

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** September 24, 2009

**Item No.:** 8

**Staff:** Michael C. Baron

**REZONE/TENTATIVE MAP/SPECIAL USE PERMIT**

**FILE NUMBER:** Z06-0027/TM06-1421/S08-0028/Diamante Estates

**APPLICANT:** Diamante Development, LLC

**PROPERTY OWNER:** Chris Labarbera

**ENGINEER:** G.C. Wallace of California, Inc.

**REQUEST:**

1. Rezone from Exclusive Agriculture (AE) to Estate Residential 5-Acre (RE-5);
2. Tentative Map (Exhibit F) to create 19 single-family lots ranging in size from 5.0 acres to 9.9 acres, and one 2.2 acre open space lot, totaling 113.1 acres; and,
3. Special Use Permit request to allow gated access from two encroachments on the northern boundary of the subdivision as well as the proposed access onto Malcolm Dixon Road.

**LOCATION:** Approximately 0.3 miles northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV (Exhibit B).

**APN:** 126-100-24 (Exhibit B)

**ACREAGE:** 113.1 acres

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

**EXISTING ZONING:** Exclusive Agriculture (AE) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration (MND)

## **RECOMMENDATION:**

Staff recommends the Planning Commission make the following recommendations to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with Section 15074(d) of the CEQA Guidelines, incorporated as Conditions of Approval in Attachment 1; and
3. Approve Rezone Z06-0027 based on the Findings in Attachment 2.
4. Approve Tentative Subdivision Map TM06-1421 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
5. Approve Special Use Permit S08-0028 based on the Findings in Attachment 2.

**BACKGROUND:** An application for a Zone Change and Tentative Subdivision Map was submitted on July 18, 2006 and deemed incomplete for processing on March 29, 2006. A Special Use Permit was also added to the project December 12, 2008 at the request of the applicant to allow installation of security gates. A Technical Advisory Committee (TAC) meeting was held on October 9, 2006. As a result of agency comments and General Plan issues discussed at the TAC meeting, additional map clarifications were required and received by staff at various points through September 2007. Further information was submitted by the applicant and the application was deemed complete on March 21, 2007. Upon re-assignment of the project, it was identified that the project site would require a Special Status Plant Survey to be completed during the appropriate blooming period for certain plant species that could be present within the project site. The survey was received by Planning Services June 13, 2008 and the application was subsequently processed by Planning Staff.

## **STAFF ANALYSIS**

**Project Description:** The project includes a request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre and a Tentative Subdivision Map to create 19 single-family lots ranging in size from 5.0 acres to 9.9 acres and one 2.2 acre open space lot (Lot 8), totaling 113.1 acres. Access to the proposed subdivision would be from two gated entryways off Malcolm Dixon Road to the south. A Special Use Permit request is included to allow gated access ~~on the northern boundary of~~ to the subdivision ~~as well as the proposed access~~ from two encroachments onto Malcolm Dixon Road. A connection to Salmon Falls Road to the north would serve the development in the future. 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 required to be annexed by LAFCO into both the El Dorado Irrigation District and the el Dorado Hills Fire District. Design Waivers have not been requested with this application.

**Site Description:** The project site lies at an elevation of between 620 and 880 feet above mean sea level. The topography is moderately sloped to the southwest. The land is heavily vegetated with oak trees and annual grasses. Surrounding development includes single family residential development to the east and west, and single-family residences with dense oak woodland to the north. The southern portion of the site borders Malcolm Dixon Road. A preliminary jurisdictional delineation report indicates that the total acreage of potential jurisdictional wetlands and other waters of the United States within the project study area are 1.43 acres. Small tributaries flow through the western portion of the parcel to New York Creek and Dutch Ravine Creek originating in the southeastern corner of the parcel.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	AE	LDR	Historic Schoolhouse/Undeveloped Residential
<b>North</b>	AE	LDR	Developed Rural Residential/Undeveloped
<b>South</b>	R1A	MDR/HDR	Developed Residential/Undeveloped
<b>East</b>	RE-5/AE	LDR	Developed Rural Residential
<b>West</b>	RE-5	LDR	Developed Rural Residential

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

The General Plan designates the subject site as Low-Density Residential (LDR), which permits a maximum density of one dwelling unit per five acres, with parcel sizes ranging from 5 to 10 acres, as required by **Policy 2.2.1.5**. The proposed project consists of 19 residential lots ranging from 5.0 acres to 9.9 acres. Therefore, the proposed RE-5 Zone District would be consistent with the LDR land use designation.

As required by **Policy 2.2.5.3**: 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 would support a higher density or intense 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 February 26, 2009, indicates that, The District has secured additional water rights and is in the process of obtaining approvals for diverting these additional supplies at Folsom Lake. The District is also underway with a phased expansion of the El Dorado Hills Water Treatment Plant that would increase water supply availability for the District. The District cannot estimate when this new water supply would be available to project’s that don’t

already have a contractual commitment with the District for service. The FIL also indicates 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 applicant 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 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 the 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 is Station 84, located just 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 District has reviewed the proposal 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 would satisfactorily address all fire related safety issues.

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

Discussion: The project site is located 0.5 miles north of the Clarksville Community Region. As proposed, the project is residential in nature and adjacent to compatible existing and planned residential land uses.

7. *Erosion hazard;*

Discussion: The site is gently sloping where site development could occur on grades of up to 30%. The project could alter drainage patterns, which could cause erosion or the loss of topsoil. The El Dorado County Resource Conservation District has conditioned the project

to require review and submittal of an erosion control plan, to limit erosion impacts resulting from grading activities. Revegetation of disturbed soils would be required as part of project approval. The California Regional Water Quality Control Board has commented on the project, requiring the use of Best Management Practices during construction, including the use of swales and filters to reduce soil runoff and preserve topsoil on the site.

8. *Septic and leach field capability;*

Discussion: The proposed lots would be served by individual septic systems for each lot. A Percolation Rate Test dated May 11, 2006 conducted by Ron Duncan REHS #3336 concluded that onsite wastewater disposal would be feasible. The Environmental Management Department evaluated the results and found the study to be acceptable.

9. *Groundwater capability to support wells;*

Discussion: The project would be served by EID public water facilities. No wells are proposed.

10. *Critical flora and fauna habitat areas:*

Discussion: 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 June 12, 2008 by ECORP Consulting Inc, 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 is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The project was heard by the El Dorado County Agriculture Commission on October 11, 2006. The Agriculture Commission determined that although the site is presently zoned Exclusive Agriculture (AE), it does not have choice soils nor is it important grazing land. Therefore, the Commission recommended approval for the request in a unanimous vote. The General Plan designation for the site is Low Density Residential, which allows single family dwellings and accessory structures. The site had been under Williamson Act Contract in the past but was "rolled out" and is presently zoned Exclusive Agriculture (AE). The site has not been used for agriculture pursuits for many years and thus, no longer considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project is not located within an important Mineral Resource Zone. The project would not impact an important mineral resource area.

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

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

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing and planned residential land uses. The project is surrounded by the RE-5 Zone District along the eastern and western boundaries. A Rezone application to RE-5 has been submitted for the two parcels immediately north of the project site. Staff has determined that the proposed project would be consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: According to the preliminary jurisdictional delineation report submitted, the total acreage of potential jurisdictional wetlands and other waters of the U.S. at the subject site are 1.439 acres. Small tributaries flow through the western part of the parcel to New York Creek and Dutch Ravine Creek originating in the southeastern corner of the parcel. General Plan Policy 7.3.3.4 requires a minimum setback of 50 feet from the wetlands delineated on the Tentative Subdivision Map. All wetlands on the site are protected through the incorporation of 50 foot setbacks, as shown on the Tentative Map.

17. *Important historical/archeological sites;*

Discussion: A records search revealed three cultural resources within the project site that were previously recorded, consisting of a cellar depression, a few fruit trees, and a series of stacked rock features. Additionally, the record search concluded that there is a moderate-to-high potential for additional historic cultural resources in the project area. A school house (Live Oak School) and accessory buildings exist on the site and have been previously recorded. The survey also concluded that the cultural resources found at the site do not meet the eligibility criteria for the California Register of Historical Resources (CRHR) as defined by CEQA. However, due to the possibility of finding additional cultural resources at the site, an on site archeological assessment was provided by ECORP Consulting Inc., dated May 6, 2009. The survey recommended a mitigation measure be added to the Mitigated Negative Declaration to ensure that newly discovered cultural resources be appropriately

documented and preserved during construction. This would ensure that all cultural resources are appropriately mitigated.

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

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 would be 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: No Conditions, Covenants, and Restrictions are effective within the project area. Master CC & R's would be reviewed and recorded prior to Final Map approval.

### **General Plan Continued**

The project site is surrounded by existing residential property which would be compatible to the proposed development. The proposed subdivision would be compatible within the context of existing and undeveloped residential properties, as required by General Plan **Policy 2.2.5.21**.

General Plan **Policy 5.2.1.2** requires the applicant provide adequate quantity and quality of water for all uses, including fire protection. The applicant has provided a Facilities Improvement Letter (FIL) dated February 26, 2009 stating that upon annexation into the Water District and system upgrades the District would have the capacity to serve the project with adequate public water services.

Under **Policy 5.7.1.1** the applicant would be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development. The El Dorado Hills Fire Department would provide fire service to the site upon annexation. A Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the Fire Department to ensure adequate fire protection infrastructure.

**Policy 6.2.3.2** states "As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area." The El Dorado Hills Fire Department has conditioned the project to ensure viable ingress and egress for both emergency and private vehicles through the proposed gate.

Pursuant to General Plan **Policy 7.3.3.4**, a 100-foot and 50-foot setback is required from the 0.6 acres of ponds, wetlands and 0.83 acres of intermittent streams located at the site. These water features are shown on the Tentative Subdivision Map (Exhibit E). After applying the required wetland setbacks, 30-foot building setbacks, and tree canopy retention standards, development area for each lot was verified.

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 approximately 18.5 percent, requiring 90 percent retention of existing oak canopy cover under “Option A” of General Plan Policy 7.4.4.4. The site contains a total of 21.1 acres of oak canopy. The proposed project estimates tree removal for lot development and roadways to be 2.1 acres. The estimated tree canopy retention after road improvements and lot development would be 90 percent, in compliance with “Option A” requiring 90 percent retention. Thus, a total oak canopy loss of 2.1 acres would be required to be either replaced or the applicant would be required to pay into the conservation fund under “Option B” of Policy 7.4.4.4. Post Development Oak Tree Canopy shown on Exhibit H prepared by G.C. Wallace of CA Inc. and confirmed by Sierra Nevada Arborists, dated May 23, 2006 & June 11, 2008, confirms that the project would be consistent with the General Plan tree canopy retention and replacement policies.

Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage Oak Coverage Required	Percentage of Required Retention	Proposed Oak Removal (Acreage)	Percentage Retention Proposed
113.1	21.1	90%	90%	2.1	90%

As shown on the Tree Exhibit (Exhibit I), the project would require the removal of 2.1 acres of the oak canopy. Exhibit I shows both the impacts as a result of infrastructure improvements as well as potential impacts as a result of individual lot development. The project would be required to participate in on-site replacement or a combination of offsite replacement or payment of the mitigation fee established by “Option B.”

Chapter 17.72 of the Zoning Ordinance establishes requirements for the implementation of General Plan Policy 7.4.4.4. Zoning Ordinance Section 17.72.100 allows payment of the mitigation in-lieu fee or replacement of oak woodland, prior to issuance of a grading permit for road and infrastructure improvements and prior to issuance of any building permits for future lot development. This has been included in the Conditions of Approval

**Zoning:** The site is currently zoned Exclusive Agriculture (AE). The project includes a request for a Zone Change to Estate Residential Five-acre (RE-5). As currently proposed the Zone Change to RE-5 would be consistent with the existing Low Density Residential (LDR) General Plan Land Use Designation.

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 19 residential lots ranging in size from 5 acres to 9.9 acres. The project also includes one 2.2 acre open space lot, which contains an old school site to be maintained by the future home owners association.

**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 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)**

As shown on the Tentative Map, the eventual development of single family residential lots would provide front, sides and rear setbacks that comply with the RE-5 setback requirements.

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

Barns and Agriculture structures would be required to comply with the 50-foot setback requirement if they are proposed.

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

Development on each lot would be required to comply 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:**

Development of each lot would be required to comply 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))**

Conclusion: The proposed lots would be required to comply with the Development Standards of the RE-5 Zone District. The project would minimize impacts to the oak woodland habitat, riparian features, and intermittent streams within the project site. The project meets the requirements of the RE-5 Zone District and therefore meets the Zoning Ordinance. Findings for approval have been included in Attachment 2.

**Tentative Map:** The Tentative Subdivision Map would create 19 residential parcels ranging in size from 5.0 acres to 9.9 acres, and one 2.2 acre open space lot.

<b>Table 2 : Gross Acreage</b>	
<b>Lot Number</b>	<b>Acreage</b>
1	8.5
2	5.0
3	6.8
4	5.3
5	5.2
6	5.3
7	5.0
8 (Open Space)	2.2
9	5.0
10	5.1
11	5.1
12	5.0
13	9.9
14	8.8

15	5.7
16	5.0
17	5.0
18	5.1
19	5.0
20	5.1

**Special Use Permit:** The Special Use Permit would allow gated access into the subdivision from ~~the northern boundary and from~~ two access points onto Malcolm Dixon Road (Exhibit H). The El Dorado Hills Fire Department has conditioned the project to ensure viable ingress through the proposed gate.

**Design Waivers Discussion:** As proposed, Design Waivers are not requested for the Tentative Subdivision Map. The map as proposed meets all minimum standards of the Design and improvement Standards updated Manual

**Other Issues:**

Access/Circulation: The project would have access via encroachment onto Malcolm Dixon Road that would be connected to Green Valley Road to the south and Salmon Falls Road through an adjacent subdivision to the north.

Entry Gate: The El Dorado Hills Fire Department has conditioned the project to ensure viable ingress and egress exists for vehicles through the proposed gate.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and has included standard conditions to reduce the impacts on the air quality. The standard conditions have been included in Attachment 1, as a part of the Conditions of Approval.

Cultural Resources: A Cultural Resources Study was conducted by ECORP Consulting Inc., dated May 6, 2009 and concluded that the existing cultural resources do not fit the eligibility criteria of significance for the California Register of Historic Resources, as defined by CEQA.

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 Tentative Map. LAFCO recommended the applicant contact LAFCO “near the end of the Tentative Subdivision Map process to inquire about annexation into” EID. LAFCO also identified potential issues to be addressed within the Initial Study.

Fire: Upon annexation, the El Dorado Hills Fire Department (EDHFD) would provide fire protection services to the site.

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

Public Transit: The El Dorado Transit District has reviewed the proposed project and had no concerns or specific Conditions of Approval.

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: The project was initially distributed to Pacific Gas and Electric Company, AT&T, and Comcast. None of the utility companies had any comments on the project.

Ponds/Wetlands/Intermittent Streams: A Wetlands Delineation was prepared for the proposed project by ECORP Consulting Inc., dated January 19, 2006. The applicant has designed the project so that individual residential developments would avoid impacts to ponds, wetlands and intermittent streams. Construction activities must provide a minimum 100-foot setback from lakes and rivers and a 50-foot setback from the riparian features.

## **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 \$2,043.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee includes 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.

## 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 Subdivision Map
Exhibit F .....	Preliminary Grading and Drainage Plan
Exhibit G .....	Slope Map
Exhibit H .....	Gate Elevation
Exhibit I .....	Oak Canopy Map
Exhibit J .....	Salmon Falls/Green Valley Road Circulation Plan
Exhibit K .....	Agriculture Commission Recommendation
Exhibit L .....	Environmental Checklist and Discussion of Impacts

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**  
**FILE NUMBER Z06-0027/TM06-1421/S08-0028**

1. This Tentative Subdivision Map and Zone Change approval is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits E through I and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

**The project description is as follows:**

A request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre and a Tentative Subdivision Map to create 19 single-family lots ranging in size from 2.2 acres to 9.9 acres and one 2.2 acre open space lot (Lot 8), totaling 113.1 acres. The Project also includes a request for a Special Use Permit to allow gated access onto Malcolm Dixon Road. Access to the proposed subdivision shall be from two gated entryways off Malcolm Dixon Road to the south. A connection to Salmon Falls Road to the north shall be provided in the future. The project shall provide public water and individual septic systems.

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

<b>Table 2 : Gross Acreage</b>	
<b>Lot Number</b>	<b>Acreage</b>
1	8.5
2	5.0
3	6.8
4	5.3
5	5.2
6	5.3
7	5.0
8 (Open Space)	2.2
9	5.0
10	5.1
11	5.1
12	5.0
13	9.9
14	8.8
15	5.7
16	5.0
17	5.0

18	5.1
19	5.0
20	5.1

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:

Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage Oak Coverage Required	Percentage of Required Retention	Proposed Oak Removal (Acreage)	Percentage Retention Proposed
113.1	21.1	90%	90%	2.1	90%

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

**CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION**

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

2. 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.

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

3. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each crossing or any activities affecting the onsite riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit.

**Monitoring:** Planning Services shall verify the agreement has been obtained and necessary mitigation measures incorporated on the plans prior to issuance of a grading permit.

4. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the US Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project.

**Monitoring:** Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

## **Project Conditions of Approval**

### **Planning Services**

5. A vehicular access restriction shall be established along the entire frontage along lots 1, 4, 5, 7, 8 and 20. Lots 5 and 7 shall take access from interior roads. All parcels on two roadways shall take access from the minor roadway. This shall be verified by Planning Services prior to recording the Final Map.
6. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
7. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing the parcel map.
8. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.1881 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El

Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the Development Services Department, and shall submit the receipt to El Dorado County Planning Services with the final map application.

9. At time of Final Map filing, open space lot (Lot 8) shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
10. At time of Final Map filing, CC & R's shall be submitted and reviewed by Planning Services.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

12. 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 weekends and federally recognized holidays. 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.
13. 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.

#### **Environmental Management-Air Quality**

14. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.

15. The applicant shall obtain and comply with all necessary permits from the Air Quality Management District prior to issuance of a grading permit.

#### **Surveyor's Office**

16. 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 the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
17. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

#### **LAFCO**

18. The applicant shall process a request for annexation into the El Dorado Irrigation District for public water, prior to filing the Final Map.
19. 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.

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

20. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 1,000 gallons per minute for a 3,600 square foot structure. The fire flow shall have a duration of two hours with no less than 20 psi residual pressure. The Department shall verify that adequate fire flow is available prior to filing the final map. Any structure exceeding the fire flow requirements shall have fire sprinklers installed per NFPA 13D.
21. The project shall annex into the El Dorado Hills County Water Irrigation District (~~EID~~) and pay all fees associated with the annexation.
22. The developer shall install Mueller Dry Barrel fire hydrants consistent with El Dorado Irrigation District specifications for fire protection. The spacing between fire hydrants shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the El Dorado Hills Fire Department prior to filing the final map.
23. All access roadways and fire hydrants shall be installed prior to issuance of any building permit, as specified by the El Dorado Hills Fire Department Standard 103.
24. Driveways shall be designed to a maximum of 20% grade with concrete or asphalt, 16% for compacted AB rock. Any driveway exceeding this requirement shall require the installation

- of fire sprinklers per NRPA 13D. Driveway locations and grades shall be verified by the Fire Department prior to filing the final map.
25. The applicant shall provide a Wildland Fire Safe Plan that is approved by the Fire Department prior to filing the Final Map.
  26. No traffic calming devices shall be installed that utilize a raised bump section of roadway as determined by the Fire Department.
  27. All lots within the subdivision that are one acre or greater shall provide a minimum 30 foot building setback, as required by the California Fire Safe Regulations.
  28. Any driveway exceeding 150 feet in length shall provide a turn around that meets or exceeds 2007 California Fire Code.
  29. Minimum widths for all driveways shall be 12 feet with a vertical clearance of 13 feet 6 inches. All medium to heavy vegetation within 10 feet of either side of driveways shall be thinned or removed, as determined by the Fire Department.
  30. All automatic gates shall be equipped with a “Knox” emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements.
  31. All automatic gates shall also be equipped with both 3M Opticom Control device. The device shall be placed in a location allowing operation from 75 feet away.
  32. Linear receiver device (approved by the Fire Department) to allow remote activation by emergency vehicles shall be programmed to operate with the Fire Department’s current transmitters.
  33. Automatic gates shall be equipped with a mechanical release, as determined by the Fire Department.
  34. A loop system located on the inside portion of the access roadway shall permit vehicular traffic within the gated area the ability to open the gate and exit without any special knowledge, action or codes. The loop system shall also keep the gate open as long as vehicular traffic is passing through it.
  35. All automatic gates shall be designed to automatically open and remain in a fully opened position during power failures.
  36. Gates creating a dead-end road in excess of one hundred fifty (150) feet in length shall be provided with approved provisions for the turning around of fire apparatus.

37. The gradient for the fire apparatus access road shall not exceed the maximum approved by the Fire Department. The intent is to provide a level landing area on either side of the gate to allow emergency apparatus to be parked in a safe manner when it is necessary to exit the vehicle for manual gate activation.
38. In order to ensure that the gate/access control devices are properly maintained, a copy of the maintenance contract for the control device or system is required to be supplied to the El Dorado Hills Fire Department. This maintenance contract shall include a monthly testing of the control devices, an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gates shall be locked in the open position and will remain locked until such time as the maintenance contract is restored.
39. Prohibited Devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes, are prohibited. No device may be used which will delay the ingress or egress of emergency responders. The total number of vehicle access control gates or systems, through which emergency equipment must pass to reach any address, shall not exceed one.
40. Plans for the installation of automatic gates on fire apparatus shall be submitted to the El Dorado Hills Fire Department for approval prior to installation.
41. Gates and access control equipment shall not be placed into service prior to being inspected and tested by the Fire Department.
42. This development, along with all the other development within this area shall be conditioned to provide adequate access and circulation between developments to provide the residents with multiple evacuation routes during an emergency.
43. The roadway serving the north portion of this development shall be conditioned to connect to the adjoining development to allow circulation for both projects.

### **Department of Transportation**

#### **PROJECT SPECIFIC CONDITIONS**

44. **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>
Diamante Road (onsite)	Std Plan 101C  Maintenance Entity	24ft / 2 ft	50ft	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
La Barbera Road (onsite)	Std Plan 101C  Maintenance Entity	24ft / 2 ft	50ft	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Chartraw / Diamante Road Widening (offsite) From STA: 21+70 (New Connection) to La Barbera intersection.	Std Plan 101C  Maintenance Entity	24ft Including slope easements. EP to EP	50ft	Two 12 foot wide lane and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed

45. **Offer of Dedication, Interior Roads:** Developer shall irrevocably offer to dedicate in fee, a 50 foot wide road and public utilities easement that extends from the southern boundary line to the northern boundary line (to provide access to development beyond) as determined by EDC DOT, and for all other onsite roadways, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be rejected by the County.
46. **Offer of Dedication, Malcom Dixon Rd:** The applicant shall irrevocably offer to dedicate, in fee, 30 feet of right of way for the on-site portion of Malcolm Dixon Road along the entire property frontage, prior to filing the map. This offer will be accepted by the County.
47. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachments from the access roadways onto Malcom-Dixon 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.

48. **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 X 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.
49. **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.

<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 X. 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 X. Omit shoulders at (e) Box Culvert location. 3”AC/8”AB or as recommended in Soils report. For design speed see Exhibit X.
<b>AREA OF BENEFIT</b>	Std Plan 101B	24ft (50ft R/W)	Two 12 foot wide lanes, AC dike and

New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	County Maintained System	Including slope easements. EP to EP	2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit X.
<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 X. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit X. 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.

50. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
51. **Secondary Access:** The applicant shall provide at least two connections with an existing, improved public street for the project. 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 Salmon Falls 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.
52. **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.
53. **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.
54. **Roadway Slopes:** Pursuant to DISM Sec 3.B.9 and Design Std Plan 101B, the gradient of any street shall not exceed 15%. Roadway slopes shall be indicated on the improvement plans to show compliance with this requirement.

55. **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.
56. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Malcom-Dixon Road, excluding the location of the approved access encroachment.

#### STANDARD DOT CONDITIONS

57. **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.
58. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
59. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the map. Slope easements shall be included as necessary.
60. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
61. **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.
62. **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).

63. **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.
64. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
65. **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
66. **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.
67. **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.
68. **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.
69. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection

fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

70. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
71. **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.
72. **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.
73. **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.

74. **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.
75. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
76. **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.
77. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable

surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

78. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% 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.

79. **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.

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

**ATTACHMENT 2**  
**FINDINGS**  
**FILE NUMBER Z06-0027/TM06-1421/S08-0028**

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

**FINDINGS FOR APPROVAL**

**1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the 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 County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 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.
- 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.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The proposed use and design conforms to the General Plan in that the parcel is located outside a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy and the natural resources on site will be protected pursuant to related policies in the General Plan.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning 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 19 residential lots and one open space lot, which are consistent with the required development standards for the RE-5 Zone District outlined in Section 17.28.210 of the County Zoning Ordinance.

### **4.0 ADMINISTRATIVE FINDINGS FOR SUBDIVISION MAP**

4.1 **The site is physically suitable for the proposed type and density of development after rezone.**

As shown on the Tree Preservation Map (Exhibit I), 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 **The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified in Attachment 1.

4.3 **The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.**

As proposed, the Tentative Map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

4.4 **The proposed Tentative Map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.**

As proposed, the Tentative Subdivision Map conforms to the development standards required by the Estate Residential Five-Acre (RE-5) Zone District and the El Dorado County Subdivision Ordinance.

## **5.0 SPECIAL USE PERMIT FINDINGS**

### **5.1 The issuance of the permit is consistent with the general plan.**

The gate proposal as conditioned is consistent with General Plan Policy 6.2.3.2 where the gate would allow access to the subdivision and provide the ability for private vehicles to evacuate the area in an emergency situation.

### **5.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The El Dorado Hills Fire Protection District has determined that with inclusion of the proposed conditions the gate would not have a significant affect on response times and would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

### **5.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The Estate Residential Five-Acre (RE-5) Zone District allows by special use permit “other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16, and 17.18.” Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a special use permit from the Planning Commission must be obtained.