

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



Agenda of: October 14, 2010

Item No.: 8

Staff: Aaron Mount

TENTATIVE MAP

FILE NUMBER: TM09-1491/Williamson Family Trust Subdivision

APPLICANT: Williamson Family Trust/Kim Harris, Trustee

AGENT: CTA Engineering & Surveying, Inc.

REQUEST:

1. Tentative Map (Exhibit E) to create 4 residential lots ranging in size from 10 acres to 11 acres.
2. A design waiver from the Design and Improvements Standards Manual has been requested for the following: a) To reduce the on-site right-of-way width from 50 feet to 30 feet.
3. A reduction in the interim setbacks from a wetland from 50 feet to 10 feet.

LOCATION: On the west side of Lotus Road, approximately 1,000 feet south of the intersection with Oleander Lane, in the Rescue area, Supervisorial District IV (Exhibit A).

APN: 102-020-96 (Exhibit B)

ACREAGE: 43.19 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporated as Conditions of Approval in Attachment 1;
3. Approve Tentative Map TM09-1491 based on the Findings listed in Attachment 2, and subject to the Conditions of Approval listed in Attachment 1;
4. Approve the following design waiver from the Design and Improvements Standards Manual since appropriate Findings have been made as noted in Attachment 2:
 - a. Reduction in the on-site road right-of-way from 50 feet to 30 feet; and
5. Approve a reduction in the interim setback from a wetland from 50 feet to 10 feet since the appropriate Findings have been made as noted in Attachment 2.

BACKGROUND: The project parcel was created in violation of the Subdivision Map Act. Due to a previous division of the project parcel, Certificate of Compliance COC96-0021, a Tentative Subdivision Map application was required to subdivide the project parcel. When counting parcels to determine whether a final map or a parcel map is required, all previous subdivisions by the same subdivider, or non-arms length transactions, are included. The proposed parcel map would result in the creation of five parcels from the parent parcel.

STAFF ANALYSIS

Project Description: The project request is for a Tentative Map to create 4 lots ranging in size from 10 acres to 11 acres. Each parcel would be served by public water and individual septic systems. Access would be provided by a proposed on-site road that would encroach on to Lotus Road. A design waiver from the Design and Improvements Standards Manual has been requested to reduce the on-site right-of-way width from 50 feet to 30 feet. Additionally, a request has been made for a reduction in the interim setbacks for a wetland from 50 feet to 10 feet for construction of an on-site road.

Site Description: The project parcel is located on hilly terrain at a median elevation of approximately 1,000 feet above sea level. Lotus Road marks the western boundary and immediately abutting parcels are undeveloped with possible agricultural uses. Parcels to the east are developed residential parcels. With the exception of an access road located near the northern parcel boundary, the project parcel is undeveloped and lacks any permanent structures. The parcel is roughly divided in half by a low ridge that traverses the site from north to south. The eastern half generally drains to the east towards the base of Lotus Road and the seasonal wetlands while most of the western portion

drains to the southwest into a perennial reach of Indian Creek, which enters from the south and exits to the west. The site supports four major plant communities: foothill oak woodland, riparian woodland, foothill chaparral, and foothill grasslands. The southeastern portion contains the remnants of a pioneer cemetery.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Residential/Undeveloped
North	RE-10	RR	Residential/Undeveloped
South	PD	RR	Residential/Undeveloped
East	RE-5	LDR	Residential/ Single Family Residences
West	RE-10	RR	Residential/Undeveloped

The project would subdivide the property for future residential development. The site is bordered by residential development to the east. The project development would be consistent with the surrounding land use.

General Plan: The following General Plan policies apply to this project:

The General Plan designates the subject site as Rural Residential (RR), where **Policy 2.2.1.2** permits a maximum density of one dwelling unit per 10 acres. The proposed four parcels would range in size from 10 acres to 11 acres. Therefore, the proposed parcels would conform to the General Plan land use designation of Rural Residential.

General Plan **Policy 2.2.5.21** requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed.

Discussion: The project site is surrounded by both existing and proposed residential land uses, which would be compatible with the proposed development.

General Plan **Policy 5.2.1.2** requires that adequate quantity and quality of water for all uses, including fire protection be provided with proposed development.

Discussion: The project proposes public water provided by EID. The El Dorado Irrigation District serves residences adjacent to the project; however, due to the location of the District’s boundaries annexation would be required. If annexation is not approved the parcels sizes would be consistent with the five acre minimum for parcels containing individual wells and septic systems. The project parcel is not in an area known to have ground water deficiencies. The submitted facilities improvement letter confirmed that the project site has adjacent water lines in Lotus Road that would

provide the necessary fire flow. The parcel does not currently contain a fire hydrant but a location has been proposed at the end of the on-site road to be constructed.

General Plan **Policy 5.2.1.5** requires that approval of development projects requiring annexations to water districts in Rural Regions may only occur if groundwater sources are not available to serve, or are unable to continue serving, the development, or if existing infrastructure abuts the property and sufficient water is available to serve the annexed area.

Discussion: The project would be required to annex into the El Dorado Irrigation District in order to receive municipal water services. The submitted facilities improvement letter confirmed that the project site has adjacent water lines in Lotus Road that would provide the necessary fire flow. Specifically a 20-inch high pressure water line exists in Lotus Road and an 8-inch stub is located near the southern border of the project parcel.

As required by General Plan **Policy 5.7.1.1**, the applicant would be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The Rescue Fire Protection District would provide fire protection service to the project site. A Fire Safe Plan would be required for the project, which would require fire hydrant placement to ensure adequate fire protection infrastructure. The submitted facilities improvement letter confirmed that the project site has adjacent water lines in Lotus Road that would provide the necessary fire flow.

Pursuant to General Plan **Policy 7.3.3.4**, a 50-foot setback is required from intermittent streams and wetlands and a minimum setback of 100 feet is required from all perennial streams, rivers and lakes.

Discussion: Indian Creek, identified as a perennial stream, is located in the southwest corner of the project site. A 100-foot setback would be required for development from the creek. Various other wetland features are noted on the map and would require a 50-foot setback.

The proposed on-site road would encroach into a required wetland setback of a seasonal wetland at the eastern edge of the project parcel; however a wetland delineation and biological report were submitted stating that the road would have no significant impacts on the feature as the road will avoid disturbance. A setback reduction from 50 feet to 10 feet has been requested. Findings for approval of the reduced setback are in Attachment 2 in accordance with the Interim Interpretive Guidelines for El Dorado County General Plan policy 7.3.3.4 adopted June 22, 2006.

As conditioned this project can be found to be consistent with Policy 7.3.3.4.

As required by General Plan **Policy 7.4.4.4**, the applicant shall demonstrate that adequate development area exists on each of the proposed parcels where a single family dwelling and related improvements could be built without the removal of oak trees or without project mitigation.

Discussion: The tree canopy analysis prepared for the project determined oak canopy to be 40.8 percent of the project site. The El Dorado County Oak Woodlands Management Plan would require

80 percent retention of existing canopy cover for parcels over one acre having 40-59 percent oak canopy cover. The proposed project estimates oak tree removal for road development to be 0.62 acres. The estimated tree canopy retention after road improvements and lot development would be 80.1 percent, which would be above the 80 percent retention requirement resulting in a 1:1 fee payment. The applicant would be required to pay into the conservation fund under "Option B" of Policy 7.4.4.4. The applicant would comply with General Plan Policy 7.4.4.4 during the grading and building permit processes. Impacts would be less than significant.

Conditions of Approval have been included in Attachment 1 requiring payment of the mitigation in-lieu fee for only the road construction portion of the project consistent with the adopted Oak Woodlands Management Plan.

Zoning: The subject site is zoned Estate Residential Ten-Acre (RE-10) which permits a minimum parcel size of 10 acres. Therefore, the proposed 10 and 11-acre parcels conform to existing zoning.

Tentative Map: The Tentative Subdivision Map would create 4 individual parcels. The following provides lot details:

Table 3: Lot Details

Breeden Estates-Leone Road Subdivision Lot Details		
Lot No.	Gross Lot (Acres)	Net Lot (Acres)
1	10.05	5.99
2	11.33	2.93
3	10.97	6.95
4	10.35	7.53

The four proposed parcels are consistent with the General Plan land use designation of RR and the RE-10 zone district.

Design Waiver Discussion: One Design Waiver from the Design and Improvements Standards manual has been requested for the project:

A reduction in the on-site road right-of-way from 50 feet to 30 feet.

Consideration of the above requests would facilitate the design and construction of the private road and other improvements necessary to serve the residential development. Reduced rights-of-way of 30' for the access road would better conform to the existing terrain and the ephemeral drainage nearby. In addition, it would help to preserve the existing drainage containing oak woodland canopy. Standard right of way of 50 feet would encourage extensive grading work in the future increasing tree removal and would decrease effective lot areas.

Other Issues:

Access/Circulation: The project would be accessed via Latrobe Road and a proposed on-site road.

Latrobe is a County maintained road and one interior roadway is proposed for the project. The proposed roadway shall be consistent with DISM Design Standard Plan 101C.

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

Cultural Resources: A Cultural Resource Study was prepared for the site by Historic Resources Associates (November 2008). The project parcel contains a pioneer cemetery that was evaluated to make sure the extent of the grave sites would be protected. Studies have been submitted to the satisfaction of the County and conditions of approval have been added to ensure protection and public access to the cemetery. An easement and improved access is required from Lotus Road to the cemetery site to ensure public access. Parking will be allowed along Lotus Road to access the public right-of-way.

Fire: The Rescue Fire District and Department of Forestry and Fire Protection have reviewed the project and determined that the construction of a roadway to Fire Safe Regulation standards, placement of a fire hydrant, and implementation of a fire safe plan would reduce impacts to a less than significant level.

Noise: The project may generate ground borne vibration or shaking events during project construction. These potential impacts would be limited to project construction. Adherence to the time limitations of construction activities to 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on weekends and federally recognized holidays would limit the ground shaking effects in the project area. These project construction hours would be incorporated into the Conditions of Approval.

Surveyor's Office: The Surveyor's Office reviewed the proposed project and noted that survey monuments must be set, roads named through the Surveyor's Office prior to filing the Final Map. The Surveyor's Office confirmed the parent parcel creation history and the requirement for a subdivision map.

Wastewater: Each of the proposed parcels would be served by individual septic systems. A septic feasibility study has been approved by the Environmental Health Department.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion), attached as Exhibit J, to determine if the project has a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,060.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 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 1Conditions of Approval
Attachment 2Findings

Exhibit ALocation Map
Exhibit BAssessor's Parcel Map
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit ETentative Subdivision Map
Exhibit FEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

Tentative Map TM09-1491/Williamson Family Trust Subdivision Planning Commission/October 14, 2010

1. This tentative subdivision map is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit E, 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:

Tentative subdivision map creating four residential lots ranging in size from 10.0 to 11.0 acres on a 43.19 acre site. Primary project access will be provided by an onsite road via a connection to Latrobe Road. Public water service will be provided to the lots by the El Dorado Irrigation District. Sewage disposal will be provided by onsite individual septic systems.

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 (including tentative subdivision map, development plan, preliminary grading and drainage plan, preliminary landscape plan, preliminary home elevations, and typical lot setbacks exhibit) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DELECRATION

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

2. If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant

shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services (MM BIO-1).

Timing/Implementation: Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. Development Services shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

3. The applicant shall place a permanent, secure enclosure and appropriate signage for the cemetery. The enclosure shall be placed a minimum of 10 feet from the nearest potential burial. An archeologist and a representative from El Dorado County Department of Transportation Cemetery Administration Unit shall be present at the time of construction of the post holes for the fencing. If a grave is encountered during excavation, construction shall be stopped and the El Dorado County Sheriff and El Dorado County Coroner's office must be contacted. Further mitigation may be required and will be determined by the Archaeologist and DOT staff at that time.

Timing/Implementation: The applicant shall coordinate with El Dorado County Department of Transportation Cemetery Administration Unit to schedule a representative to be at the project site at the time of construction of the post holes for the fencing. The DOT representative will ensure that an archaeologist is at the site at the time of construction of the post holes. The improvements shall be completed to the satisfaction of the Cemetery Director prior to the filing of the final map.

Planning Services

4. **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.

The developer and land owner 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 Special Use Permit.

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

5. **Condition Compliance:** Prior to issuance of a building /grading permits or commencement of any use 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. The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable Conditions of Approval

6. **Code Compliance:** Planning Services shall verify that prior to issuance of a building permit or commencement of any use authorized by this permit, that the applicant has complied with appropriate fire and building codes and has obtained all sign offs from appropriate agencies.
7. **Processing Fee:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.
8. **Fish and Game Fee:** Planning Services shall verify that the applicant has paid all applicable Fish and Game fees within thirty (30) days of approval of the project. The Building Permit shall not be issued until said fees have been paid.
9. **Map Time Limits:** This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
10. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

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

In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must 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 verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

11. **Oak Woodland Mitigation:** The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of project implementation (Total 0.62 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Management Plan and shall be based on the fee established by the Board of Supervisors. Based on existing oak canopy coverage, the applicant shall mitigate at a 1:1 ratio for 0.62

acres. 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.

12. **Park In-lieu Fees:** Pursuant to Section 16.12.090, the subdivision is subject to parkland dedication in-lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivision Ordinance, to the Development Services Department, and shall submit the receipt to El Dorado County Planning Services with the Final Map application.
13. **School Fees:** The developer shall pay all applicable school fees at the time of issuance of building permits for individual lots.
14. **Public Water:** A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
15. The final map shall include a 100-foot non-building setback from all perennial streams and a 50-foot non-building setback from all wetlands and seasonal streams. A ten foot setback shall be shown where the road is adjacent to the seasonal wetland at the eastern end of the project parcel near the encroachment onto Lotus Road.

Rescue Fire Protection District and CAL FIRE

16. The applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by the Rescue Fire Protection District and Cal Fire. A Notice of Restriction shall be filed with the final map which stipulates that a Wildfire Fire Safe Plan has been prepared and wildfire mitigation measures shall be implemented.
17. The on-site road shall be a minimum road width of 20 feet and constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
18. When fire flow requirements can not be met, the applicant shall use a NFPA 13D home sprinkler system with a water storage tank for all structures built on each parcel in addition to the hydrant. See the El Dorado County Fire Prevention Standard for water supplies in residential construction, without a purveyor for water storage requirements. Prior to filing of the final map, a notice of restriction shall be recorded noting this requirement.
19. Rescue Fire Protection District's fire flow requirement for this project is a minimum of 1750 gallons per minute. The required fire flow must meet flow duration of 2 hours with no less than 20 p.s.i. residual pressure. The fire flow must be excess of the maximum daily

consumption. This fire flow is based on the requirements for type V-N building construction with a fire area which does not exceed 4,800 total square feet. Fire sprinklers shall be required if fire flows are below 1,750 GPM.

20. Fire hydrants shall be required for this project. This office will approve the fire hydrants and their locations during plan review. All hydrants shall be tested and working prior to construction.
21. This project shall meet the requirements of the California SRA Fire Safe Regulations, The California Fire Code 2007 Edition for access and water supply.

Surveyor's Office

22. **Survey Monuments:** All survey monuments must be set prior to the presentation of the Final Map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. The project applicant shall ensure that verification of set survey monuments, or amount of bond or deposit are acceptable to the County Surveyor's Office.
23. **Road Name Petition:** The applicant shall file a completed road name petition for roads serving the development with the County Surveyor's Office prior to filing the Final Map. Proof of any signage required by the Surveyor's Office shall be provided to the Surveyor's Office prior to filing the Final Map.

LAFCO

24. **Annexation:** The project shall require LAFCO approval for annexation into EID prior to receiving municipal water services.

El Dorado County Department of Transportation

25. **Access Roadway:** The proposed roadway access shall meet the requirements of El Dorado County Standard Plan 101C and the 2007 CA Fire Code with a 20-foot wide roadway capable of supporting 75,000 pounds. These 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 final map.
26. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed access road onto Lotus Road to the provisions of Modified County Design Std 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

27. **Sight Distance:** The sight distance from the proposed roadway onto Lotus Road shall be a minimum of 550 feet in either direction, consistent with Caltrans and/or AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to approval of improvement plans.
28. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 30-foot wide non-exclusive road and public utility easement for the proposed access road, on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.
29. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 30 foot right-of-way along the entire frontage of Lotus Road measured from the centerline, as determined by EDC DOT, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be accepted by the County.
30. **Turnaround:** The applicant shall provide turn around at the end of all dead end roads to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
31. **Cemetery Access Easement:** The applicant shall provide a 10-foot non-exclusive pedestrian easement to the cemetery site for visitation from Lotus Road to the cemetery site prior to filing of the final map.
32. **Cemetery Access:** The applicant shall install a 5 feet pedestrian gate located at Right of Way line approximately 100 to 130 feet from the southern property line and a 4-foot walking path to access the cemetery from Lotus Road. The walking path shall have an aggregate surface. A Notice of Restriction for the access easement and the cemetery shall be filed with the Final Map. The improvements shall be completed to the satisfaction of the Cemetery Director prior to the filing of the final map.
33. **Setbacks:** All grading and building plans for the affected parcel shall include a 30 foot setback from the cemetery enclosure. Setbacks shall be illustrated and noted on the final map.
34. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
35. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the final map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).

36. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
37. **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.
38. **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 final map.
39. **Improvement Agreement & Security:** The developer shall enter into an Improvement Agreement with the Department of Transportation for all onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the final map.
40. **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.
41. **Grading Permit / Plan:** A grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the DOT 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 the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
42. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation

shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

43. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
44. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
45. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- a. The site can be adequately drained.
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites.
- c. 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.
- d. The ultimate drainage outfall of the project.

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

46. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
47. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
48. **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.
49. **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.
50. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

ATTACHMENT 2

FINDINGS

Tentative Map TM09-1491/Williamson Family Trust Subdivision Planning Commission/October 14, 2010

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 General Plan Findings

- 2.1 The proposed Tentative Subdivision Map, as conditioned, is consistent with the Rural Residential General Plan land use designation for parcel size, density and land use and the natural resources on site will be protected pursuant to related policies in the General Plan.
- 2.2 The proposed project is consistent with policies 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.5 regarding annexation in a Rural Region, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

3.0 Zoning Findings

- 3.1 The subdivision proposes 4 residential parcels, which have been designed consistent with the required development standards for the RE-10 Zone Districts outlined in Section 17.70.110 of the County Zoning Ordinance.

4.0 Administrative Findings for Subdivision Map

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

As shown on the Tentative Map (Exhibit E), adequate building areas for each lot are available considering the required zoning setbacks, slopes, riparian area and wetland setbacks, and waste water disposal areas. As such, the site is physically suitable for the proposed type and density of development.

- 4.2 **The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the Mitigation Measures identified as Conditions of Approval provided within Attachment 1.

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

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

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

As proposed, the Tentative Map conforms to the development standards within the Estate Residential (RE-10) Zone Districts and the El Dorado County Subdivision Ordinance.

5.0 Design Waiver

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

Reduction in the on-site road right-of-way from 50 feet to 30 feet.

A. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

The proposed modified road right-of-way would serve a private cluster residential development. These improvements would sufficiently accommodate the anticipated vehicular and pedestrian traffic and on-site utilities necessary to serve the development. Reduced rights of way of 30' for the access road would better conform to the existing terrain and the ephemeral drainage and wetlands nearby. In addition, it would help to preserve the existing drainage containing oak woodland canopy. Standard right of way of 50 feet would encourage extensive grading work in the future increasing tree removal and would decrease effective lot areas.

B. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

Application of the standard street right-of-way and related improvements would require additional disturbance to the site, thereby posing an encumbrance to the design and functionality of the cluster development. Wider road right-of-ways are not necessary in this particular case of a 4 parcel split (less than 150 ADT and no possible further subdivision).

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

The modified right-of-way would adequately serve the private residential development. The improvements shall be constructed in accordance to standards of the DISM, subject to improvement and other construction plans. Implementation of project condition of approvals and applicable mitigation measures shall be verified during review and prior to issuance of any construction permits. Therefore, the proposed deviation has been determined not to be detrimental to health, safety, and welfare of the public.

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

The modified standards would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this standard would affect streets serving the private clustered residential development. These facilities shall be privately owned and maintained by a road maintenance association. Other applicable improvement standards shall be enforced and verified during review construction plans.

6.0 Wetland Setback Reduction

- 6.1 The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 50 foot setback from ponds and wetlands and the project is proposing to build an on-site road within 10 feet of the delineated seasonal wetland on the eastern edge of the

project parcel near the encroachment onto Lotus Road. The location of the on-site road is required due to line of site issues on Lotus Road. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback would still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A biological report has been submitted by the applicant and as analyzed in the initial study, impacts have been reduced to a less than significant level by incorporation of conditions of approval. As conditioned this project can be found to be consistent with Policy 7.3.3.4.