

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



<b>Agenda of:</b>	November 18, 2010
<b>Item No.:</b>	10.b
<b>Staff:</b>	Gina Paolini

**REZONE/PARCEL MAP**

**FILE NUMBER:** Z09-0010/P09-0014

**APPLICANT:** Anthony P. DeVille, Jr. and Sharon DeVille

**AGENT:** C.J. Smith, III

**REQUEST:**

1. Zone Change from Estate Residential (RE-10) to Estate Residential Five-Acre (RE-5), and
2. Tentative Parcel Map to create two parcels each five acres in size.

**LOCATION:** The property is located on the west side of Sierra Vista Road, 1.2 miles south of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Exhibit A).

**APN:** 070-131-16 (Exhibit B)

**ACREAGE:** 10.01 acres

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

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

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**RECOMMENDATION:**

Staff recommends the Planning Commission forward the following recommendations to the Board of Supervisors.

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;

2. Approve Rezone Z09-0010 based on the Findings listed in Attachment 2; and
3. Approve Tentative Parcel Map P09-0014 based on the Findings in Attachment 2, subject to the Conditions of Approval listed in Attachment 1.

**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 Zone Change from Estate Residential (RE-10) to Estate Residential Five-Acre (RE-5) and a Tentative Parcel Map to 2 lots to be 5 acres in size each. Each parcel would be served by private wells and private septic systems. Parcel A does not include improvements; however, Parcel B would include an existing single family residential unit. No Design Waivers from the Design and Improvement Standards Manual have been requested.

**Site Description:**

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	LDR	Single Family Residential
<b>North</b>	RE-10	LDR	Single Family Residential
<b>South</b>	RE-5	LDR	Single Family Residential
<b>East</b>	RE-5	LDR	Single Family Residential
<b>West</b>	RE-10	LDR	Single Family Residential

The site is located with in a residential area in the Rescue area. The majority of the existing parcels along Sierra Vista Drive are five acres in size. The proposed subdivision would create two five acre parcels which would be consistent with the existing land use pattern in the project area.

**General Plan:** The project would be for 2 lots each 5 acres in size, with a proposed zoning of Residential Five-Acre (RE-5). Therefore, the proposed parcels would conform to the General Plan land use designation of Low-Density Residential (LDR).

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

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

Discussion: The project is located within the Rural Region and would not be served by public water. The project would be served by individual wells.

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

Discussion: The project would not have a public treated water system.

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

Discussion: The project would not have a public waste water treatment system. The project would be served by individual sewage disposal areas.

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

Discussion: The project site is located within the Rescue Union School District and the El Dorado Union High School District. The distance to the closest elementary school, Rescue School is 0.53 miles, in Rescue. The project is within the boundaries of Ponderosa High School which is located in Shingle Springs. Bus service would be provided for students. The affected school districts were contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

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

Discussion: The Rescue Fire Protection District would be responsible for providing fire protection to the subject site. The District was contacted as part of the initial consultation process. As such, the District has reviewed the proposal and indicated that adherence to the applicable building and fire codes, as well as Conditions of Approval development standards, fire safe plan, and construction of road improvements shown on the Tentative Parcel Map, would satisfactorily address all fire related safety issues.

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

Discussion: The project site is located within the Rural Region. The proposed density for the site is consistent and compatible with the region.

7. *Erosion hazard;*

Discussion: The site is located at an elevation between 1354 to 1409 feet above mean sea level. Grading is not proposed at this time. At time of development, a grading and drainage plan would be required in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. The project is conditioned to require review and submittal of an erosion control plan to limit impacts resulting from grading activities and perform revegetation of disturbed soils. The California Regional Water Quality Control Board would require the use of Best Management Practices during construction, including the use of swales and filters to reduce soil runoff and preserve topsoil on the site.

8. *Septic and leach field capability;*

Discussion: The project would be served by individual sewage disposal areas. Soil test trench evaluations were conducted in 2007. The average percolation rate was determined to be 56 minutes per inch. The depth of soil exceeds 8 feet within the proposed sewage disposal areas. There were no indications of shallow groundwater within the proposed sewage disposal areas. The slope within the disposal areas varies from 5 to 15 percent. The soil within the identified disposal areas would be appropriate for wastewater disposal based on the conditions observed in the soil test trenches. The sewage disposal feasibility report has been reviewed and approved by the El Dorado County Department of Environmental Management.

9. *Groundwater capability to support wells;*

Discussion: The project would be served by individual domestic water wells. Ground water recharge at the site occurs from rainfall, and aquifer conditions underlying the site are characterized as a fractured igneous/metamorphic bedrock system. Groundwater flow is considered to be governed by topography, subsurface geologic conditions (rock units/aquifers), and geologic contracts. Water wells would be constructed to intersect fracture zones that provide sufficient quantities of water for domestic/residential supply design needs. There are no known problem areas for water availability at the project site.

10. *Critical flora and fauna habitat areas:*

Discussion: A biological assessment was prepared for the project site. The project site is located within Mitigation Area 1 which are outside of the designated ecological preserves but with soil types capable of sustaining rare or endangered plants. No special status species were found within the project site. In accordance with Section 17.71 of the County Code (Ecological Preserves), payment of the Rare Plant Mitigation in-lieu fee would be required during the building permitting process. There would be a less than significant impact to special status species or natural communities as a result of the project.

11. *Important timber production areas:*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The site is not within an active agricultural area, and there are no current agricultural uses. Thus, the site is not considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project is not within a Mineral Resource Zone and would not impact any important mineral resources.

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

Discussion: The El Dorado County Department of Transportation (DOT) reviewed the project and determined that the project would not exceed the General Plan thresholds requiring a traffic study. DOT has recommended Conditions of Approval, including improvements to existing roadways that would address project impacts to ensure that the transportation system would be adequate to serve the area.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing residential land uses at similar densities. The proposed project would be consistent with existing land use patterns within the immediate project area.

16. *Proximity to perennial water course;*

Discussion: The Biological Study prepared for the project determined that approximately 0.11 acres of intermittent stream bed occurs on the site, which should be avoided and protected by suitable habitat buffers and setbacks where appropriate. Parcel B is developed and would not affect the channel. The proposed driveway to Parcel A has been developed and a culvert has been constructed. In accordance with the General Plan the intermittent stream would be located within a 50-foot setback easement that would be shown on the Parcel Map. Any future development would be outside of the setback.

17. *Important historical/archeological sites;*

Discussion: A Cultural Resource Study was prepared for the site by Historic Resources Associates (October 2007). The report determined that no archeological or cultural resources are located on the project site. Standard Conditions of Approval would be required to be implemented during project construction in the event of accidental discovery of historic or archeological resources.

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

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. Ground rupture associated with earthquake activity on the Foothills Fault System would be possible but considered very unlikely for the subject site. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code. All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone.

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

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area.

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 Rescue Fire Protection District would serve the project. The District has determined that in place of meeting the fire flow requirements and installation of hydrants, the applicant would be able to use a NFPA 13 D home sprinkler system with a water storage tank for all new structures to be built in the future on each parcel. Prior to filing the Parcel Map, a Notice of Restriction would be recorded noting the requirement.

General Plan **Policies 5.2.3.2 and 5.2.3.4** require new private wells to be tested to ensure safe and reliable water supply and that groundwater supply for the project in question be adequate to meet the highest demand associated with the approval in question.

Discussion: Water wells are required to be constructed to the standards specified in "Water Well Standards", State of California, Department of Water Resources, Bulletin 74-81 (and supplements); and must be capable of providing to each connection a minimum of five (5) gallons per minute, either from the well itself or a combination of well and storage, at a minimum of fifteen (15) pounds per square inch pressure. One water well constructed to domestic supply well specifications exists on the property. The depth of well is 200 feet. During December 2002 the well was pump-tested to verify production over a 4-hour period. The reported stabilized water level pumping rate at the end of the 4-hour pumping period was 40 gallons per minute. The static water level was 25 feet. The property owner would be required to demonstrate to the satisfaction of the Environmental Management Department that a safe and reliable water source could be provide to the new parcel prior to filing the Parcel Map.

General Plan **Policy 5.2.3.5** requires that the average residential density not be greater than one dwelling unit per five acres in proposed ground water dependent developments except in areas known to have groundwater supply limitations. In those areas, a minimum parcel size of ten acres or larger may be required.

Discussion: The project is for 5 acre lots. The Environmental Management Department has reviewed the project and has determined that the groundwater supply would be adequate for the development as proposed.

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. The District reviewed the project and determined that the construction of roadways to Fire Safe Regulation standards, and implementation of a fire safe plan would reduce impacts to a less than significant level. The project would be required to provide provisions for water storage and/or fire sprinklers to ensure adequate fire protection infrastructure.

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: The project includes intermittent stream that transects the parcel. In accordance with the General Plan the intermittent stream would have a 50-foot setback easement that would be recorded on the Parcel Map. Any future development would be outside of the required setbacks. The Conditions of Approval would require the identification of the required setback easements on the Parcel Map prior to filing the map (Condition No. 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 0.65 percent of the project site. The El Dorado County Oak Woodland Management Plan requires 0.70 percent retention of existing canopy cover for parcels over one acre having 60-79 percent oak canopy cover. Oak removal is not planned at this time; however if removal were to take place in the future the applicant would be required to comply with General Plan Policy 7.4.4.4 during the grading and building permit development phase, as required by Ordinance 4771 (Oak Woodland Management Plan).

#### **Other Issues:**

Access/Circulation: The project would be accessed via existing roadways within the Rescue Rural Region. Green Valley Road is a County -maintained roadway. Sierra Vista is a non-county maintained road. Sierra Vista Road from Green Valley Road to the project encroachment would be required to be improved consistent with El Dorado County Design and Improvements Standard Manual (DISM) Standard Plan 101C and the 2007 CA Fire Code with a 20-foot wide roadway capable of supporting 75,000 pounds. Although a driveway location has not been identified for Parcel A, the Department of Transportation has indicated concern with the possibility of sight distance at the potential driveway encroachment for Parcel A, and has required a minimum of 550 feet sight distance easement in either direction. The easement would be required to be included on the Parcel Map at time of filing (Condition No. 15).

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 prior to filing the Parcel Map. In addition, the property owner must provide a Parcel Map Guarantee showing proof of access to a State or County Maintained Road.

**Agency and Public Comments:** Appropriate conditions from each reviewing agency are included in Attachment 2. The following agencies provided comments and/or conditions for this project:

- El Dorado County Department of Transportation
- El Dorado County Environmental Management Department
- El Dorado County Air Quality Management District
- El Dorado County Resource Conservation District
- Office of the County Surveyor
- Rescue Fire Protection District

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (see Exhibit F) to assess project-related environmental impacts. Based on the Initial Study, it has been determined that there is no substantial evidence that the proposed project would have a significant effect on the environment. Therefore, a Negative Declaration has been prepared.

**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 \$2060.25 after approval, but prior to filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, which is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2010.25 is forwarded to the State Department of Fish and Game and issued to 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 Parcel Map

Exhibit F.....Environmental Checklist

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Rezone Z09-0010/Parcel Map P09-0014/DeVille Planning Commission/November 18, 2010

#### Planning Services

1. This Zone Change and Parcel Map is based upon and limited to compliance with the project description, the Staff Report Exhibit E (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 change the zoning of the property from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5).

**Tentative Parcel Map:** Tentative Parcel Map to create two parcels, each 5 acres in size, created from Assessor's Parcel Number 070-131-16. The two proposed parcels would be served by private wells and septic facilities. Parcel A is unimproved to be developed in the future and Parcel B shall contain the existing single family residential unit. The project shall utilize Sierra Vista Drive as primary access.

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, 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.
3. **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.

4. **Riparian Setbacks:** The applicant shall delineate a 50-foot setback easement from the Ordinary High Water Mark of the intermittent stream. Planning Services shall verify the inclusion of these setbacks prior to filing the Parcel Map.
5. **Oak Canopy Conservation: Oak Woodland:** Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, as amended.
6. **Development Services Processing Fees:** The applicant shall make the actual and full payment of all Development Services processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
7. **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).

8. **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.

9. **Permit Time Limits:** This Tentative Parcel Map shall expire within 36 months from the date of approval unless a timely extension has been filed.
10. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
11. **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. Monday through Friday, and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays.

## Department of Transportation

### *Project Specific Conditions*

12. **Road Easement:** A 25-foot access and public utility easement shall be provided thru APN 070-131-07 for the access road serving Parcel A.
13. **Access Road:** The applicant shall improve Sierra Vista Road from Green Valley Road to the project encroachment in accordance with the El Dorado County Design and improvements Standard Manual (DISM) 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 parcel map.
14. **Encroachment:** The applicant shall construct the driveway encroachment(s) onto Sierra Vista Way to the provisions of County Design Std **103B-1**. 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.
15. **Sight Distance:** The sight distance from a vehicle stopped at the driveway encroachment for proposed Parcel A, shall be a minimum of 550 feet in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to approval of improvement plans.

16. **Vehicular Access Restriction:** A Vehicular access restriction (VAR) shall be placed along the proposed 40-foot road and public utility easement along the entire on-site portion of Parcel B of this map and through 070-131-07, with the filing of the parcel map. This easement shall be restricted for access use serving Parcel A of this map.

### **DOT STANDARD CONDITIONS**

17. **Easements:** All applicable existing and proposed easements shall be shown on the parcel map and improvement plans.
18. **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 parcel map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
19. **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 parcel map.
20. **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.
21. **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.
22. **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.

23. **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.
24. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the 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 parcel map.
25. **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.
26. **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.
27. **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.

28. **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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the parcel map or the applicant shall obtain an approved improvement agreement with security.

29. **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.
30. **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.

31. **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.
32. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County’s municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with “Attachment 4’ of El Dorado County’s NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004.

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

33. **Off-site Improvements (Security):** Prior to the filing of a parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
34. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant’s expense and within 120 days of filing the Parcel 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 parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of

acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

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

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

35. **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.
36. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

#### **Rescue Fire Protection District**

37. **Fire Safe Plan:** The applicant shall provide a fuel Modification and Wildland Fire Safe Management Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by the Rescue Fire Protection District and and the California Department of Forestry and Fire Protection. A Notice of Restriction shall be filed with the Parcel Map which stipulates that a Wildfire Fire Safe Plan has been prepared and wildfire mitigation measures shall be implemented.
38. **Driveway Widths:** The minimum width for all driveways shall be 12 feet with a vertical clearance of 15 feet. The District shall verify compliance with this requirement prior to issuance of a building permit.
39. **Driving Surface:** Sierra Vista 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 (2007 California Fire Code, Appendix D). The District shall verify compliance with this requirement prior to issuance of a grading permit.
40. **Fire Flow Requirements:** In place of meeting the fire flow requirements and a hydrant, the applicant may use a NFPA 13D home sprinkler system with a water storage tank for all structures built on each parcel. See the El Dorado County Fire Prevention Standard for water

supplies in residential construction, without a purveyor for water storage requirements. Prior to filing the Parcel Map, a Notice of Restriction shall be recorded noting this requirement.

41. **Fire Safe Regulations:** The project shall meet the requirements of the California SRA Fire Safe Regulations, the California Fire Code 2007 Edition for access and water supply. The District shall verify compliance with this requirement prior to issuance of a building permit.

#### **El Dorado County Department of Environmental Health and Air Quality Management District**

42. **Water:** The applicant shall provide a reliable water source for proposed parcel A that meets the requirements of EDC policy #800-02. A shared well system shall be prohibited for proof of water for the creation of new lots. Where feasible, wells supplying water for domestic residential use should be located on the parcel being served. Wells serving residential parcels may be located on other residential parcels or on designated open space lots within the subdivision, provided that such well and pipeline improvements are located within a designated easement appurtenant to the parcel being served by the well. Easements for well and pipeline improvements on servient parcels shall be shown on all Final Maps prior to approval and filing.
43. **Dust Mitigation Plan:** The applicant shall make applications and pay the appropriate fees for a Dust Mitigation Plan. The District shall review and approve the plan prior to commencement of any construction.
44. **District Rules:** The applicant shall comply with all District air quality rules during project construction.

#### **El Dorado County Resource Conservation District**

45. **Erosion Control Plan.** Prior to grading operations, the developer shall contact the District for review of an erosion control plan. The erosion control plan must be approved by the District prior to issuance of a grading permit.

#### **County Surveyor**

46. **Survey Monuments:** All survey monuments shall be set prior to filing the Parcel Map. The project applicant shall ensure verification of set survey monuments prior to filing of the Parcel Map.
47. **Parcel Map Guarantee:** The applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2), prior to filing the Parcel Map.

48. **Conditions of Approval:** Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P09-0013 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor’s and copied to the consultant and the applicant.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Rezone Z09-0010/Parcel Map P09-0014/DeVile Planning Commission/November 18, 2010**

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 and considered 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 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 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation as defined within General Plan Policy 2.2.1.2 because the LDR land use designation permits residential uses on parcel sizes that range from 5.00 to 10.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.2.1.2 (quantity and quality of water), 5.2.3.2 and 5.2.3.4 (safe and reliable water source) 5.2.3.5 (adequate groundwater supply for density of project) 5.7.1.1 (emergency water supply), 7.3.3.4 (setback to water features) and 7.4.4.4 (Preservation of Oak Woodland Habitat). It has been determined that the project is consistent with the General Plan because the project is consistent with the land use density, would not impact water resources, provides adequate access and emergency water supply, complies with lot configuration standards, would provide setbacks to an intermittent stream and would protect oak tree canopy.

### **3.0 ZONING FINDINGS**

#### **3.1 The Zone Change is consistent with the General Plan.**

The Zone Change would amend the parcels zoning from Estate Residential (RE-10) to Estate Residential Five-Acre (RE-5). The Zone Change is consistent with the Low Density Residential (LDR) land use designation. The Zone Change 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 ADMINISTRATIVE FINDINGS**

#### **4.1 Parcel Map**

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

The proposed tentative Parcel Map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the Parcel Map conforms to the Low-Density Residential General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, grading, transportation, fire protection, water supply and wastewater disposal.

##### **4.1.2 The proposed tentative parcel map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.**

As proposed, the tentative parcel map conforms to the development standards within the Estate Residential Five-Acre Residential (RE-5) Zone District and the Minor Land Division Ordinance.

##### **4.1.3 The site is physically suitable for the type of development proposed.**

The project site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids excessive grading and oak tree canopy removal.

##### **4.1.4 The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed Parcel Map is not likely to cause substantial environmental damage as determined in the prepared environmental document.