ranging in size from two to three acres. All 47 of the proposed lots would be less than the minimum lot area established for the RE-5 Zone District. The reduced lot sizes would be required to allow for the clustered development using the Density Bonus Provision under General Plan Policy 2.2.4.1. As discussed above, the project would dedicate approximately 43.92 percent of the site as open space. The open space areas would avoid development impacts to oak habitat, riparian areas, perennial and ephemeral streams, and avoid grading on 30 percent slopes.

**B. No maximum building coverage.**

Future development of the residential lots would include single-family residences and accessory structures. The project would not conflict with this requirement.

**C. Minimum Lot Width, one hundred feet.**

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

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

The proposed setbacks would comply with the required 30-foot setback.

**E. Minimum agriculture structural setbacks of fifty feet on all yards;**

As shown on the Tentative Map, the proposed setbacks would be 30 feet for the front and rear with 30-foot side setbacks. As there is no active agriculture occurring within the vicinity of proposed lots, nor is any proposed in the future, agricultural setbacks are not necessary.

**F. Maximum building height, forty- five feet (45') (Ord 4236, 1992)**

Future development on each lot would require compliance with the maximum height requirements of the RE-5 Zone District.

**G. Minimum dwelling unit area, six hundred square feet of living area and two rooms:**

Future development of each lot would require compliance with the minimum dwelling unit size of the RE-5 Zone District.

**H. Location of the Parcel in Relation to Surrounding Land Use. The success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential five acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprises. Noncompatible uses are defined as, but not limited to:**

- 1. Residential structures,**
- 2. Nursing homes,**
- 3. Public and private schools,**
- 4. Playgrounds,**
- 5. Swimming pools,**
- 6. Fish ponds. (Ord. 3606 §15, 1986; Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))**

The project is adjacent to agriculturally zoned land to the east; however, this land is currently being contemplated for a rezone to estate residential five-acre (RE-5) as part of the Alto LLC development proposal. As such, incompatibilities with surrounding land uses are not contemplated.

**Conclusion:** The proposed lots would not be consistent with the Development Standards of the RE-5 Zone District. However, the Planned Development application would allow for flexibility in the application of those development standards. The project would cluster the units in order to avoid impacts to the oak woodland habitat, riparian features, and perennial and intermittent streams on the project site. The clustering would result in 44.18 percent of the site remaining as three dedicated open space lots and one landscaped lot. The project meets the requirements of a Development Plan; therefore Planning Services finds the project is consistent with the Zoning Ordinance. Planned Development Findings of Approval have been included in Attachment 2.

**Tentative Map**

The Tentative Subdivision Map would create 47 individual parcels for each residential unit and four lettered open space lots (three open space lots and one landscape lot). Parcel sizes would range from 47,323 square feet (1.09 acres) to 175,860 square feet (4.04 acres). Four open space lots would total 63.181 acres, which includes 6.8187 acres of existing wetlands and water features.

<b>TABLE 5. Gross and Net Lot Areas</b>					
<b>Lot No.</b>	<b>Gross area (S.F.)</b>	<b>Net Area (S.F.)</b>	<b>Lot No.</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
1	49,974	23,992	27	71,051	41,240
2	47,323	21,997	28	58,891	29,390
3	58,355	32,601	29	57,720	31,773
4	61,082	30,685	30	58,094	30,723
5	51,631	21,368	31	56,447	30,070
6	57,073	30,642	32	49,881	24,884
7	69,028	40,023	33	57,443	27,039
8	57,863	31,000	34	175,860	110,098
9	52,355	26,514	35	57,790	30,542
10	77,679	35,942	36	56,695	26,602
11	57,982	27,888	37	57,216	30,585
12	73,908	40,110	38	61,467	31,315
13	68,258	40,327	39	57,738	29,605
14	72,992	42,118	40	68,517	37,224
15	86,912	47,193	41	65,248	34,590
16	62,082	32,084	42	43,771	21,708
17	72,141	28,317	43	59,831	32,799
18	75,058	43,896	44	54,007	26,797
19	57,470	30,349	45	64,361	30,990
20	59,059	31,125	46	124,612	70,679
21	68,375	37,202	47	62,757	28,532
22	65,754	30,087	Open Space "A"	29.536 acres	
23	66,976	33,752	Open Space "B"	32.835 acres	
24	76,873	40,532	Open Space "C"	0.435 acres	
25	72,053	35,817	Open Space "D"	0.375 acres	
26	70,984	41,720			

**Design Waivers Discussion:** As proposed, Design Waivers have not been requested for the Tentative Subdivision Map.

### **Development Plan**

The applicant has requested a Planned Development zoning overlay to be placed upon the project in order to allow for clustering of lots and reduced minimum parcel sizes through the submittal of a development plan. The purpose of the clustering is to avoid sensitive resources onsite, take into consideration topographical constraints, and provide significant amount of open space. Residential lots range in size from 1.09 acres to 4.04 acres. Lots will still remain consistent with development standards of the zone district with the exception of minimum lot size.

### **Other Issues:**

Access/Circulation: Access to the proposed subdivision would be from two proposed roadway connections, one to be developed with Phase I of the project (“C” and “A” Drives) which would connect the project directly to Salmon Falls Road, and a secondary access road (“B” Drive) which would be developed with Phase II of the project and would connect to Malcolm Dixon Road through ALTO LLC also including a new connection to Green Valley Road. The Department of Transportation has required a Standard Plan 101B Road, not including curb, gutter, and sidewalks for Drives A, B, & C.

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

Cultural Resources: A Cultural Resources Study was prepared by Historic Resource Associates in September 2007. The survey identified two cultural resource sites, one historic and one prehistoric. The study concluded that the historic resource did not warrant further investigation and would not be eligible for the CRHR or for the National Register of Historic Places (NRHP). The pre-historic resource, while determined to be significant, is to remain outside the zone of impact and be preserved in an open space area.

El Dorado Irrigation District (EID) Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive both water and fire protection services. LAFCO requests that annexation into EID be added to the conditions of approval for the project. LAFCO has identified potential issues to be addressed within the Initial Study which have been reviewed and incorporated as considered appropriate.

Noise: The project, during construction and earthwork, may generate temporary and intermittent noise. There are residential units on parcels adjacent to the project site to the north and under the County’s noise ordinance, construction activities and earthwork would be limited to certain hours of

the day to minimize affects on nearby residences. Initial phases of the project may also be impacted by construction noise during construction of future phases, and mitigation requiring notification of that potential impact has been included as a condition of approval in an effort to avoid future noise complaints.

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

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

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

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

- El Dorado Hills Fire Department (letter dated April 15, 2008)
- El Dorado Irrigation District (letter dated December 7, 2007)
- El Dorado LAFCO (letter dated March 19, 2008)
- El Dorado County Environmental Management (letter dated April 3, 2008)
- El Dorado County Department of Transportation (letter dated April 16, 2009)
- El Dorado County Resource Conservation District (letter dated April 3, 2008)
- Office of the County Surveyor (memo dated April 14, 2008)
- United States Department of the Interior (letter dated March 27, 2008)
- El Dorado Hills Area Planning Advisory Committee (letter dated April 10, 2008)

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion, attached as Exhibit J, to determine if the project has 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. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

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

**RECOMMENDATION:** Staff recommends the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve Rezone Z08-0001 based on the findings in Attachment 2;
4. Conditionally approve Planned Development application PD08-0003, adopting the Development Plan as the Official Development Plan, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Conditionally approve Phased Tentative Map TM08-1463, subject to the conditions in Attachment 1, based on the findings in Attachment 2.

## **SUPPORT INFORMATION**

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

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Tentative Map
Exhibit F .....	Preliminary Grading & Drainage Plan
Exhibit G .....	Slopes Map
Exhibit H .....	Tree Preservation Plan – Photo Exhibit for Road Impacts
Exhibit I .....	Tree Preservation Plan – Numbered Tree Removal Exhibit for Road Impacts
Exhibit J .....	Tree Preservation Plan – Canopy to be Removed/Remain for Road Impacts
Exhibit K .....	Photo Exhibit to Accompany Tentative Map
Exhibit L .....	Malcolm Dixon Area Traffic Circulation Plan
Exhibit M .....	Environmental Checklist Form and Discussion of Impacts



# ATTACHMENT 1 CONDITIONS OF APPROVAL

**FILE NUMBER Z 08-0001/ PD 08-0003/ TM 08-1463**

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

**Project Description:** The project includes a request for a Zone Change from RE-5 (Estate Residential Five-Acre) to RE-5-PD (Estate Residential Five-Acre-Planned Development), with a Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and to allow for a density bonus, and a Phased Tentative Subdivision Map to create 47 residential lots ranging in size from 1.09 to 4.04 acres and four lettered open space lots (three open space lots and one landscape lot) totaling 63.181 acres. Phase I would encompass Lots 1-3 & 26 – 46 (24 lots), Phase II would encompass Lots 4-6, 12-25, & 47 (18 lots), and Phase III would encompass Lots 7-11 (5 lots). Access to the proposed subdivision would be from two proposed roadway connections, one to be developed with Phase I of the project (“C” and “A” Drives) which would connect the project directly to Salmon Falls Road, and a secondary access road (“B” Drive) which would be developed with Phase II of the project and would connect to Malcolm Dixon Road through subdivisions south and east of the project. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for nineteen (19) additional residential lots.

The allowable density shall comply with Table 1 below:

<b>TABLE 1. Density Calculation</b>		
Acreage – 143 acres	Allowable Density in the RE-5 Zone District	Allowable Units Using Density Bonus
	Minimum 5-acre parcel sizes	1.5 Density Bonus
# of Lots	28.6	47.6

The gross and net lot area shall comply with Table 2 below:

<b>TABLE 2. Gross and Net Lot Areas</b>					
<b>Lot No.</b>	<b>Gross area (S.F.)</b>	<b>Net Area (S.F.)</b>	<b>Lot No.</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
1	49,974	23,992	27	71,051	41,240
2	47,323	21,997	28	58,891	29,390
3	58,355	32,601	29	57,720	31,773
4	61,082	30,685	30	58,094	30,723
5	51,631	21,368	31	56,447	30,070
6	57,073	30,642	32	49,881	24,884
7	69,028	40,023	33	57,443	27,039
8	57,863	31,000	34	175,860	110,098
9	52,355	26,514	35	57,790	30,542
10	77,679	35,942	36	56,695	26,602
11	57,982	27,888	37	57,216	30,585
12	73,908	40,110	38	61,467	31,315
13	68,258	40,327	39	57,738	29,605
14	72,992	42,118	40	68,517	37,224
15	86,912	47,193	41	65,248	34,590
16	62,082	32,084	42	43,771	21,708
17	72,141	28,317	43	59,831	32,799
18	75,058	43,896	44	54,007	26,797
19	57,470	30,349	45	64,361	30,990
20	59,059	31,125	46	124,612	70,679
21	68,375	37,202	47	62,757	28,532
22	65,754	30,087	Open Space "A"	29.536 acres	
23	66,976	33,752	Open Space "B"	32.835 acres	
24	76,873	40,532	Open Space "C"	0.435 acres	
25	72,053	35,817	Open Space "D"	0.375 acres	
26	70,984	41,720			

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

<b>TABLE 3: Oak Canopy Removal Summary</b>		
<b>Total Oak Canopy to be Removed (Acres)</b>	<b>Canopy Removed for Road Improvements (Acres)</b>	<b>Canopy Removed for Individual Lot Development (Acres)</b>
51.8	9.8	42

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

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

### **Conditions of Approval 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. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
  1. Halt all construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
  2. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
  3. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project would not result in a “take” of any rare, threatened, endangered or special status species (**MM BIO-1**).

*Timing/Implementation: The applicant shall provide Development Services with a letter from a qualified Biologist verifying compliance prior to issuance of a grading permit.*

*Enforcement/Monitoring: El Dorado County Planning Services*

3. In order to protect sensitive cultural resources, the area delineated as Open Space Lot “B” on the Tentative Subdivision Map shall be designated on the final map as an unbuildable area. No reference to specific locations of the cultural resource site shall be recorded with the Final Map (**MM CUL-1**).

*Plan Requirements/Timing: A note designating Open Space Lot ”B as an unbuildable area shall be included on the final map.*

*Compliance: El Dorado Planning Services shall review the final map to ensure that a note is included.*

4. The applicant shall be required to notify property owners of potentially significant noise levels associated with future construction activities associated with home building and road construction as part of subsequent phases. This shall be included as a “Buyer Beware” clause in project CC&Rs. Planning Services shall review CC&Rs to ensure this clause has been included (**MM NOISE-1**).

*Timing/Implementation: Prior to issuance of grading and building permits for lot development the applicant shall prepare CC&Rs for review by Planning Services*

*Enforcement/Monitoring: El Dorado County Planning Services.*

## **Project Conditions of Approval**

### **Planning Services**

5. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 51.8 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees. (Reference PD08-0003)
6. The Final Subdivision Map shall include the following notes:
  1. A total of 0.89 acre or 0.69 percent of oak canopy shall be available to each lot within the subdivision for removal during individual lot development. Individual property owners shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD08-0003)
  2. Any oak canopy removal beyond 0.89 acre or 0.69 percent for any individual lot within the subdivision, shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD08-0003)
7. All fees associated with the Tentative Map shall be paid prior to filing the Final Map.

8. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
9. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
10. The following shall be incorporated as a note on the grading/improvement plans:

*In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.*

*In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. . If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).*

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

11. Prior to approval of the Final Map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for these services must be established prior to approval of the Final Map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
12. The Covenants, Conditions, and Restrictions (CC&R's) shall be submitted to Planning Services for review and approval prior to filing the Final Map.

13. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
14. The map shall be recorded and constructed in phases consistent with the phasing plan included with the Tentative Map, Exhibit E. All Open Space (Lots A, B, C, & D) shall be dedicated at the time of filing of the first phase of the map.
15. This Tentative Map shall expire in 36 months from date of approval unless a time extension has been filed.
16. The Final Map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
17. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado Hills Fire Department. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. If fire flows cannot be met, all habitable structures shall be sprinklered in accordance with Fire Department requirements. This condition shall be included in the CC&Rs for the project.
18. A fire safe management plan, acceptable to the El Dorado Hills Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire Department to Planning Services prior to filing the Final Map.
19. The applicant shall provide to Planning Services a meter award letter or similar document from the water purveyor prior to filing the Final Map.
20. The applicant shall submit a request for park in-lieu fee appraisal to Planning Services, with a check for \$150 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant shall pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Facilities Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the Tentative Map.
21. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Development Services Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.

- b. Improvement plans prepared by a civil engineer of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

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

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

- 22. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.<sup>00</sup> per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.<sup>00</sup> as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation. (NOTE: Not applicable unless application includes a Zone Change)

### **El Dorado Hills Fire Department**

- 23. The project shall provide a potable water system that is capable of supplying the required fire flow as determined by the Fire Department for the protection of lives and property within this development. Any home not meeting the required fire flow shall have an approved NFPA 13D fire sprinkler installed. The Fire Department shall determine said requirements prior to issuance of a building permit.
- 24. This development shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The exact location of each fire hydrant shall be determined by the Fire Department prior to issuance of a building permit.
- 25. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in

service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard #103.

26. The driveways serving this project shall be designed to a maximum of 20 percent grade. Any driveway exceeding this requirement shall require installation of fire sprinklers per NFPA 13D within the dwelling unit.
27. The proposed project shall develop and implement a Wildland Fire Safe Plan. The Plan shall be approved by the Fire Department and submitted for review to Planning Services prior to filing the Final Map.
28. The project is prohibited from installing any type of traffic calming device that utilizes a raised bump section of the roadway.
29. Any lots that are greater than one acre shall conform to the 30-foot setback as required by the Fire Safe Regulations.
30. The phasing plan that was submitted is approved with the following conditions:
  - a. Lots 1-3, 26-46 will be approved for initial development. No other lots shall be developed until a secondary means of egress is established. Once the unobstructed secondary means of egress has been established, the balance of lots may be developed.
  - b. A minimum 40 foot radius cul-de-sac shall be installed at either end of the Phase I road. These can be removed upon opening of the unobstructed secondary means of egress.
31. Lots 10, 34, and 46 shall be required to have a turnaround due to the driveway being longer than 150 feet. The required turnaround shall be provided on the grading and improvement plans and shall be approved by the Fire Department prior to issuance of a grading permit.
32. The driveways of lots 34 and 46 are greater than 400 feet, therefore a turnout shall be installed midway in the driveway. The turnout shall be ten (10) feet wide by thirty (30) feet long with twenty-five (25) foot tapers at each end. The required turnout shall be provided on the grading and improvement plans and shall be approved by the Fire Department prior to issuance of a grading permit.

## **El Dorado County Department of Transportation**

### **Project Specific DOT Conditions**

33. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map: (the requirements outlined in Table 1 are minimums)

<b>Table 1</b>				
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>EXCEPTIONS/ NOTES</b>
Phase I A & C Drive (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase I includes all improvements to A Drive and C Drive fronting Lots 1-3 and 26-46. Turnarounds at the two ends consistent with Std Plan 114 are required.
Phase II B Drive (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase II includes all improvements to B Drive fronting Lots 4-6, 12-26, and 47.
Phase III A Drive (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft / 1 ft widening to 36ft (to comply with dead end road reqs) / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase III includes all improvements to A Drive fronting Lots 7-11. Turnarounds at the end consistent with Std Plan 114 are required.

\* 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

34. **Multi-Project Area of Benefit:** Upon the applicant's request, the County will form and implement, at the applicant's expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit L entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant shall prepare and submit for County's approval and adoption a proposed Area of Benefit and supporting Engineers Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisitions, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24. The Area of Benefit Engineer's Report

shall be prepared and submitted and the proposed public financing district formed prior to the filing of the Final Map. For development projects within the proposed public financing district Area of Benefit, County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. For development projects which may derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan, County shall require participation in the funding and reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of project approval.

35. **Area of Benefit Improvements:** The following Area of Benefit Improvements are required of all projects party to the Area of Benefit. This project's proportional share and financial responsibility for these improvements shall be determined by the Engineer's Report. These improvements shall be completed to the satisfaction of DOT prior to issuance of a building permit for any lot in Phase II (i.e., construction and buildout of Phase I does not trigger the need for completion of the improvements in Table 2. However, all items in Table 2 must be completed prior to issuance of a building permit on any lot in any other Phase).

<b>Table 2</b>			
<b>ROAD NAME</b>		<b>ROAD WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
<b>AREA OF BENEFIT</b> Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20	Std Plan 101B County Maintained System	24ft (50ft R/W) EP to EP	Two 12 foot wide lanes and 3 foot wide shoulder per Exhibit L. 2"AC overlay over existing section. No vertical profile change. 3"AC/8"AB section for pavement extension or as recommended in Soils report.
<b>AREA OF BENEFIT</b> Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit L. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit L.
<b>AREA OF BENEFIT</b> New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit L.
<b>AREA OF BENEFIT</b> Off-Site New Connection From STA:10+00 to STA:15+44	Std Plan 101B County Maintained System	36ft (60ft R/W) Including slope easements. FC to FC	36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit L. 36 feet will accommodate two

			11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.
Offsite (Alto) 'A' & 'B' Drive to intersection of A & B Drives,	Std Plan 101C Maintenance Entity	24ft(50ft R/W) EP to EP	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Off-Site (Chartraw) Road Widening From STA: 21+70 (New Connection) to ALTO LLC southern boundary line.	Std Plan 101C	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lane and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed.

36. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed C Drive onto Salmon Falls Road 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.
37. **Offer of Dedication (Salmon Falls Road):** The applicant shall irrevocably offer to dedicate in fee, any additional right of way as required along the entire project frontage of Salmon Falls Road, as determined by DOT, prior to the filing of the map. (The existing ROW may already be sufficient.)
38. **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 guarantee access for this site to use the proposed offsite roadways to the south and east and 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 map.
39. **Secondary Access:** The applicant shall provide at least two connections with an existing, improved public street for the project, prior to commencement of construction of Phase II. The accesses shall adhere to the provisions described in Table 1. In the alternative, the second connection with an existing, improved public street may be provided by way of the Malcolm Dixon connector road in accordance with County approved design standards as shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.

40. **Reciprocal Access Agreement:** The applicant shall provide a reciprocal access agreement, signed by the adjoining property owners, guaranteeing access for this site to use the proposed off-site roadways from this project to Malcolm Dixon Road, prior to the filing of the map. This agreement shall also allow the adjoining landowners to use the onsite roads to access Salmon Falls Road.
41. **Turnaround:** The applicant shall provide a turn around at the end of the onsite roadways to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
42. **Temporary Turnaround:** If the secondary access roadways are not installed and a temporary exit road has been approved, the applicant shall provide a temporary turnaround at the end of the roadway. Temporary turn around shall also be constructed at the end of phased roads. 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 map.
43. **Roadway Slopes:** Pursuant to DISM Sec 3.B.9 and Design Std Plan 101B, the gradient of any street shall not exceed 15 percent. Roadway slopes shall be indicated on the improvement plans to show compliance with this requirement.
44. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
45. **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.

#### **Standard DOT Conditions**

46. **Improvement Plans and Cost Estimate:** 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

47. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
48. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways, prior to the filing of the map.
49. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
50. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Salmon Falls\_Road, excluding the locations of the approved access encroachments.
51. **Performance Bond:** The construction of all required improvements shall be completed with the presentation of the Final Map to the Planning Director before presentation of the Final Map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
52. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, and any 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 map.
53. **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).
54. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to

the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.

55. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
56. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Department of Transportation, and pay all applicable fees prior to filing of the Final Map.
57. **Grading Permit:** A 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.
58. **Grading Plan Review/Plan:** 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.
59. **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.
60. **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.

61. **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.
62. **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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. 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.

63. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it

shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Final Map.

64. **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.
65. **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.
66. **Off-site Improvements (Security):** Prior to the filing of a Final Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements (not including the Area of Benefit improvements as described in Table 2), 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.
67. **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 (not including the Area of Benefit improvements as described in Table 2), the County may, at the applicant’s expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any Final Map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:

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

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

68. **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.
69. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

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

70. All survey monuments shall 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 prior to filing of the Final Map.
71. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

#### **El Dorado County Environmental Management**

##### **Air Quality Management**

72. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated April 3, 2008 prior to issuance of any permits associated with this project.

##### **Hazardous Materials**

73. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be

submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

**LAFCO**

74. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the Final Map.
75. The applicant shall process a request for annexation into the El Dorado Hills Fire Department for fire protection services, prior to filing the Final Map.

## **ATTACHMENT 2 FINDINGS**

**FILE NUMBER Z 08-0001/ PD 08-0003/ TM 08-1463  
Planning Commission May 28, 2009**

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

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA FINDINGS**

- 1.1** El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2** The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4** Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1** The proposed use and design conforms to the Low Density General Plan Land Use Designation. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire

protection, 7.3.3.4 regarding special setback for riparian areas, and 7.4.4.4 regarding oak woodlands.

- 2.2** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.
- 2.3** The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

### **3.0 ZONING FINDINGS**

- 3.1** The subdivision contains 47 residential lots which are consistent with the development standards identified within the RE-5 zone district outlined in Sections 17.28.210 of the Zoning Ordinance, except for minimum lot size. Proposed residential lot sizes range from 1.09 acres to 4.04 acres. Justification for the reduced lot sizes are discussed within the Planned Development findings.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Planned Development**

- 4.1.2** *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the Planned Development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3** *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 62.81 acres of open space that include riparian areas and woodland areas. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4** *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* A Deviation from the Residential 5-acre Development Standards includes a reduction in the minimum lot size requirement for all residential

parcels. This exception to the standard requirements of the RE-5 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.

- 4.1.5** *The site is physically suited for the proposed use.* The 143-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.
- 4.1.6** *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water will be provided to the project site by EID upon annexation by LAFCO into fire and water district boundaries. El Dorado Irrigation District provided a letter dated December 7, 2007 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system. Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to handle project traffic. The Fire District has provided conditions of approval to ensure that roads are developed in accordance with the proposed phasing plan in order to provide for adequate emergency access.
- 4.1.7** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 62.18 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

## **4.2 Tentative Subdivision Map**

- 4.2.1** *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the Tentative Map conforms to the LDR General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.
- 4.2.2** *The site is physically suitable for the type and density of development proposed.* As shown on the Tree Preservation Plan (Exhibit H1, H2, and H3), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.
- 4.2.3** *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit J) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality and biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

- 4.2.4** *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via “C Drive”, a private road, which will take access from Salmon Falls Road. “C Drive” will provide access to “A Drive” which will be developed with Phase I of the project, and eventually “B Drive” which will be developed with Phase II of the project and will provide secondary access where it connects to the proposed development to the east. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design with the incorporation of Department of Transportation conditions. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado Hills Fire Department has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.
- 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 El Dorado Hills Fire Department has reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the Tentative Map and an approved fire safe plan. Fire issues are addressed within the project’s conditions of approval.