

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



Agenda of: November 12, 2009
Item No.: 10
Staff: Mel Pabalinas

REZONE/TENTATIVE MAP

FILE NUMBERS: Z 06-0025/TM 06-1419/Kamm Park Subdivision

APPLICANT: Kamm Ghalamkar

ENGINEER: Gene Thorne and Associates, Inc.

REQUEST: The project consists of the following:

1. Rezone of 5.07 acre parcel from Estate Residential Five-Acre-Airport Safety (RE-5-AA) to One-Family Residential (R1) for Lots 1-5 and One-Family Residential-Airport Safety (R1-AA) for Lots 6 and 7;
2. Tentative Map of subject parcel creating seven (7) single family residential lots ranging in size from 9,700 gross square feet to 1.98 gross acres; and
3. Design Waiver Request to deviate from the following El Dorado County Design and Improvement Manual (DISM) standards:
 - A. Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet;
 - B. Exceed 3 to 1 lot depth-width ratio for Lot 7; and
 - C. Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk

LOCATION: Along the east and west side of Rancho Tierra Court, approximately 0.25 mile south of the intersection with Woodleigh Lane in Cameron Park; Supervisorial District I (Exhibit A).

APN: 116-040-07 (Exhibit B)

ACREAGE: 5.07 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit C)

ZONING: Estate Residential Five-acre Zone District-Airport Safety District (RE-5-AA) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Planning Services recommends that the Planning Commission forward 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 Reporting Program in accordance with Section 15074(d) of the CEQA Guidelines, incorporated as Conditions of Approval in Attachment 1;
3. Approve Rezone Z06-0025 based on the Findings in Attachment 2;
4. Approve Tentative Map TM06-1419 subject to Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2; and
5. Approve the following Design Waiver requests:
 - A. Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet;
 - B. Exceed 3 to 1 lot depth-width ratio for Lot 7; and
 - C. Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk.

BACKGROUND

The original submitted application consisted of a rezone, tentative map, and planned development for a proposed 7-lot subdivision with two open space lots. As part of the rezone, a combining -PD zone district and Development Plan were required due to the project site location within the Cameron Park Airport Safety Area 3 (Overflight Zone) in accordance with El Dorado County General Plan Policy 2.2.5.13. As required of all Planned Developments, 30 percent of the site must be preserved as open space. In July 2007, pursuant to Board of Supervisor Resolution No.184-2007, this policy was amended deleting the requirement for development plan for projects located within the Airport Safety Zone. Following this action, the PD application portion of the request was withdrawn and the map was revised merging the two open space lots with the abutting residential lots.

ANALYSIS

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

Project Description

Overview

The project is comprised of a Rezone and Tentative Subdivision Map of a 5-acre property located in the Community Region of Cameron Park. The 7-lot residential subdivision would be accessed via extension and improvement of the existing Rancho Tierra Court. The subdivision would receive public water and sewer services provided by El Dorado Irrigation District (EID). The project would be subject to the applicable standards under Chapters 16 (Subdivision Ordinance) and 17 (Zoning

Ordinance) of the El Dorado County Code, State Subdivision Map Act (Government Code 66410) and policies of the El Dorado County General Plan.

1. Rezone

Corresponding to the proposed tentative map request below, the proposed rezone would amend the zoning of the property from Estate Residential 5-acre-Airport Safety District (RE-5-AA) to One-Family Residential District (R1) for Lots 1-5 and One-Family Residential -Airport Safety District (R1-AA) for Lots 6 and 7 (Exhibit J). The proposed zone would conform to the General Plan Land Use Designation of High Density Residential.

2. Tentative Subdivision Map

As depicted in Exhibits D and E, the proposed tentative map would subdivide the property creating seven (7) infill residential lots that would be mass pad graded in accordance with the County Design and Improvement Standard Manual (DISM) and Grading Ordinance. Each lot would be engineered and contour graded affecting area with slope constraints below 30 percent in order to establish individual building pads, driveway location, utility trenching, and site drainage. The elevation of the pad would range from 1,282 feet to 1,267 feet with the lot size varying from 9,700 (gross) square feet to 1.98 (gross) acres exceeding the minimum lot size of 6,000 square feet. Each lot would have driveway encroachment onto Rancho Tierra Court. Subsequent residential construction of each lot would be further verified for conformance to specific district development standards including setbacks and height requirements during review of individual building permits.

Circulation: The project would be required to extend and improve the existing Rancho Tierra Court as a public road in accordance with the DISM. Currently, Rancho Tierra Court is a dead end road, in excess of 500 feet in linear length, and has the potential to serve more than 24 residential lots based on the existing residential development, previously approved map (Rancho Tierra Estates), and anticipated density along the road. Though most of the entire length is confined within an existing 60-foot right-of-way easement, only a portion of Rancho Tierra Court (approximately 700 feet from its northerly intersection with Woodleigh Lane) is currently improved and maintained by the County. The remaining portion of the road, which is unimproved (dirt and gravel) and unmaintained, currently provides circulation and access to the existing several residential units located south of the project site.

As detailed in Table 1, the majority of Rancho Tierra Court necessary to serve the subdivision would be extended and improved to a 36-foot wide road with curb, gutter, and sidewalks in accordance with the DISM Standard Plan 101 B. Specifically, from its current stub at its northerly intersection with Woodleigh Lane, an off-site section of the Rancho Tierra Court, approximately 350 feet in length, would traverse a vacant 5-acre property (APN 116-040-06), which require an acquisition of a road easement, leading into the project site. A second off-site road section approximately 1,300 feet in length, which also requires an easement, would traverse between parcels APN's 116-040-29, and -30 (Exhibit E).

The road would proceed through APN116-040-28 due southwest connecting and ending onto a secondary access point currently stubbed at Great Heron Drive in the Bass Lake Village Unit No.9 subdivision located in the El Dorado Hills Community. This portion of the road alignment is consistent with the layout in the approved Rancho Tierra Estates Tentative Subdivision Map (Exhibit G). This road section would be constructed within a 60-foot wide easement as a 20-foot wide road

with AC curb and gutter only, subject to a Design Waiver request discussed further below. Full improvements of this section including a 36-foot wide pavement and 4-foot sidewalks would be installed as part of the Rancho Tierra Estates Subdivision which is discussed below.

Table 1. Required Road Improvements for Kamm Park

ROAD NAME	ROAD WIDTH	R/W	DISM REFERENCE	Notes/Comments
Rancho Tierra Court (onsite)	36 feet with 4-foot sidewalk, curb and gutter (60 feet R/W)	60-feet	Std Plan 101B	County Roadway
Rancho Tierra Court (offsite)	36 feet with 4-foot sidewalk, curb and gutter (60 feet R/W)	60-feet	Std Plan 101B	Improvements shall tie into existing improvements on Rancho Tierra Court and thru their frontage.
Rancho Tierra Court (offsite)	20 feet roadway with 1-foot shoulder either side with AC curb	60-feet	Modified Std Plan 101B	Improvements to be made from southerly property line to connect to Great Heron Drive as shown on December 2008 plans.

Utilities: The residential subdivision would connect to existing sewer and potable water lines and stubs provided by the El Dorado Irrigation District (EID) in the immediate area. Specifically, an 8-inch water line exists to the north while a 6-inch sewer line is located along the southern leg of the proposed off-site road. Actual connection for these services would be facilitated through a Facility Plan Report (FPR) in accordance with EID construction standards. An EID meter award letter would be required as verification of these services prior to Final Map approval. All utilities shall be located within existing or proposed easements.

Drainage shall be achieved as part of the mass pad grading and subdivision design. Drainage swales would be established within each lot that would direct flow into underground storm drains connecting to a proposed 18” storm drain along Rancho Tierra Court.

Earthwork Disturbance: The estimated onsite earthwork disturbance from grading is approximately 4,298 cubic yard of cut and 4,244 cubic yard of fill. The total off-site disturbance (road and utilities) is estimated at 1,850 cubic yard for both cut and fill earthwork. All earthwork disturbances would be conducted in accordance with grading permits based on Improvement Plans for the project, subject to review and approval by the County and affected agencies.

3. Design Waiver

In accordance with Section 16.08.020 (Design Waivers) of the El Dorado County Subdivision Ordinance, the application includes a Design Waiver request for deviation of the following DISM standards:

- A. Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet;
- B. Exceed 3 to 1 lot depth-width ratio for Lot 7; and
- C. Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk

The applicant’s request, which includes a detailed justification of the proposed deviations, is provided as Attachment 3. Consideration of this request is subject to verification for conformance to specific findings identified under Section 16.08.020.A.2.a-d, including a determination of special circumstances and hardship. Additional discussion is below.

Project Setting

The vacant site naturally drains from the north and northeast towards the south/southwest with the majority of the slope ranging from 11 to 30 percent gradient located primarily east of Rancho Tierra Court. Site elevations vary from approximately 1,255 to 1,395 feet above mean sea level. The site is mostly open and clear of brush with scattered oak trees and clusters in the western portion of site. An ephemeral channel flows from north to south along the western side of the Rancho Tierra Court. The project would also encompass required improvements located off-site on portion of adjacent properties including a 5-acre property to the north and three 5-acre properties to the south as described above.

As shown in Table 2, the subject property is surrounded by existing residential uses of similar lot sizes and product type or vacant lands designated for residential development. The western property line of the project site runs along the border of the El Dorado Hills/Cameron Park Community Region line. A portion of the project site and the adjacent properties to the north and east are encompassed within the Cameron Park Airport Comprehensive Land Use Plan (CLUP) Safety Area 3 (Overflight Zone), which is designated with the Airport Safety (-AA) combining zone district.

Table 2. Surrounding Properties Land Use Information

	Zoning	General Plan	Land Use/Improvements
Project Site	Estate Residential 5-acre-Airport Safety District (RE-5-AA)	High Density Residential (HDR)	Vacant
North	Estate Residential 5-acre-Airport Safety District (RE-5-AA)	High Density Residential (HDR)	Vacant
South	Estate Residential 5-acre (RE-5)	High Density Residential (HDR)	Residential
East	One-Family Residential-Airport Safety District (R1-AA) and Estate Residential 5-acre-Airport Safety District (RE-5-AA)	High Density Residential (HDR)	Residential

West	One-Family Residential (R1)	High Density Residential (HDR)	Residential
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General Plan

The following discussion details the project’s conformance with applicable governing policies, regulations, and standards.

Table 3 below provides a summary of the El Dorado County General Plan policies applicable to the project.

Table 3. General Plan Consistency Discussion

General Plan Element	Policy Reference	Consistency Discussion
Land Use	Policy 2.2.5.2 (Project Consistency)	Consistent. This policy requires verification of discretionary project applications for consistency with the applicable General Plan policies. Based on consistency matrix (Table 2.4) under General Plan Policy 2.2.1.5, the proposed rezone from Estate Residential 5-acre (RE-5) to One Acre Residential District (R1) would be consistent with the General Plan High Density Residential (HDR) Land Use Designation.
	Policy 2.2.5.3 (Rezone Consistency)	
	1. Availability of adequate public water and 2. Availability and capacity of public treated water system	Consistent. The project site is within the El Dorado Irrigation District (EID) service area for public water. Based on the submitted Facilities Improvement Letter (FIL) dated August 26, 2008, there is adequate amount of water that would be available for future development. As of January 1, 2007, there are 2,426 equivalent dwelling units (EDU) to serve the Western/Eastern Supply Region. The project would connect to existing water main in the immediate area. In the event that the project site is developed, a meter award letter from EID would be required as proof of service to the project prior to filing of final map.
	3. Availability and capacity of public waste water treatment system	Consistent. Wastewater service would be provided by EID through its Deer Creek Waste Water Treatment Plant (WWTP). The WWTP has a treatment capacity of 3.6 million gallons per day (mgd) average dry weather flow. The WWTP has adequate capacity to accept wastewater from the proposed project. In order to receive public sewer service from EID, the project would propose to extend and connect to the existing sewer main in the immediate residential area.
	4. Distance to and	Consistent. The project site is within in the Rescue Union

	capacity of the serving elementary and high school	School District, where nearest elementary school is Green Valley Elementary School located at 2380 Bass Lake Road, approximately 1 ½ miles north of the site. Its current capacity is 656 students. The nearest high school is Oak Ridge High School located at 1120 Harvard Way in El Dorado Hills. The high school, which is in the El Dorado Union High School District, has current enrollment of 2,228 students.
	5. Response time from nearest fire station handling structure fires	Consistent. The property is within the Cameron Park Fire Department service area. The nearest fire station to the site is located at 2961 Alhambra Drive, approximately 2.6 miles east of the project site. The estimated emergency response time is 8 minutes.
	6. Distance to nearest Community Region or Rural Center	Consistent. The site is within Cameron Park Community Region Planning Concept Area of El Dorado County.
	7. Erosion hazard	Consistent. Based on the topography, the site has a slight to moderate erosion hazards in the event of development, subject to technical review by the County and affected agencies and implementation of best management practices. Development of the site would be subject to further review for consistency with applicable standards, prior to issuance of any development permits.
	8. Septic and leach field capability	Consistent. Pursuant to General Plan policy 5.3.1.1, the high-density residential projects are required to connect to a provider of public sewer services. As discussed above the project is located within El Dorado Irrigation District (EID) service area. According to the Facilities Improvement Letter (FIL) provided by EID, the project would obtain service through extension and connection to existing sewer facilities in the immediate area.
	9. Groundwater capability to support wells	Consistent. The project site is within the EID service area. Future development of the site would be required to connect to the district facilities for water services thereby not requiring groundwater source.
	10. Critical flora and fauna habitat areas	Potentially Consistent. The property is within Ecological Preserve Mitigation Area 1. A Biological Resource Report has been submitted and reviewed as part of the application. One rare plant species (Bisbee Peak rush rose) was identified during site visit; however, based on soil composition, the site may provide potential habitat for any of the protected endemic plants. The project would be conditioned to mitigate for potential impacts to these plants and the habitat.
	11. Important timber production areas	Consistent. The property is not considered an important source of timber, agricultural, or mineral. The property is

	12. Important agricultural areas 13. Important mineral resource areas	designated High Density Residential. Anticipated development of the site would be residential in nature.
	14. Capacity of the transportation system serving the area	Consistent. Based on minimal anticipated quantity of lots that would be created from the subsequent division of the property, the traffic analysis concluded that no significant impact to the Level of Service (LOS) to immediate road intersections is anticipated. Nevertheless, the project would be required to improve road (Rancho Tierra Court) to serve the residential subdivision. Standard conditions of approval would be imposed including payment of traffic impact fees.
	15. Existing land use pattern	Consistent. The rezone of the property to R1 would be consistent with the General Plan High Density Residential designation for the property and the residential density of the surrounding properties.
	16. Proximity to perennial water course	Consistent. No perennial watercourse exists on-site. Ephemeral drainage, which may be deemed jurisdictional, exists on the site which could be impacted by development. The project is conditioned to provide appropriate environmental permits, prior to issuance of development permits.
	17. Important historical/archeological sites	Consistent. An archeological survey report was previously prepared by Historic Resource Associates and submitted as part of the application. The survey concluded that the site does not contain any important historical or cultural resources.
	18. Seismic hazards and present of active faults	Consistent. The property is approximately 3 miles west of an inactive East Bear Mountain Fault. No portion of the county is located within an Alquist-Priolo Earthquake Fault Zone.
	19. Consistency with existing Conditions, Covenants and Restrictions (CC&R)	Consistent. No CC&R exist on record for this parcel; however, as feasible, a CC&R may be established as part of residential development.
Public Service and Utilities	Policies 5.1.2.1 (Adequacy of Public Utility Services), Policy 5.2.1.3 (Public Water System Connection) and 5.2.1.4 (Rezone Approval in Community Region)	Consistent. The proposed rezone to One-Family Residential (R1) District allows high density residential development with a density range of one to five dwelling units per acre. Given its location within the Cameron Park Community Region and EID's service area, the development would be required to connect to public water and sewer systems. According to the Facilities Improvement Letter (FIL), there is adequate water and sewer capacity for future development.
	Policies 7.3.3.1 and 7.3.4.1 (Impacts to	Consistent. The project site contains ephemeral drainage areas that may be considered jurisdictional subject to

Open Space and Conservation Element	Drainage and Wetland Features)	Clean Water Act Section 404 permitting process through the U.S. Army Corps of Engineers. The project as proposed could potentially fill or otherwise alter these channels. The project would be required to obtain a Section 404 permit from the U.S. Army Corps of Engineers, a water quality certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish Game (DFG), in accordance with California Fish and Game Code Section 1601.
	7.4.4.4 (Impacts to Oak Woodland)	Consistent. The project would have impacts to native oak canopy. These impacts have been adequately analyzed and would be mitigated through compliance with the standards of the Oak Woodland Management Plan (OWMP).
Parks and Recreation	9.1.1.1(Acquisition and Development of Park Facilities	Consistent. The project would be conditioned to pay in-lieu park fees in accordance with the El Dorado County Subdivision Ordinance.

Zoning

The proposed zone change from Estate Residential-Five-acre to the underlying zone One-Family Residential (R-1) would be consistent with High Density Residential (HDR) land use designation of the property. The new zone would support the 7-lot residential subdivision that would have density of 1.38 dwelling units/acre consistent with the range of 1-5 du/ac allowed under High Density Residential Land Use Designation. This density also conforms to the allowable residential development within Safety Zone 3 in accordance with the Cameron Park Airport Comprehensive Land Use Plan (CLUP). Specifically, due to its location within the Cameron Park Airport Overflight Zone (Safety Area 3), proposed Lots 6 and 7 would have an Airport Safety (-AA) combining district with the underlying R1-zone.

The proposed lots would meet the minimum development standards of the One-Family Residential Zone District including lot size (6,000 square feet) and frontage width (60 feet). Subsequent development of each lot would be subject to specific zone standards including setbacks and height requirements of the R-1 zone district, subject to review of individual residential building permits. Residential development of this infill subdivision would be consistent with the existing development in the surrounding area.

El Dorado County Subdivision Ordinance

The project is subject to the applicable provisions of the El Dorado County Subdivision Ordinance, including Section 16.12.010 (State Law Compliance), subject to the specific findings under Section 16.12.030.

The proposed Tentative Subdivision Map would create a Class I subdivision consisting of seven residential lots. The residential lots meet the applicable development standards in accordance with the R1 zone district and El Dorado County Design and Improvement Standards Manual (DISM). Development of the subdivision would be conducted in accordance with construction plans, subject to recommended Conditions of Approval and mitigation measures imposed on the project and other applicable standards by El Dorado County and affected agencies.

As further discussed in Attachment 2, staff concludes that the required findings under Chapter 16.12.030 of the El Dorado County Subdivision Ordinance can be made to support the proposed subdivision.

Design Waiver Request

Design waivers have been requested by the applicant to deviate from specific DISM standards (Attachment 3). The following analysis summarizes the affected standards supported by the applicant's justification.

- A. Reduction of standard sidewalk width along Rancho Tierra Court from six feet to four feet;

As part of Class I subdivision improvement, DISM Standard Plan 101B requires a 6-foot sidewalk on both sides of the road. As requested, the project would construct a 4-foot sidewalk, which would be continuation of the existing four foot width sidewalks currently serving the adjacent subdivision (Sierra View) to the north. The proposed reduced sidewalk width would require less grading impact and adequately meet the anticipated pedestrian traffic from the development.

- B. Exceed 3 to 1 lot depth-width ratio for Lot 7;

In accordance with the DISM, a design waiver is required for subdivision lots that exceed a width to length ratio of 3:1. The parent parcel is rectangular in shape and is divided off-center and perpendicular to the long axis by Rancho Tierra Court. As a result, Lot 7 of the subdivision, which is constraint by steep slopes and is in excess of 1-acre in size, exceed the width to length ratio at 3.65 to 1. The lot maintains a regular rectangular shape and the lot is designed to adequately accommodate residential development which would not significantly deviate from the residential characteristic of the area.

- C. Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and AC curbs, and without concrete curbs, gutters or sidewalk.

Construction of this off-site road would provide a secondary access for the subdivision in accordance with the DISM. Though Standard Plan 101B requires full road improvements, this portion of the road is not anticipated to be a primary high traffic connection to major residential collector roads such as Bass Lake Road. The proposed 20-foot road width meets the minimum required Fire Road standards. Full road improvements would be required as part of the Rancho Tierra Estates Subdivision. This request is supported by staff and Cameron Park Fire Department (discussed below).

Therefore, subject to findings in Attachment 2, staff supports and recommends approval of the requested design waivers.

Other Issues

The following details the specific information and issues relevant in analyzing the project.

Rancho Tierra Estate Subdivision

As shown in Exhibit G, Rancho Tierra Estate Subdivision Map (APN's 116-040-25, -27, -28 and -33) was originally approved by the El Dorado County Board of Supervisors in January 1995. The residential subdivision, which comprised of 54 single-family residential lots and zoned R1, is located southwest of the Kamm Park project site (Exhibit F). The development of the site did not occur and a final map was filed prior to its expiration on January 25, 1999. A discretionary time extension application was timely filed on October 2, 1998 prior to its final extension. Following the filing of the time extension application, the 1996 General Plan lawsuit was filed in February 1999 halting the processing of the discretionary development applications. Upon lifting of the lawsuit, the time extension was processed and deemed Incomplete on October 31, 2005. There has not been any activity on the project application to date. According to the engineer, Gene Thorne and Associates and the applicants anticipate a submittal of the map application depicting the layout shown in the above referenced exhibit.

The southern leg of the proposed off-site road for the project would traverse parcel APN 116-040-28. This section of the road would utilize the circulation contemplated for the Rancho Tierra Estate Subdivision connecting to the stub at Great Heron Drive. Great Heron Drive was originally approved as an emergency access road within the Bass Lake Village Unit No. 9 in El Dorado Hills. Construction of this road connection would provide mutual secondary road access to be used by the residents of the neighboring subdivisions.

Agency Comments/Conditions of Approval

The project has been distributed to various agencies for review. Comments have been received from agencies including the Resource Conservation District (RCD), Department of Transportation (DOT), Air Quality Management District (AQMD), Cameron Park Community Services District (CSD), Cameron Park Fire Department, and County of Surveyor Office. As applicable, these comments have been incorporated as recommended conditions listed in Attachment 1.

ENVIRONMENTAL REVIEW

An Initial Study (Environmental Checklist with Discussion attached) has been prepared to determine if the project would have a significant effect on the environment (Attachment 4). Based on the Initial Study, potentially significant impacts to specific resources would occur and Mitigation Measures have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Discussion of specific sections of the Initial Study is summarized below.

Staff has determined that the implementation of the Mitigation Measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration has been prepared. The document has been circulated for a 30-day public review in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Sensitive Special Status Species

Rare Plants

Special status species and habitat exists within the project site. Based on the Biological Resource Evaluation of the project site performed by Sycamore Environmental Consultants, the site provides potential suitable or marginal habitat for eleven special-status rare plant species “endemic” to the Gabbro soil types prevalent in this area of the County. These species are defined (listed below) as endangered or threatened under both federal and state Endangered Species Acts, designated a Species of Special Concern by the California Department of Fish and Game (CDFG), and listed on California Native Plant Society (CNPS) plant inventory lists. El Dorado County Zoning Ordinance Chapter 17.71 (Ecological Preserve) provides protection for impact to these plants through preservation or in-lieu fee payment.

- Big-scale balsam root (CNPS list)
- Bisbee Peak rush-rose (CNPS list)
- Brandegees’ clarkia (CNPS list)
- El Dorado bedstraw (federal endangered, state rare, CNPS list)
- El Dorado County mule ears (CNPS list)
- Jepson’s onion (CNPS list)
- Layne’s butterweed (federal threatened, state rare, CNPS list)
- Pine Hill ceanothus (federal endangered, state rare, CNPS list)
- Pine Hill flannelbush (federal endangered, state rare, CNPS list)
- Red Hills soaproot (CNPS list)
- Stebbins’ morning glory (federal endangered, state endangered, CNPS list)

A field survey of the on-site project area conducted in June 2006, to coincide with the flowering season for all 11 plant species, found only one of these species on the project site. Approximately five plants of Bisbee Peak rush-rose were recorded west of Rancho Tierra Court near a drainage channel and another 25 plants were identified along the southeastern boundary of the project site. The plants along the southeastern boundary would most likely be impacted given its location in one of the lots (Lot 7). A subsequent field survey of the off-site portion of the project was conducted in May 2009 found no special status plants listed above; however, this off-site area may provide potential habitat for these plants.

Since Bisbee Peak rush-rose is not listed under either the federal or state Endangered Species Acts, activities that affect this species are not subject to the species protection provisions of these regulations. Nevertheless, Bisbee Peak rush-rose is a protected “rare plant” subject to the Ecological Preserve Ordinance. However, given the inadequacy of the in-lieu payment portion of the ordinance, the project shall be required (under Condition No.15) to mitigate for the potential impact on the plants and habitat via payment of the **updated** in-lieu fee or perform off-site mitigation per the Ordinance. Implementation of this condition would mitigate the impacts to less than significant impact.

Valley Elderberry Beetle

Survey of the site identified three elderberry shrubs located along the proposed off-site road connection to Great Heron Drive, within the oak woodland canopy. These shrubs provide potential habitat for Valley Elderberry Longhorn Beetle (VELB), which is a federally threatened status species that primarily occurs in large riparian areas along perennial rivers and creeks. Though no VELBs were identified, project implementation would anticipate impacts on the shrubs and the habitat. In the event that future construction activities impact these elderberry shrubs, implementation of measures BIO-2 and BIO-3, incorporated as Condition Nos. 16 and 17, would further reduce potential impacts on VELB through avoidance and protection of their habitat. If these measures are implemented, no further mitigation would be required. However, if these shrubs cannot be avoided by project related activities, Mitigation Measures BIO-4 and BIO-5, incorporated as Condition Nos. 18 and 19 shall apply. Implementation of these conditions would mitigate the impacts to a less than significant impact.

Other Natural Resources

Oak Tree Canopy

General Plan Policy 7.4.4.4 and its Interim Interpretive Guideline requires all new development projects (not including agricultural cultivation and activities pursuant to a Fire Safe Plan necessary to protect existing structures) that would result in soil disturbance of parcels over one acre that have at least 1 percent total canopy cover by woodlands habitats as defined in the General Plan to mitigate impacts by one of two options:

- Adherence to tree canopy retention and replacement standards (Option A); or
- Contribution to the County's Integrated Natural Resources Management Plan conservation fund (Option B) as currently established in the Oak Woodland Management Program (OWMP)

The project site contains clusters of Interior live oaks, Blue oaks, and Black oaks. An updated arborist report conducted for the project site determined that the existing healthy oak canopy covers 0.086 acres, or 1.7 percent of the on-site (5.66 acres property size) project. Of this amount, 0.05 acres of canopy or 58.8 percent of the canopy would be impacted, while 0.036 acres of canopy (41.9 percent) would be retained for preservation. This amount is below the required amount of 90 percent retention per Option A of the policy. Additionally, the amount of affected off-site canopy resulting from road and utility construction is 0.889 acres for a total affected canopy of 0.939 acres.

Based on this calculation, the project canopy impacts would be eligible for Option A only if a maximum of 0.009 acres or 10 percent is removed and the replacement and maintenance provisions of the Interim Interpretive Guideline are met. Otherwise, the applicant may mitigate the impacts accordance with OWMP based on an in-lieu fee payment under Option B of the policy, or a combination of both Option A and B. The project shall be conditioned to meet the provisions of the OWMP. Also, the project shall be conditioned to implement construction measures preventing impacts on preserved trees. Implementation of these measures would compensate for the loss of oak tree canopy that may occur as a result of the project, and would ensure protection preserved oak trees. Enforcement of Condition No. 9 would mitigate the impacts to oak trees to less than significant.

Wetland

Sycamore Consultants conducted a preliminary evaluation and delineation of potential jurisdictional waters on the project site. "Jurisdictional waters" are those subject to the Clean Water Act Section 404 permitting process of the U.S. Army Corps of Engineers. The preliminary delineation identified two ephemeral channels on-site that could potentially fall under Section 404 jurisdiction. One channel, approximately 312 feet long and 0.02 acres in size, traverses the western portion of the project site in a north-south orientation. The other channel, approximately 675 feet long and approximately 0.26 acres in size, crosses the northern portion of the site in an east-west orientation until just before it reaches Rancho Tierra Court. At that point, it follows a channel that parallels Rancho Tierra Court, passes under the road via a culvert, and continues westward until connecting with the first channel. No wetlands of other jurisdictional waters were identified off-site. Ephemeral watercourses are not subject to the standards under General Plan Policy 7.3.3.4 and the Interim Interpretive Guideline of the policy.

The project could potentially fill or otherwise alter these channels. A fill of jurisdictional wetlands would require a Section 404 permit from the U.S. Army Corps of Engineers. It also would require a water quality certification from the Regional Water Quality Control Board (RWQCB), pursuant to Section 401 of the Clean Water Act. The Section 404 permit and water quality certification typically have conditions attached that are designed to mitigate the loss of filled wetlands. In addition, the project would be required to obtain a Streambed Alteration Agreement from the California Department of Fish Game (DFG), in accordance with California Fish and Game Code Section 1602. Mitigation measure BIO-6, included as Condition No.20, would mitigate the impact to less than significant impact.

NOTE: This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or 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 filing the Notice of Determination on the project. The fee, plus a \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to defray the cost of managing and protecting the State fish and wildlife resources.

SUPPORTING INFORMATION

Attachment 1	Conditions of Approval
Attachment 2	Findings
Attachment 3.....	Design Waiver Request
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map

Exhibit D Zoning Map
Exhibit E..... On-Site/Off-Site Project Sites
Exhibit F..... Kamm Park Tentative Subdivision Map
Exhibit G Kamm Park Preliminary Grading Plan
Exhibit H..... Water, Sewer and Offsite Grading Plan
Exhibit I..... Rancho Tierra Subdivision
Exhibit J..... Proposed Zone Map
Exhibit K Initial Study/Mitigated Negative Declaration

ATTACHMENT 1 CONDITIONS OF APPROVAL

**Kamm Park Subdivision
FILE NOS. Rezone Z06-0025/Tentative Map TM06-1419**

Planning Commission November 12, 2009

PROJECT DESCRIPTION

1. The Rezone and Tentative Subdivision Map are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A through J 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. Rezone of 5.07 acre parcel from Estate Residential 5-acre-Airport Safety District (RE-5-AA) to One-Family Residential Zone District (R1) for Lots 1-5 and One-Family Residential-Airport Safety District (R1-AA) for Lots 6 and 7;
 - B. Tentative Subdivision Map of subject parcel creating seven (7) single family residential lots ranging from 9,700 square feet to 1.98 acres in size; and
 - C. Design Waiver Request to deviate from the following El Dorado County Design and Improvement Manual (DISM) standards:
 1. Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet;
 2. Exceed 3 to 1 lot depth-width ratio for Lot 7; and
 3. Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk

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

CONDITIONS OF APPROVAL

Planning Services

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

3. Prior to approval of Final Map, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized and executed for this project.
4. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
5. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
6. Prior to filing a Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
7. This project is proposing mass pad grading. Chapter 15.14 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4719, 3/13/07) states that a final mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance of grading permit. If the final grading plan substantially differs from the preliminary grading plan reviewed during the tentative map stage, the district supervisor will be allowed 15 calendar days to respond, before the grading permit is issued.
8. A meter award letter or similar commitment to provide water and sewer service to each lot by the El Dorado Irrigation District shall be submitted to the Planning Services prior to filing the Final Map.
9. The applicant shall pay the mitigation in-lieu fee or provide a replacement plan for all oak

canopy removed as part of project implementation (total 0.939 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Management Plan (OWMP) based on the fee 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.

10. Prior to filing of the final map, the applicant shall record an Avigation easement for Lots 6 and 7, which are located within the Safety Area 3 as identified by the Cameron Park Airport Comprehensive Land Use Plan (CLUP).
11. The following information shall be incorporated and verified as a note on the grading plan and Improvement Plan:

If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Development Services Director.

12. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.

The following are recommended Mitigation Measures identified in the Initial Study Checklist/Mitigated Negative Declaration prepared for the project.

13. Construction equipment equal to or greater than 50 horsepower shall be limited to model years 1996 or newer. Maximum daily combined fuel use of all equipment shall not exceed 402 gallons per day. The prime contractor shall maintain a comprehensive daily inventory of all off-road construction equipment equal to or greater than 50 horsepower used during project construction. At a minimum, the inventory shall identify the horsepower rating, engine production year, date/hours of use, and daily fuel throughput for each piece of equipment. The inventory shall be maintained on site, to be made available to County officials upon request. Alternatively, the contractor may implement Mitigation Measure AQ-2b. **(MITIGATION MEASURE AQ-1a)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

14. The prime contractor shall provide an approved plan demonstrating that heavy-duty off-road

vehicles (i.e., greater than 50 horsepower) to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve at a minimum a fleet-averaged 20 percent NO_x reduction, compared to the most recent California Air Resources Board (CARB) fleet average. Use of aqueous emulsified fuel verified by CARB may be used to achieve reductions in NO_x and PM₁₀. The prime contractor would be required to submit a comprehensive inventory of all off-road construction equipment equal to or greater than 50 horsepower used that will be used an aggregate of 40 or more hours during project construction. At a minimum, the inventory shall identify the horsepower rating, engine production year, date/hours of use, and fuel throughput for each piece of equipment. The inventory list shall be updated and submitted monthly to County officials throughout the duration of construction activity; and

The prime contractor shall ensure emissions from all off-road diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. As an enforcement component of the measure, the prime contractor shall agree to a visual survey of all in-operation equipment conducted on a periodic basis. In addition, a summary of the visual results shall be submitted to County officials throughout the duration of construction activity. The summary shall include the quantity and type of vehicles surveyed and the dates of each survey. The El Dorado County AQMD and other qualified officials may conduct periodic site inspections to determine compliance. If any equipment is found to exceed the opacity requirement, the equipment shall be repaired immediately and notification of non-compliant equipment shall be made to the AQMD. **(MITIGATION MEASURE AQ-1b)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

15. The project shall comply with the Ecological Preserve Mitigation program set forth in the Ordinance Code Chapter 17.71; however, the election to pay the in lieu fee, as provided in Section 17.71.220.A of the Ordinance, may not be made until such time as the County has completed its intended review and update of the in-lieu fee. The project shall be subject to the updated fee at such time as it has been found to be in compliance with the intent of the Ordinance. If the applicant elects to record a final map for the project prior to the completion of the update of the fee, the applicant will be required to demonstrate compliance with the Rare Plant Offsite Mitigation Program as provided in subsection 17.71.220.B, providing off-site mitigation at 1.5:1 for land area permanently impacted within the project area, in accordance with the Ordinance. **(MITIGATION MEASURE BIO-1)**

Implementation/Timing: Conformance shall be verified by Planning Services as noted in the measure.

16. Pursuant to the July 9, 1999 USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle, the project applicant shall establish a 20-foot buffer zone around each of the two potentially affected elderberry shrubs within which, no clearing, grading, or excavation or other activities that could result in the damage to or loss of the elderberry shrubs shall occur. This buffer shall be marked with high visibility fencing during excavation so excavation crews can easily avoid them during the excavation of the site. This

buffer zone shall remain in place throughout the life of the project. (**MITIGATION MEASURE BIO-2**)

Timing/Implementation: Planning Services shall verify that the above measure has been incorporated on the plans prior to the issuance of a grading permit.

17. The project applicant shall conduct Worker Environmental Awareness Program (WEAP) training for construction crews before construction activities begin. The WEAP shall include a brief review of the special-status species and other sensitive resources that could occur in the proposed Project Site (including their life history and habitat requirements and what portions of the proposed Project Site they may be found in) and their legal status and protection. The program shall also cover all mitigation measures, environmental permits and proposed project plans, such as the Stormwater Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs), erosion control and sediment plan, and any other required plans. During WEAP training, construction personnel shall be informed of the importance of avoiding ground-disturbing activities outside of the designated work area. (**MITIGATION MEASURE BIO-3**)

Timing/Implementation: The project applicant shall submit evidence of compliance with the above measure to Planning Services prior to the issuance of a grading permit.

18. Prior to any ground disturbing activities within 20 feet of the dripline of any elderberry shrub, the applicant or their representative shall initiate consultation pursuant to the Federal Endangered Species Act with the USFWS. Section 7 Consultation will occur if the US Army Corps of Engineers (ACOE) is involved with this project through a Section 404 permit. Section 10 Consultation will be required if there is no ACOE involvement with this project. Specific mitigation measures for project related impacts on VELB will be developed during this process, but will generally include the following mitigation measures.

Timing/Implementation: The project applicant shall submit evidence of compliance with the above measure to Planning Services prior to the issuance of a grading permit. (**MITIGATION MEASURE BIO-4**)

19. If the elderberry shrubs cannot be avoided then those elderberry shrubs shall be transplanted to a USFWS approved location following the guidelines set forth in the July 9, 1999 USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle. This location may be established on site, or at an approved mitigation bank.

In addition to transplanting the affected shrubs, the project applicant shall plant additional seedlings or cuttings in the established mitigation area following the guidelines set forth in the July 9, 1999 USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle. (**MITIGATION MEASURE BIO-5**)

Timing/Implementation: The project applicant shall submit evidence of compliance with the above measure to Planning Services prior to relocation of any elderberry shrub and any construction.

20. The project applicant shall present a formal delineation to and obtain a Section 404 permit

from the U.S. Army Corps of Engineers and a Section 401 water quality certification from the Central Valley RWQCB. The project applicant also shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game. **(MITIGATION MEASURE BIO-6)**

Timing/Implementation: Prior to approval of grading permit, the applicant shall provide documentation of the above permits and certifications to Planning Services.

21. If construction activities are scheduled to occur within the typical breeding season for raptors (February through October), a pre-construction survey for active nests shall be conducted by a qualified biologist no more than two weeks prior to start of development activities. The survey shall be conducted on site and within 250 feet of the site. If an active raptor nest is found within 250 feet of a construction area, the biologist shall record the location on a site map and a 250-foot buffer shall be established around the nest tree. The buffer zone shall be physically marked by the biologist, and no construction activities shall occur within the buffer area until the young have fledged. If establishment of a buffer is not practical, the California Department of Fish and Game shall be contacted for further avoidance and minimization guidelines. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services. **(MITIGATION MEASURE BIO-7)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

22. If any cultural resources are uncovered during grading and construction activities, work in the vicinity of the discovery shall be halted until a qualified cultural resource specialist evaluates the find. If the resource is found to be significant, the cultural resource specialist, in coordination with appropriate agencies, shall provide recommendations on the disposition of the resource that retains its cultural value. Recommendations may include, but are not limited to, excavation of the resource or covering of the resource by pavement. These recommendations shall be implemented by the contractor working at the project site prior to resumption of work in the vicinity of the find. **(MITIGATION MEASURE CUL-1)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

23. Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on weekends and federally recognized holidays. **(MITIGATION MEASURE NOI-1)**

Implementation/Timing: The above measure shall be incorporated as a note on all construction plans subject to verification and prior to approval by Planning Services.

24. Motorized construction equipment shall be equipped with intake/exhaust mufflers and engine shrouds, in accordance with manufacturers' specifications. Noise-generating equipment, including portable power generators and air compressors, shall be located at the farthest distance possible from the nearest occupied residence. **(MITIGATION MEASURE NOI-**

2)

Implementation/Timing: The above measure shall be incorporated as notes on all construction plans subject to verification and prior to approval by Planning Services.

Department of Transportation

Project Specific Conditions

25. The applicant shall improve or verify roads in conformance with the Design and Improvements Standard Manual and the following table. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:

ROAD NAME	ROAD WIDTH	R/W	DISM REFERENCE	Notes/Comments
Rancho Tierra Court (onsite)	36 feet with 4-foot sidewalk, curb and gutter (60 feet R/W)	60-feet	Std Plan 101B	County Roadway
Rancho Tierra Court (offsite)	36 feet with 4-foot sidewalk, curb and gutter (60 feet R/W)	60-feet	Std Plan 101B	Improvements shall tie into existing improvements on Rancho Tierra Court and thru their frontage.
Rancho Tierra Court (offsite)	20 feet roadway with 1 foot shoulder either side with AC curb	60-feet	Modified Std Plan 101B	Improvements to be made from southerly property line to connect to Great Heron Drive as shown on December 2008 plans.

26. The applicant shall irrevocably offer to dedicate a total of 60 feet of right-of-way, along the onsite portion of Rancho Tierra Court, with the filing of the final map. This offer shall be accepted by the County.

27. The applicant shall provide a 60 foot wide non –exclusive road and public utility easement (R & PUE) for Rancho Tierra Court, with the filing of the final map.

28. The applicant shall provide a turn around at the end of Rancho Tierra Court to the provisions of County Standard Plan 114 or per the fire safe standards. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

29. Because Rancho Tierra Court is currently a dead end street that may serve more than twenty-four existing or potential lots (as defined in DISM Section 3.A.12), the applicant shall be

required to provide a secondary access to this site or an acceptable alternative. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101B as described in the table above. These off-site 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.

30. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
31. Prior to filing of the final map, the applicant shall join or form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are complied.
32. The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” road signs as required by the Department of Transportation prior to filing the final parcel map.
33. 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 may be required. The drainage shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:
34. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
35. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider’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 or parcel map, the subdivider 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 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.

Standard Conditions

36. 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.
37. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
38. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
39. 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.
40. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
41. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
42. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. 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.

43. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
44. 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.
45. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, 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 State of California. 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 SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
46. The applicant shall submit a soil 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.
47. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
48. 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.
49. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.
50. The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face that is less than County standards and shall provide for enforcement of such provisions. The CC&Rs shall

include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb. The applicant shall either provide adequate parking for a three-car Courtway or sufficient depth of Courtway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.

51. Subdivision improvements shall include rough grading of Courtways 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 Courtways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural Courtway access only.
52. 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).
53. 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.
54. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on 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.
55. The applicant shall pay the traffic impact fees in effect at the time a building application is deemed complete .

Office of County Surveyor

56. All survey monuments must be set prior to the filing of the Final Map or the developer shall a surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to coordinated with the County Surveyor's Office.
57. 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.
58. Situs addressing for the project shall be coordinated with the Cameron Park Fire Department and County Surveyor's Office prior to filing the Final Map.

Cameron Park Community Services District

59. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
60. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the

Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.

61. As applicable, a draft copy of Conditions, Covenants and Restrictions (CC&R) for the subdivision shall be coordinated for review and approval by the CSD, prior to filing the Final Map.

Cameron Park Fire Department

62. A final Fire Safe plan shall be submitted for review and approval by the Fire Department and Cal Fire and provided to the Planning Services prior to filing the final map.
63. The following standards shall be verified as notes during review of Improvement Plan:
 - A. In accordance with California Fire Code 2008 Edition, the required fire flow for residential structures below 3,600 square feet is 1,000 gallons per minute with a 20 psi residual pressure. Structures in excess of 3,600 square feet shall conform to the standards of Table B105.1. A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.
 - B. Fire hydrant spacing shall not exceed 300 feet. Location of the hydrants shall be determined by the Fire Department.
 - C. Fire apparatus access roads between 20 and 29 feet shall be posted on both sides as fire lane with No Parking allowed on either side of the roadway. Roads measuring between 30 and 39 feet shall have No Parking Fire Lane sign posted on one side of the road, with parking allowed on the opposite side of the roadway.
64. Prior to issuance of residential building permit, siting of propane tanks must comply with provisions set forth in Chapter 38 of the CFC 2008 edition and NFPA 58.

Air Quality Management District

65. All applicable AQMD standard measures and provisions including District Rules 215, 223, 223.1, 224 and implementation of Fugitive Dust Plan shall be coordinated with and verified by the District prior to approval of all grading and construction plans.

ATTACHMENT 2 FINDINGS

Kamm Park Subdivision FILE NOS. Rezone Z06-0025/Tentative Map TM06-1419 Planning Commission November 12, 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 FINDING

- 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 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 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.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The project area is located within the Cameron Park Community Region with a land use designation High Density Residential General Plan Land Use Designation. The proposed project is consistent with General Plan Policies including 2.1.5.2 (Project consistency with General Plan), 2.1.5.3 (Rezone consistency), 2.2.5.21 (Compatibility with adjoining land uses), 5.2.1.2 (Adequate water supplies), 5.2.1.3 (Connection to a public water system), and 7.4.4.4 regarding oak woodland preservation and mitigation.

2.2 Zoning

The proposed One-Family Zone Residential (R-1) Zone District for Lots 1 to 5 and One-Family Zone Residential-Airport Safety District (R1-AA) for Lots 6 and 7 are consistent with High Density Residential Land Use Designation. The residential subdivision meets the required density, residential product type, and shall be conditioned to meet applicable county design and improvement standards.

2.3 **Subdivision Ordinance**

- 2.3.1 That the proposed map is consistent with applicable general and specific plans;

The proposed project has been verified for conformance with applicable General Plan Policies including provisions relating to density, site and layout design, and zone development standards. The anticipated development shall be subject conformance with the approved Conditions of Approval and Mitigation Measures identified in the environmental document prepared for the project.

- 2.3.2 That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The design and improvement of the subdivision has been designed in conformance with the applicable residential land use requirements in the DISM. Subsequent improvement plans, grading plans and other development permit applications shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval/mitigation measures for this project.

- 2.3.3 That the site is physically suitable for the type of development; and
2.3.4 That the site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed type of development, density and improvements to accommodate the residential subdivision. The site contains varying topography with sparse tree coverage. Development of the site shall be conducted in accordance the applicable county standards. Environmental effects shall be adequately mitigated based on the measures identified in the Initial Study/Mitigated Negative Declaration. Prior to any activities, the anticipated development would require various permit and plan approval, subject to review for consistency with the conditions of approval for the project by the County and affected agencies.

- 2.3.5 That the design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Environmental impacts from the development of the infill subdivision have been adequately evaluated in the Initial Study Checklist/Mitigated Negative Declaration. The impacts include effects to biological resources including oak trees, ephemeral drainage features, and sensitive plants and habitats. Mitigation Measures have been identified and shall be imposed in order to mitigate these impacts to a less than significant level.

- 2.3.6 That the design of the division or the type of improvements would not cause serious public health hazards;

The proposed development has been designed and conditioned to ensure no public hazard would occur. The design and improvements involve a controlled internal road systems, public utility services, on- and off-site amenities, and adequate vehicular accesses. Development of the project would be subject to improvement plans and permits verifying construction of these improvements for water, sewer, power, drainage, and roads in accordance with the El Dorado County Design and Improvement Manual and County Grading Ordinance.

- 2.3.7 That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

Implementation of the development shall be subject to the applicable County and other agency standards involving site design. The development is subject to specific project conditions from the Cameron Park Fire Department regulating location of on-site hydrant, construction of non-combustible fencing material, and a preparation, submittal, and implementation of a Fire Safe Plan. Therefore, the subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

- 2.3.8 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Coupled with imposed project conditions, necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing and approval of the Final Map for any portions of the approved tentative map.

2.4 Design Waivers

The following design waiver requests are subject to specific findings in accordance with Section 16.08.020.A.2a-d of the El Dorado County Subdivision Ordinance. Each request is followed by a response from the applicant justifying the waiver.

Request 1: Reduction of standard sidewalk width along Rancho Tierra Court from six feet to four feet;

Finding A: There are special conditions or circumstances peculiar to the property justify the adjustment or waiver.

Response: Special physical conditions are prevalent on the project site the warrants the waiver. Specifically, construction of the modified 4-foot wide sidewalk would match the similar public improvement existing in the adjacent residential subdivision to the north. Construction of the DISM required 6-foot wide sidewalk would be inconsistent and would result in additional, unnecessary impacts.

Finding B: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

Response: Application of the standard 6-foot side sidewalk would impose an extraordinary and unnecessary hardship and project costs resulting from encumbering additional area with concrete for sidewalk construction. Moreover, construction of the standard sidewalk width could also impose unnecessary impacts to sensitive natural features existing on site.

Finding C: The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

Response: The proposed modified sidewalk width of 4 feet would match and provide continuation of existing sidewalks in the contiguous subdivisions. The modified sidewalk width is determined to be sufficient in providing adequate pedestrian traffic and connectivity within the immediate neighborhood. Therefore, granting of the waiver would not be injurious to adjacent properties or be detriment to health and safety of the public.

Finding D: This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Response: The requested waiver would be similar to previous deviations granted for other development contiguous to and shall be matched by the proposed project. Standard conditions of approval and mitigation measures shall be imposed on the project ensuring orderly development of the site. Therefore, granting of the design waiver will not nullify the objectives of any law or ordinance.

Request 2: Exceed 3 to 1 lot depth-width ratio for Lot 7; and

Finding A: There are special conditions or circumstances peculiar to the property justify the adjustment or waiver.

Response: Per the DISM, a design waiver is required for subdivision lots that exceed a width to length ratio of 3:1. The parent parcel is rectangular in shape and is divided off-center and perpendicular to the long axis by Rancho Tierra Drive. As a result, Lot 7 of the subdivision, which is constraint by slopes and is in excess of 1-acre in size, exceed the width to length ratio at 3.65 to 1. Despite moderate excess of this standard, the shape of the lot is of regular shape and the lot is designed to adequately accommodate residential development which would not significantly deviate from the residential characteristic of the area. This special condition peculiar to the property would justify granting of the waiver.

Finding B: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

Compliance with lot ratio standard would cause unnecessary limitations in developing the property. Given the preexisting conditions with regards to the parent parcel's off-centered configuration and topography, the allowance of this excess of the standard would provide opportunity and flexibility in accommodating residential construction on the parcel.

Finding C: The adjustment or waiver(s) will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

Response: Granting of this waiver would protect adjoining properties and residents though maintaining of required setbacks necessary for site design and development of the lot. Therefore, the waiver would not be detrimental to the health and welfare of the public.

Finding D: This waiver(s) will not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Response: The preexisting conditions of the project site would justify the waiver of the standard which would not have any nullifying effect of the objectives of the any law or ordinance. Nevertheless, implementation of the project would be subject to compliance with the project conditions and other applicable development standards.

Request 3: Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and AC curbs, without concrete curbs, gutters or sidewalk.

Finding A: There are special conditions or circumstances peculiar to the property justify the adjustment or waiver.

Response: Construction of this off-site road as part of the required improvement of Rancho Tierra Court would provide a necessary secondary access for the subdivision in accordance

with the DISM. Though Standard Plan 101b requires full road improvements, this portion of the road is not anticipated to be a primary high traffic connection to major residential collector roads such as Bass Lake Road and Cambridge Road via Woodleigh Lane. The proposed 20-foot road width meets the required Fire Road standards. Full road improvements would be required as part of the development of Rancho Tierra Subdivision. Based on this, specific circumstances peculiar to the property would justify the waiver.

Finding B: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

Response: The requirement of full improvement for this off-site portion of the road would cause undue cost and hardship with respect the minor project size. Though required, this off-site portion is not anticipated to have significant vehicular or pedestrian traffic. These improvements are temporary and would be replaced when full road improvements are subsequently furnished as part of the Rancho Tierra Estates Subdivision.

Finding C: The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

Response: The construction of this road would provide for a mutual secondary access in benefit of the adjoining subdivisions. Though modified road improvement is proposed, it adequately meets the minimum standards of the DISM and Fire Regulations in ensuring safety of the residents in the neighborhood and general public utilizing this road.

Finding D: This waiver(s) would have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Response: The waiver would not have a nullifying effect the applicable provisions of the ordinance as the modified improvement still adequately meets the design standard under the DISM and implementation of the project would be subject to compliance with the specific conditions and other applicable development standards to ensure orderly development.