

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



Agenda of: December 10, 2009
Item No.: 10
Staff: Jonathan Fong

REZONE/PARCEL MAP

FILE NUMBER: Z09-0005/P09-0007/Lakeview Villas

APPLICANT: Greg Gularte

AGENT/ENGINEER: Lebeck Young Engineering, Inc.

REQUEST: Rezone from Estate Residential Ten-acre (RE-10) to Estate Residential Five-Acre (RE-5), and a tentative parcel map creating two parcels. Parcel 1 would be 8.62 acres and Parcel 2 would be 5.6 acres (Exhibit E).

One Design Waiver has been submitted to allow the following:

To allow La Sierra Drive and Shoreview Drive to remain at their current road widths.

LOCATION: The property is located on the north side of La Sierra Drive, approximately 75 feet east of the intersection with Shoreview Drive, in the El Dorado Hills area, Supervisorial District I (Exhibit A).

APN: 110-590-54 (Exhibit B)

ACREAGE: 14.22 acres

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

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Rezone Z09-0005 based on the findings in Attachment 2;
3. Approve Tentative Parcel Map P09-0007, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
4. Approve the following design waiver since appropriate findings have been made as noted in Attachment 2:
 - a) To allow La Sierra Court and Shoreview Drive to remain at their current road widths.

BACKGROUND: The project parcel is identified as Parcel 4 of recorded Parcel Map PM46-112 (Exhibit H) which was approved by the El Dorado County Hearing Officer in December 1992 (Exhibit I). Tentative Parcel Map P92-30 was approved to allow four parcels ranging in size from 10-acres to 14-acres and a 20-acre remainder.

Grading Permit 170853 was submitted on December 7, 2005 and finalized on June 17, 2008 to construct the building pad as shown on Parcel 1. Code Enforcement Case was opened on July 22, 2009 regarding potential unpermitted grading along La Sierra Court for the building site shown on Parcel 2. Building Services staff reviewed the Code Enforcement Case and determined that the building site shown on Parcel 2 was consistent with the adopted Grading Ordinance in effect at the time the grading permit was submitted. No additional action by the applicant would be required and the case was closed.

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

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

Rezone: The Rezone would rezone the property from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5).

Tentative Parcel Map: The Tentative Map would create two (2) residential parcels. Parcel 1 would be 8.62-acres and Parcel 2 would be 5.6-acres.

Site Description: The project site is located in northern El Dorado Hills. As discussed in the Background section, the site has been previously disturbed with two building areas. The site is severely steep with 80 percent of the onsite slopes exceeding 30 percent. Intermittent drainages are located along the eastern portions of the site that drain to New York Creek and Folsom Lake. Vegetation is comprised of mixed grasslands and native trees. The site is accessed from the north via Shoreview Drive and to the south by La Sierra Drive.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Undeveloped Residential Land
North	RE-10	MDR	Single Family Residential
South	RE-10	MDR	Single Family Residential
East	RF	OS	Folsom Lake
West	R1A	MDR	Single Family Residential

The site is bounded to the north, south and west by residential parcels. The project is bounded to the east by Folsom Lake. The proposed residential development would be consistent with the residential land use pattern in the project area.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR), which permits a parcel size range of one to five acres. The project would create two (2) residential parcels ranging in size from five (5) to eight (8)-acres. The resultant project density would be consistent within the MDR land use designation.

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

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

The project would be served EID public water and sewer services. The project is located within the El Dorado Hills Community Region. **General Plan Policy 5.3.1.7** requires all new development within Community Regions to connect to public wastewater services. The project is located within the El Dorado Irrigation District boundaries. The project would be required to connect to public water and sewer services as a condition of approval. The District has indicated that adequate water service would be available to serve the project.

2. Availability and capacity of public treated water system;

See #1 above.

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

See #1 above.

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

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

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

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

6. Distance to nearest Community Region or Rural Center;

The project site is located within the El Dorado Hills Community Region.

7. Erosion hazard;

The proposed parcels are both severely sloped with over 80 percent of the site exceeding 30 percent slope. In accordance with General Plan Policy 7.1.2.1, disturbance would be prohibited on slopes exceeding 30 percent. As shown on the Buildable Area Slope Exhibit (Exhibit G), buildable areas have been graded under permit on each of the proposed parcels. All future development on the site would be done in conformance with the County Grading, Erosion and Sediment Control Ordinance. Adherence to County standards would reduce any potential erosion hazards resulting in development of the site.

8. Septic and leach field capability;

No septic or leach fields would be constructed as part of the project.

9. Groundwater capability to support wells;

No wells would be constructed as part of the project.

10. Critical flora and fauna habitat areas;

The project site is located within Mitigation Area 1 which is defined as lands not known to have special status plant species, but with soil types capable of supporting the Pine Hill Endemic Plant Species. In accordance with the County Code, each of the proposed parcels would be subject to the Mitigation Area 1 in-lieu fee which would be paid prior to issuance of any building permits on the parcels.

11-13. Important timber production, agriculture, or mineral resource areas;

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

14. Capacity of the transportation system serving the area;

The project would be accessed via Shoreview Drive and La Sierra Drive which are both privately maintained roads within the Southpointe Subdivision. Both roadways meet the Fire Safe Regulations for minimum road widths. As discussed below, one Design Waiver has been requested to allow the access roadways to remain at their current width and waive the requirement to widen the roads in accordance with Standard Plan 101B.

15. Existing land use pattern;

The project would allow residential development consistent with the Medium Density Residential Land Use Designation and Zoning in the project vicinity. Adjoining parcel sizes range from one-acre in the Southpointe Subdivision to 10-20 acres south of the project site. The adjoining parcels to the north, south and west are designated as MDR. The project would not substantially alter the land use pattern established by the General Plan Land Use Map.

16. Proximity to perennial water course;

The project site is located adjacent to Folsom Lake which is managed by the California Park System. The site is located approximately 1,000 feet from the lake which exceeds the 100 foot setback for perennial water courses as required by the General Plan. Intermittent channels are located in the eastern portion of the site which drain to New York Creek and ultimately to Folsom Lake. These channels are well outside of the developable areas of the site and would not likely be impacted by residential development of the site. The drainages are located within 100 foot building setbacks as shown on the previously recorded Parcel Map PM46-112. This easement would be included on the proposed tentative map.

17. Important historical/archeological sites;

The cultural resource study performed for the project site determined that no cultural or archeological features exist on the site. Standard Condition of Approval would be required that include protective measures to be implemented in the event cultural or archeological resources are discovered during project construction.

18. Seismic hazards and present active faults.

No active faults are located within El Dorado County. An inactive fault is located near the western edge of the project but would not constitute a seismic hazard.

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

The project is included in the Southpointe Subdivision and subject to the Southpointe CC&R's. The County does not enforce private CC&R's. The El Dorado Hills CSD would review the existing CC&R's and require that any resultant parcel created record the CC&R's against the property.

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

Zoning: The proposed rezone to Estate Residential Five-Acre would be required to be consistent with the Development Standards of the RE-5 zone district enumerated in Section 17.28.210 of the County Code. The two proposed parcels would meet the minimum parcel size requirements and lot width requirements of the RE-5 zone district. Future development on the parcels would be reviewed for consistency with the setback requirements and other development standards during the building permitting process. The two proposed parcels would be consistent with the Zoning Ordinance.

Design Waivers: One Design Waiver has been submitted to allow the following:

- a) **To waive the road improvement requirement to Standard Plan 101B and allow La Sierra Drive and Shoreview Drive to remain at their current width.**

The project site is located within the El Dorado Hills Community Region which pursuant to the County Design and Improvement Standards Manual requires all road improvements to be construction to Standard Plan 101B which requires a 28 foot wide road width. The proposed Design Waiver to reduce the improvements from 28 to 20 feet was reviewed by the Department of Transportation and the El Dorado Hills Fire Department and both are in support of the waiver. Both La Sierra Drive and Shoreview Drive are currently built to the Fire Safe Minimum requirement of a 20 foot road width. Both access roadways terminate at the project site and future extension is unlikely. Design Waiver findings for approvals have been included in Attachment 2 of the Staff Report.

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

Department of Transportation: Upon approval of the requested Design Waiver, no road improvements would be required. DOT has included requirements for encroachments for each of the proposed parcels and standard conditions of approval to be implemented during any construction.

El Dorado Hills Fire Department: The Fire Department has included standard comments that would be applicable to the residential development of the proposed parcels during the building permitting process.

El Dorado Hills Area Planning Advisory Committee (APAC): The APAC issued conditional support of the project with a minority report which believed the proposed Lot 2 would be too steep to develop a residence and garage. The APAC comments have been included as Exhibit J of the Staff Report.

El Dorado Hills CSD: The CSD has issued a comment letter regarding the review of CC&R's, payment of Park In-Lieu Fees and applicable standard CSD requirements. The CSD comment letter has been included as Exhibit K of the Staff Report.

Air Quality Management District: The District has recommended standard conditions be applied requiring adherence to District rules during project construction.

Surveyor's Office: The Surveyors Office has requested conditions be applicable to the project and have been included in Attachment 1 of the Staff Report.

ENVIRONMENTAL REVIEW:

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

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993 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 of Approval
Exhibit A	Location 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	Slope Map
Exhibit G	Buildable Areas Exhibit
Exhibit H	Recorded Parcel Map PM46-112
Exhibit I	Tentative Parcel Map P92-30
Exhibit J	El Dorado Hills APAC Comments
Exhibit K	El Dorado Hills CSD Comments
Exhibit L	Environmental Checklist

ATTACHMENT 1

CONDITIONS OF APPROVAL

Z09-0005/P09-0007/Lakeview Villas
Planning Commission/December 10, 2009

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Staff Report Exhibits E -F (tentative parcel map), and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Rezone: The Rezone would rezone the property from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5).

Tentative Parcel Map: The Tentative Map would create two (2) residential parcels. Parcel 1 would be 8.62-acres and Parcel 2 would be 5.6-acres.

One Design Waiver would be approved to allow La Sierra Drive and Shoreview Drive to remain at their current road widths.

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.

2. **Park In-Lieu Fees, Appraisal:** 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. Planning Services shall verify that the required fees have been paid prior to the filing of the Parcel Map.
3. **Park In-Lieu Fees, Payment:** 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. Planning Services shall verify that the required fees have been paid prior to the filing of the Parcel Map.

4. **Meter Award Letter:** A water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the residential parcels created, shall be submitted prior to filing the Parcel Map.
5. **Archeological Resources:** In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner shall contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement on the grading plans prior to issuance of a grading permit.
6. **Drainage Easement:** All existing drainage easements shown on PM46-112 shall be shown on the Parcel Map. Planning Services shall verify the easements have been delineated prior to filing the Parcel Map.
7. **Processing Fees:** Prior to filing of the Parcel Map, all Development Services and Noticing fees shall be paid. The applicant shall submit to Planning Services a recording fee and a California Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
8. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

Prior to the filing of the Parcel 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 do one of the following: (a) Pay the assessment or bond in full; (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 that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493(d).

9. **Compliance with Conditions:** Prior to filing the Parcel Map or issuance of any building permit authorized by this 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. Planning Services shall verify compliance prior to filing the Parcel Map.

The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable Conditions of Approval.

10. **Expiration:** The Parcel Map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

Department of Transportation

Project Specific Conditions

11. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments from the Shoreview Drive and La Sierra Court to the provisions of County Design Std **103B-2**. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
12. **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.

Standard Conditions

13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office.
15. **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.

16. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the parcel map.
17. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. The improvements shall be installed to the satisfaction of DOT prior to filing of the parcel map. This condition shall appear as a note on the recorded parcel map.
18. **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.
19. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements and/or there are cuts or fills greater than 6-feet, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to Development Services 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 fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of Development Services or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
20. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and Development Services. 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.

21. **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. Development Services shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
22. **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 Development Services. 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, and recommended design criteria for any retaining walls.
23. **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 Development Services.

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 the applicant shall demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of Development Services, prior to the filing of the parcel map or the applicant shall obtain an approved improvement agreement with security.

24. **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 parcel map.
25. **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 parcel map.
26. **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.
27. **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.
28. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

El Dorado Hills Fire Department

29. Driveways shall conform to DOT Standard RS-68. Driveways steeper than 15% grade shall require fire sprinklers in the home per NFPA 13D. The Department shall verify compliance with this requirement prior to issuance of a building permit
30. If gates are to be installed, they shall conform to the DOT Standard RS-68. To ensure emergency access, the applicant shall install a KNOX quick access key. The Department shall verify compliance with this requirement prior to issuance of a building permit.
31. Each proposed home shall have a minimum setback of 30 feet. The Department shall verify this requirement prior to issuance of a building permit.

32. Each home that is built shall conform to the Public Resources Code 4291 regarding vegetation fuel reduction to create a defensible space. The Department shall verify compliance with this requirement prior to issuance of a building permit.

Air Quality Management District

33. The applicant shall make applications and pay the appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to commencement of any construction.
34. The applicant shall comply with all District air quality rules during project construction.

El Dorado Hills Community Services District

35. The existing Covenants, Conditions, and Restrictions (CC&R's) recorded on the new parcels at the time of filing the Parcel Map.

County Surveyor

36. All survey monuments must be set prior to filing of the parcel map.
37. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met.

ATTACHMENT 2 FINDINGS FOR APPROVAL

**Z09-0005/P09-0007/Lakeview Villas
Planning Commission/December 10, 2009**

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

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 Tentative Map Findings

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

The General Plan designates the project site as Medium Density Residential which permits a parcel size range from one to five acres. The proposed parcel map would create two parcels be consistent with the density range.

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

The project design would be consistent with applicable General Plan policies regarding oak canopy, adequate access, sufficient utilities, and slope. The project has demonstrated that sufficient developable areas exist on the proposed parcels for development and that avoidance of slopes exceeding 30 percent is feasible as required by the General Plan.

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

The project site is severely with the majority of the slopes exceeding 30 percent. The project has demonstrated that developable areas are available on each of the proposed parcels which avoid 30 percent slopes.

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

The project density would be consistent with the General Plan Land Use Designation and would provide adequate developable areas for each of the proposed parcels. The project would be the maximum density that could be supported on the site.

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

The project site has been previously disturbed with a building site on each parcel. Due to the topography of the site, no other land disturbance is anticipated. Residential development of the site would not result in substantial injury to wildlife or habitat. The site is not located in the immediate vicinity of sensitive wildlife or habitat.

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

The proposed parcels would be accessed by existing roads which meet the Fire Safe Regulations. The project does not include any improvements that would pose a risk to public health.

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

The design of the project would be in compliance with the El Dorado Hills Fire Department requirements to provide adequate emergency access and defensible space around the proposed structures

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

No easements exist across the property for public access.

3.0 Zoning Findings

3.1 The Zone Change is consistent with the General Plan.

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

4.0 Design Waiver Findings

4.1 Design Waiver #1: To allow La Sierra Drive and Shoreview Drive to remain at their current road widths.

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

The access roads are both dead end roads which both terminate at the project site. No additional vehicular traffic is anticipated that would require widening of La Sierra Drive or Shoreview Drive.

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

The widening of La Sierra Drive and Shoreview Drive would result in additional financial burden on the two-lot Parcel Map.

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

Both Shoreview Drive and La Sierra Drive are currently in use at their current widths to provide access to the Southpointe Subdivision. The Department of Transportation and the El Dorado Hills Fire Department have reviewed the waiver and determined that adequate vehicular and emergency access can be provided on the roads at their current widths.

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

La Sierra Drive and Shoreview Drive both meet the Fire Safe Regulation requirements for minimum road widths. The Design Waiver would be consistent with the Fire Safe Regulations and the County Design Manual.