

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



Agenda of: January 26, 2012
Item No.: 9.b
Staff: Tom Dougherty

REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP

FILE NUMBER: Z11-0007/PD11-0004/TM11-1504/Wilson Estates

APPLICANTS: Ann Wilson, Lisa Vogelsang, Catherine Ryan, and Julie Ryan

AGENT/ENGINEER: CTA Engineering and Surveying

REQUEST: The proposed project consists of the following requests:

1. Rezone the 28.18-acre parcel from One-Acre Residential (R1A) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD);
2. Development Plan for the proposed subdivision allowing a gross density greater than two units per acre and creation of commonly owned open space;
3. Tentative Subdivision Map to create 58 single-family residential lots ranging in size from 8,611 to 24,683 square feet, five open space lots and one public roadway lot; and
4. Design Waiver requests to allow the following:
 - a) Reduce sidewalk widths from 6 feet to 4 feet;
 - b) Reduce residential street right-of-way widths from 50 feet to 40 feet;
 - c) Reduce cul-de-sac row from 60 feet to 50 feet (48.5 feet to back of walk);
 - d) Allow a 10-foot setback for the toe of the exterior slope of the embankment from the property line for detention pond contained within Lot A; and

- e) Allow the access portion for Lots 57 and 58 to exceed 100 feet in length.

LOCATION: North side of Green Valley Road approximately 3,000 feet east of the intersection with Silva Valley Road, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APNs: 126-070-22, -23, -30 (Exhibit B)

ACREAGE: 28.18 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit D-1)

ZONING: One-Acre Residential (R1A) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

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), as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Rezone Z11-0007 based on the Findings in Attachment 2;
4. Conditionally approve Planned Development PD11-0004, approving the Development Plan as the official Development Plan, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2;
5. Approve Tentative Map TM11-1504 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
6. Approve the request for Design Waivers to allow the following:
 - a) Reduction of the sidewalk widths from 6 feet to 4 feet;
 - b) Reduction of the residential street right-of-way widths from 50 feet to 40 feet;
 - c) Reduce cul-de-sac right-of-way from 60 feet to 50 feet (48.5 feet to back of walk);
 - d) Allow a 10-foot setback for the toe of the exterior slope of the embankment from the property line for detention pond contained within Lot A; and
 - e) Allow the access portion for Lots 57 and 58 to exceed 100 feet in length.

BACKGROUND: The 28.18-acre project area is comprised of three parcels. APNs 126-070-22 and -23 were created by PM 11/72, recorded in June of 1976. APN 126-070-30 was created by

Parcel Map 41/38, recorded in October of 1989. The subject application was deemed complete on August 5, 2011.

STAFF ANALYSIS

Project Description:

Rezone: Request to rezone 20.02 acres of the parcel from One-Acre Residential (R1A) to One-Family Residential-Planned Development (R1-PD) and 8.16 acres to Open Space-Planned Development (OS-PD).

Development Plan: Development Plan for the proposed subdivision allowing a gross density greater than two units per acre and the creation of commonly owned open space.

Tentative Subdivision Map: Tentative Subdivision Map to create 58 residential lots ranging in size from 8, 611 to 24,683 sq. ft., five open space lots, and one public roadway lot. The project proposes a density of 2.06 units per acre.

Design Waivers: Five Design Waivers are requested to: a) Reduce sidewalk widths from 6 feet to 4 feet; b) Reduce residential street right-of-way widths from 50 feet to 40 feet; and c) reduce cul-de-sac right-of-way from 60 feet to 50 feet (48.5 feet to back of walk); d) Allow a 10-foot setback for the toe of the exterior slope of the embankment from the property line for detention pond contained within Lot A; and e) Allow the access portion for Lots 57 and 58 to exceed 100 feet in length. Design Waivers are discussed in more detail below in the Project Issues, Design Waiver section.

The project would construct a six-foot tall masonry sound wall within Lots A and E, and a six-foot tall tubular metal fence within Lots A, D, and E, as shown in Exhibits M and N. The project includes a preliminary landscape plan to buffer views of both fences/walls. The project is not proposed to be phased, but the applicant noted on the submitted Tentative Map that they want that option available for the final map (s). The following table is a breakdown of the individual lot gross coverage within the proposed subdivision:

Wilson Estates Tentative Subdivision Map Individual Lot Area Summary			
Residential Lots			
Lot No.	Gross Lot Areas in Square Feet	Lot No.	Gross Lot Areas in Square Feet
1	16,951	30	9,756
2	11,906	31	12,004
3	11,225	32	13,036
4	10,729	33	8,611
5	10,769	34	9,705
6	10,312	35	10,314
7	10,101	36	11,050
8	10,449	37	9,750

9	10,247	38	9,750
10	10,045	39	9,750
11	9,956	40	10,289
12	9,976	41	16,369
13	9,996	42	15,865
14	10,016	43	20,103
15	10,592	44	13,831
16	10,628	45	11,340
17	9,499	46	10,722
18	9,517	47	10,722
19	9,228	48	11,723
20	17,287	49	10,335
21	12,681	50	9,100
22	10,164	51	9,447
23	9,336	52	9,100
24	11,832	53	9,100
25	9,295	54	9,820
26	9,014	55	10,503
27	10,717	56	10,503
28	11,514	57	24,471
29	10,875	58	24,683
Lettered Lots: Open space, roads, landscape, drainage, and retaining walls			
Lot No.	Gross Lot Areas in Square Feet	Lot No.	Gross Lot Areas in Square Feet
A (open space)	220,787	D (landscape lots)	11,726
B (open space)	69,470	E (landscape lots)	13,685
C (open space)	39,748	F (road lot)	28,214

Site Description: The 28.18-acre parcel varies in elevation from 720 to 860 feet above sea level. The highest point is in the northeastern portion of the parcel which slopes moderately from that area to the west. The majority of the parcel is grassland with approximately 22.4 percent of it being oak canopy-the majority of which are single, mature specimens. Dutch Ravine flows intermittently through the eastern portion of the parcel from north to south and exits under Green Valley Road through a culvert. It is bound by existing roads on the north and south sides.

	Zoning	General Plan	Land Use/Improvements
Site	R1A	HDR	Residential/Vacant
North	RE-5	LDR	Residential/Single family residence
South	R1A/PA-20/RE-5	MDR	Residential/Single family residences
East	RE-5	LDR	Residential/Single family residence
West	R1A	MDR	Residential/Single family residences on approximately one-acre parcels, and the 11-acre LD S Church site.

Discussion: Exhibits A and B illustrate that the general area consists of five-acre and larger sized parcels. The parcels adjoining to the north and east of the subject parcels are designated low-density residential. The parcels adjoining to the south (across Green Valley Road), and west are designated medium-density residential which allows one to five-acre parcels.

The parcels to the north and east are zoned Estate Residential Five-Acre (RE-5). The 113.1-acre parcel just to the north of Malcolm Dixon Road from the project parcels, has an approved 19-lot Tentative Subdivision Map (Diamante Estates, Z06-0027, TM06-1421 and S08-0028), approved by the Board of Supervisors on October 27, 2009. One of those lots is two-acres in size and the remaining 18 are greater than five acres in size. At the time of this staff report, that Final Map has not been submitted. Exhibit D-2 shows that the subject project parcels are located within the El Dorado Hills Community Region Planning Concept Area, and that the Diamante Estates project parcel is located within a Rural Region Planning Concept Area.

Project Issues: Discussion items for this project include access and circulation, building envelopes, Design Waiver requests, fire safety, grading and drainage, homeowner's association, noise and proposed sound wall, oak canopy, open space, parks, public transit, schools, wastewater disposal, and water supply.

Access and Circulation: The northern portion of the project would be accessed from two proposed encroachments onto Malcolm Dixon Road, a County-maintained roadway, and from the south from one proposed encroachment onto Green Valley Road, also a County maintained road. One interior roadway with three cul-de-sacs are proposed for the project. The Fire Department determined that parking would be allowed on only one side of the interior roads. One new through road is proposed to connect Malcolm Dixon and Green Valley Roads. DOT determined that this project exceeds General Plan thresholds requiring preparation of a Traffic Study. Traffic Study (WO# 38) was prepared and the mitigation measures have been incorporated into the proposed conditions of approval, included in Attachment 1. The Traffic Study was approved by DOT April 4, 2011.

DOT's recommended conditions incorporate the same Area of Benefit conditions that are being applied to the following approved tentative maps: a) La Canada Tentative Map TM06-1421 (BOS approved 47 lots, 10/27/09); b) Alto LLC Tentative Map TM06-1408 (BOS approved 23 lots, 5/5/09); c) Grande Amis-Chartraw-Malcolm Dixon Road Estates Tentative Map TM05-1401 (BOS approved 8 lots, 6/15/10); and d) Diamante Tentative Map TM06-1421 (BOS approved 19 lots, 10/27/09). At the time of this staff report, no Final Maps have been submitted for any of the approved Tentative Maps. These map locations are shown on the Malcolm Dixon Area Traffic Circulation Plan area map, included as Exhibit K. The DOT recommended condition reads as follows and is included in Attachment 1:

Multi-Project Area of Benefit: DOT provided the following discussion of the existing project-area circulation plan: *Upon the applicant's request, the County will form and implement, at the applicant's expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit X & Y entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant shall prepare and submit for County's approval and adoption a proposed Area of Benefit and supporting Engineers Estimate*

and Report for the purpose of financing and reimbursement of required off-site land acquisitions, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24 and 126-070-22, 23 & 30. The Area of Benefit Engineer's Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of the Final Map. For development projects within the proposed public financing district Area of Benefit, County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. For development projects which may derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan, County shall require participation in the funding and reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of project approval.

Area of Benefit Improvements: The following Area of Benefit Improvements is required of all projects party to the Area of Benefit. This project's proportional share and financial responsibility for these improvements shall be determined by the Engineer's Report. These improvements shall be completed to the satisfaction of DOT prior to filing of the final map.

<i>Table 2</i>			
<i>ROAD NAME</i>		<i>ROAD WIDTH</i>	<i>EXCEPTIONS/NOTES</i>
<i>AREA OF BENEFIT Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20</i>	<i>Std Plan 101B County Maintained System</i>	<i>24ft (50ft R/W) EP to EP</i>	<i>Two 12 foot wide lanes and 3 foot wide shoulder per Exhibit X. 2"AC overlay over existing section. No vertical profile change. 3"AC/8"AB section for pavement extension or as recommended in Soils report.</i>
<i>AREA OF BENEFIT Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51</i>	<i>Std Plan 101B County Maintained System</i>	<i>24ft (50ft R/W) Including slope easements. EP to EP</i>	<i>Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit X. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit X.</i>
<i>AREA OF BENEFIT New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.</i>	<i>Std Plan 101B County Maintained System</i>	<i>24ft (50ft R/W) Including slope easements. EP to EP</i>	<i>Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit X.</i>
<i>AREA OF BENEFIT Off-Site New Connection From STA:10+00 to</i>	<i>Std Plan 101B County Maintained</i>	<i>36ft (60ft R/W) Including slope easements. FC to FC</i>	<i>36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils</i>

STA:15+44	System	<i>report. For design speed see Exhibit X. 36 feet will accommodate two 11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.</i>
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Traffic impacts are discussed in more detail in the project Initial Study-Environmental Checklist, Transportation/Traffic Section XVI. With the inclusion of the Conditions of Approval recommended by DOT, and included in Attachment 1, the direct and cumulative impacts would be anticipated to be reduced to a less than significant level.

Building Envelopes: No building envelopes are proposed as part of the subdivision. The driveway and pads shown on the submitted Tentative Map successfully demonstrate that each lot has been designed to allow the potential for at least one single family development area per lot. It further shows each proposed lot has the ability to meet zoning setbacks per the development standards of the R1 zone district (front: 20 feet; side: 5 feet; rear: 15 feet). The submitted Tentative Subdivision Map and Preliminary Grading Plan (Exhibits F and H-1) demonstrate that each proposed lot, sidewalk system and interior roadway would have an adequate area for a residential structure, interior pedestrian and vehicular circulation, and for supporting infrastructure development.

Design Waiver Requests: Five Design Waivers have been requested to allow variations from the requirements of the El Dorado County Design Improvement Standards Manual (DISM) and Drainage Manual as follows: Design Waiver requests a) to e) would involve project aspects under the purview of DOT, with advisement from the El Dorado Hills Fire Department. The Fire Department has recommended conditions of approval and would be satisfied that with the granting of the following Design Waivers, the project, as conditioned, would adequately address their concerns. Dot’s responses to the requests are as follows, in italics:

- a) Allow a variation of DISM Section Volume II, Section 2.E to reduce sidewalk widths from 6 feet to 4 feet.

Discussion: *DOT is supportive of this Design Waiver.* It is the opinion of Planning that the density of the project, and surrounding residential neighborhoods would not facilitate high volumes of pedestrian traffic where a six-foot wide sidewalk would be preferred.

- b) Allow a variation of DISM Standard Plan 101B for a Class 1 Subdivision for the reduction of the residential street right-of-way widths from 50 feet to 40 feet.

Discussion: *In accordance with DISM Standard 101B for Class 1 Subdivision with ADT less than 350, the road width is 28-feet with a 50-foot ROW. The applicant is planning a 30-foot roadway width. DOT supports the design waivers for reduced ROW width, given that the roads, gutters, curbs, and sidewalks all fit within this right-of-way and they are not anticipated to need widening in the future.*

- c) Allow a variation of DISM Standard Plan 114 to reduce the cul-de-sac right-of-ways from 60 feet to 50 feet radius (48.5 feet to back of walk).

Discussion: *DOT is supportive of this design waiver. The applicant shall provide a Type 1 modified rolled curb and gutter to include 6"X6" x 10 gauge wire mat within the sidewalk of the cul-de-sac with submittal of improvement plans.* It was determined that the requested reduction would allow adequate turn-around capacity. The El Dorado Hills Fire Department had no objections to the reduction.

- d) Allow a variation of Section 5.4 of the Drainage Manual to allow 10-foot setback for the toe of the exterior slope of the embankment from the property line for detention pond contained within Lot A, where a 25-foot setback is required.

Discussion: *DOT is supportive of a 10 foot setback from the property line for the toe of the exterior slope of the embankment for the detention pond contained with Lot A.* The reduction was determined to allow sufficient room for maintenance and would allow sufficient setbacks distances to the adjoining parcel.

Design Waiver request e) would involve project aspects under the purview of Development Services.

- e) Allow a variation from Volume II, Section 12.D for the access portion for Lots 57 and 58 to exceed 100 feet in length (creation of two "flag lots").

Discussion: The project proposes to use a 24-foot wide by approximately 170-foot long access strip for access to Lots 57 and 58, proposed to be located within a 50-foot wide road easement. The slopes at that point range from 10 to 40+ percent therefore, the Hillside Design Standards of the Design Improvement Standards Manual apply. Volume II, Section 12.D allows flag-shaped lots in Planned Developments and states the access portion can be 25-feet wide for one lot but cannot exceed 100 feet in length. A common access drive is permitted by this Section to serve no more than two parcels.

Planning has received confirmation from the Army Corps that the applicant's preliminary development plan to cross over a headwall with an open bottom drain, crossing Dutch Creek as shown on the Tentative Map and in Exhibit H-2, that it can be successfully crossed at the proposed location, and as proposed, would not require a Section 404 Permit from them. The Fire Department and DOT reviewed the proposal and had no issues with the length of the access portion of the flag lots as proposed. Planning is recommending that this Design Waiver be approved as it appears it provides adequate protection, and less environmental intrusion upon the existing intermittent stream than would result from strictly applying the flag-shaped lot standards from the Hillside Design Standards.

Fire Safety: The site is located in the El Dorado Irrigation District (EID) service area. There are existing domestic water delivery facilities on Green Valley Road. The proposed lots would be required to meet the required fire flow needed for fire protection as determined by the El Dorado Hills Fire Department. Pursuant to the Fire Department, these standards would include

the installation of fire hydrants at District determined distances, with the hydrants supplied by a water delivery system capable of maintaining a fire flow of 1,000 gallons per-minute at 20 lbs. pressure for duration of two hours for homes less than 3,600 square feet, and 1,500 gallons per minute at 20 lbs. pressure for two hours for those over 3,600 square feet. In accordance with the El Dorado Irrigation District (EID) Facility Improvement Letter (FIL) dated, May 27, 2011, the existing system can deliver the required fire flow. To deliver the water at that pressure, an extension of the existing facilities would be required as discussed in more detail below in the Project Issues, Water Supply section. The project has been conditioned to meet this requirement prior to filing the final map.

The project has a Fire Safe Plan approved by Cal Fire and the El Dorado Hills Fire Department dated September 2, 2011. In addition, the Fire Department has recommended other conditions of approval for the project to meet Fire Safe standards. The project has been conditioned to meet the requirements of the Department and to require the establishment of a Homeowner's Association having recorded CC&Rs to insure the ongoing adherence to the approved Fire Safe plan in perpetuity.

Grading and Drainage: The proposed project qualifies as mass pad grading pursuant to Section 2.C.1 of the El Dorado County Design Improvement Standards Manual. The project would be required to install interceptor drains to avoid cross-lot drainage issues, to obtain off-site easements when applicable, and to use slope rounding grading techniques to avoid the stair-step effect. Grading and drainage improvements associated with the proposed subdivision appear to be those associated with the required infrastructure improvements, which includes all site development and roadway to access this site. The Preliminary Grading and Drainage Plan is included as Exhibit H. DOT has reviewed the preliminary plan and has recommended conditions of approval for grading and drainage and are included in Attachment 1.

Homeowner's Association: A Homeowner's Association (HOA) would need to be established for the purposes of implementing the Fire Safe Plan, maintenance of any fences, retaining and sound walls, and walls constructed on the subdivision property lines, open space lots, landscaping lots, the shared roads, and all drainage facilities within the subdivision. Covenants, Conditions and Restrictions (CC&Rs) would be reviewed by the County with the filing of the final map to insure they include those provisions. The conditions requiring an HOA with specific CC&Rs for inclusion, are included in Attachment 1.

Noise and Proposed Sound Wall: Noise from Transportation Sources: Table 6-1 of the General Plan provides details for projects subject to maximum allowable noise exposures from a transportation source. Table 5.10-8 of the Draft Environmental Impact Report, May 2003, lists noise level specifications within specific distance contours for the portion of Green Valley Road, from Salmon Falls Road to Deer Valley Road. In order to reduce the outdoor exposure within the area of the proposed residences to noise levels that would meet the 65 dBA levels defined in Table 6.1, a 389.5-foot, non-building setback would be required measured from the centerline of the near-travel lane. To reach the 60dBA level, a setback of 837.1 feet would be required. This setback restriction would include pools as well.

The applicants have submitted an *Environmental Noise Assessment* dated July 21, 2011 which analyzed the noise scenario in the context of the project proposal. That Assessment found that *future Green Valley Road traffic noise levels at the outdoor activity areas (backyards) of the Wilson Estates project site are expected to exceed the exterior El Dorado County traffic noise level standard. As a means of achieving compliance with the exterior standard, 6-foot high noise barriers are recommended at the locations depicted in Figure 1. As a result, Green Valley Road traffic noise exposure at the outdoor activity areas (backyards) would be expected to be less than 60 dB Ldn. Barriers should be constructed of concrete or masonry block, or precast concrete. Wood is not recommended due to eventual warping and shrinking of materials which results in openings and cracks which compromise the barrier longevity. Other prefabricated barriers may be used. However, they should be reviewed by an acoustical consultant.* The recommended location is shown in Figure 1 of the Assessment, included in Exhibit N.

Discussion: The following General Plan Policies apply to mitigating noise impacts from transportation sources upon new residential development. **Policy 6.5.1.3** states that *noise mitigation measures are required to achieve the standards of Tables 6-1 and 6-2, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project and the noise barriers are not incompatible with the surroundings.* **Policy 6.5.1.8** states that *new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels specified in Table 6 1.*

The project parcels are designated for high-density residential uses by the General Plan which would allow a density of one to five dwelling units per acre within an area with existing support infrastructure and utilities available. The project proposes 2.1 residential units per acre, less than the allowable density by 2.9 units per acre. The rectangular shape of the parcels would mean that strict adherence to the noise contour setback discussed above would render approximately 2/3rds of the parcel undevelopable without the recommended six-foot tall masonry sound wall.

Oak Tree Canopy: The project proposes to utilize mass-pad grading for the development areas and therefore, the majority of the existing intermittently-dispersed, single mature oak trees would be removed. The majority of the oak canopy along the existing Dutch Ravine creek would be preserved.

The submitted Oak Canopy Mitigation Worksheet found that the project area has 22.4 percent oak canopy coverage. General Plan Policy 7.4.4.4 would therefore require the retention of 85 percent of the indigenous oak tree canopy for the project area which allows 15 percent to be removed and to be mitigated at a 1 to 1 ratio. The project would remove approximately 154,504 square feet of canopy for road and lot development which is 60.1 percent of the total canopy coverage. Policy 7.4.4.4 currently allows monetary payment options to mitigate that removal. In lieu of the replanting and monitoring requirements set forth in Option A, the applicants have chosen mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan. Upon fulfillment of the

recommended condition of approval for 38,547 square-feet to be paid at a 1 to 1 ratio, and 115,957 square feet to be paid at a 2 to 1 ratio to the County, the project would be compliant with Policy 7.4.4.4.

Open Space: The three project parcels comprise a total of 28.18 acres. Lots A, B, and C are proposed for open space, landscape, drainage, and retaining walls and comprise a total of 7.58 acres. Lots A and E are proposed to contain the sound wall. Lots D and E are proposed frontage landscape lots and comprise a total of 0.58 acre. Currently, all of these types of lots may be considered open space pursuant to Section 17.02.030.D of the Zoning Ordinance. The total acreage of the proposed Lots A through E add up to a total of 8.16 acres which is 29 percent of the 28.18 existing project acres. Residential projects subject of a Planned Development are required by the General Plan to include 30 percent open space.

The agent provided the following comments regarding the requirement that Planned Developments contain a minimum of 30 percent open space: *Our proposal distinguishes between County Roadway Dedications and on-site roadways. Off-site County Roadway Dedication areas are subtracted from the total area to arrive at a Net Area to determine the effective open space relative to the Wilson Estates.*

Off-site Roadway Dedications (not on-site roadways):

<i>New Connection (Area of Benefit)</i>	<i>0.65 Ac</i>	
<i>Malcolm Dixon Roadway dedication</i>	<i>0.66 Ac</i>	
<i><u>Green Valley Road R/W dedication</u></i>	<i><u>0.56 Ac</u></i>	
<i>Total</i>		<i>1.87 Ac</i>

Net Area 28.18 Ac – 1.87 Ac = 26.31 Ac

Proposed Open Space

<i>Open Space</i>	<i>7.58 Ac</i>	
<i><u>Landscape Lots</u></i>	<i><u>0.58 Ac</u></i>	
<i>Total</i>		<i>8.16 Ac</i>

Effective Open Space as a percent of the Net Area = [8.16 Ac / 26.31 Ac]100=31 percent.

If Planning is not wholly in agreement with my narrative, consider that Malcolm Dixon Road has been used by the traveling public since the Pony Express times. Moreover the New connection is being dedicated for the advantage of the entire Area of Benefit, not only Wilson Estates. The Green Valley Roadway dedication is arguable (albeit weak) as being incidental to the project. If you remove the GV roadway dedication from the mix, the Open Space percentage is still over 30 percent (30.4 percent)

Planning has determined that since no road dedications have been accepted or rejected by the County, the New Connection (Area of Benefit), Malcolm Dixon Roadway dedication, and the Green Valley Road R/W dedication areas could not be used for the 30 percent open space calculations. Because current County Code requires the 30 percent, Planning has added a condition of approval requiring the Tentative Subdivision Map be revised to demonstrate that 30

percent of the total project area is designated Open Space. Should the Final Map be submitted in phases, each phase map would need to demonstrate how that 30 percent overall project area open space will be maintained up to and including the last phased Final Map. Planning would review, confirm, and approve said revisions prior to issuance of any grading or encroachment permit, prior to filing the final map.

Lots D and E are proposed as frontage landscape lots. The applicants have prepared a Preliminary Landscape Plan, included with Exhibit M. The ongoing maintenance of those lots would be the responsibility of the future HOA or a Landscape and Lighting Assessment District (LLAD). Planning has added a recommended condition that requires that the final design stay within the established guidelines established by the 'Streetscape Master Plan' published and adopted by the El Dorado Hills Community Services District. Their comments are discussed further below in the agency comments section. Recommended conditions are included in Attachment 1.

The development plan includes the construction OF a six-foot tall masonry sound wall within proposed open space Lots A and E, and a six-foot tall tubular metal fence within Lots A, D, and E, as shown in Exhibits M and N. The landscaping for proposed Lots D and E would be installed as shown on the Preliminary Landscape Plan.

Parks: The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid at the time of the filing of a Final Map to the El Dorado Hills Community Services District area of the County.

Public Transit: The El Dorado County Transit Authority reviewed the proposed subdivision and had no concerns, nor did they recommend any specific conditions of approval.

Schools: The project is located within the Rescue Union School District which oversees the elementary and middle schools, and the El Dorado Union High School District which oversees the high schools. Neither school district responded to the request for comments. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

Wastewater Disposal: Sewer facilities for the project would be provided by the El Dorado Irrigation District (EID). There is an existing sewer facility located at the intersection of Malcolm Dixon and Allegheny Roads. The project proposes to set a connecting line in Malcolm Dixon Road from the project site to an existing manhole located within Uplands Drive. It is not proposed to require crossing the existing bridge located west of Uplands Drive. The EID Facility Improvement Letter (FIL) dated May 27, 2011, states that that sewer line has adequate capacity for the proposed project at this time, with extensions of facilities of adequate size.

Water Supply: Water for the project would be provided by the EID. EID has indicated in the submitted FIL dated May 27, 2011 that they have the ability to serve the project with existing mains as long as the applicant meets Fire Department standards for the development of a looped water system within the proposed development. This system would need to tie into the existing

12-inch water line in Green Valley Road. The FIL makes it clear that is not a commitment to serve, but does address the location and approximate capacity of existing facilities that may be available to serve the proposed project. In terms of water supply, as of January 1, 2009, there were 3,597 equivalent dwelling units (EDUs) available in the El Dorado Hills Water Supply Region. The FIL states that the project, as proposed on the date of the notice, would require 67 additional equivalent dwelling units (EDUs) of water supply. The resulting lots for the current proposal would be required to establish separate domestic water service accounts with EID. The applicant would be responsible for the installation of all improvements to the District's *Water, Sewer and Recycled Water Design and Construction Standards* necessary to provide these services. The improvements required would be determined by a Facility Plan Report of the system provided by the applicants to EID to analyze to see if the proposed system is adequate to supply the domestic water at the correct pressure to satisfy the Fire Department fire flow requirements prior to construction. The purchase of the water meters would be required prior to filing the final map.

General Plan: The General Plan designates the subject site as High-Density Residential (HDR). **Policy 2.2.1.2** states the HDR designation identifies those areas *suitable for intensive single-family residential development at densities from one to five dwelling units per acre*. The project proposes 58 single-family residential lots ranging in size from 8,611 to 24,863 square feet. Those 58 lots for the 28.18 total acres, a density of to 2.1 units per acre which conforms to the General Plan land use designation. The policies and issues that affect this project are discussed below:

Community Region: The subject parcel is located within the El Dorado Hills Community Region. **Policy 2.1.1.2** defines Community Regions as *those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries*.

Discussion: Planning staff has found that the subject proposal does meet the intent of this policy by providing the allowable density within this HDR-designated parcel.

Adequate Roads, Public Utilities, Wildfire Hazards: **Policy 2.1.1.7** directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated*.

Discussion: As discussed above in the *Project Issues, Fire Safety* section, as conditioned and with adherence to an approved Fire Safe Plan, the existing and proposed road and utility improvements would be adequate to serve the proposed subdivision.

Rezone: **Policy 2.2.5.3** requires that the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or

intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	Consistent: As discussed above in the <i>Water</i> section in <i>Project Issues</i> , there is sufficient water available for the project.
2. <i>Availability and capacity of public treated water system.</i>	Consistent: As discussed above in the <i>Water</i> section in <i>Project Issues</i> , the EID has adequate EDUs to serve the proposed project and adjacent facilities for the project to potentially connect to.
3. <i>Availability and capacity of public waste water treatment system.</i>	Consistent: The project would connect to an existing EID public wastewater treatment system and would be required to extend those facilities to handle the increased capacity.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	Consistent: As discussed above in the <i>Schools</i> section in <i>Project Issues</i> , the school districts did not respond with any concerns with the proposed project.
5. <i>Response time from nearest fire station handling structure fires.</i>	Consistent: The El Dorado Hills Fire Department would be responsible for serving the project area. Their closest station is the Lake Hills Station located approximately 1.4 miles to the west. The Fire Department did not respond with any concerns about response time to the project site, but has recommended conditions of approval that would address the fire related safety issues identified by the Fire Department.
6. <i>Distance to nearest Community Region or Rural Center.</i>	Consistent: The project site is located within the El Dorado Hills Community Region. As proposed, the project is a residential project similar in character to other existing high-density residential use subdivisions located within the El Dorado Hills Community Region.
7. <i>Erosion hazard.</i>	Consistent: The project proposes mass-pad grading for site development. Grading for roads and drainage infrastructure would be required to be completed or bonded prior to filing of the final map. This would assure that all existing drainage courses would be adequately protected by the incorporation of appropriate development setbacks with the exception of culverts under proposed roadways. Erosion hazards would be required to be mitigated by strict adherence to Best Management practices required during the grading permit process.
8. <i>Septic and leach field capability.</i>	Consistent: The proposed lots would be served through extensions to existing EID sewer facilities.
9. <i>Groundwater capability to</i>	Consistent: The project will be served by EID public

<i>support wells.</i>	water facilities. No wells are proposed.
10. <i>Critical flora and fauna habitat areas.</i>	<p>Consistent: The County’s General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is located within Rare Plant Mitigation Area 2 which is defined as lands not known to contain special status plant species but within the EID service area. A <i>Jurisdictional Delineation and Special Species Evaluation</i>, dated January 2009, and <i>Special Status Plant Surveys</i>, dated August 2011 were submitted by the applicants which included the results of surveys of the parcel for the special status and locally significant plants and animals, and suitable habitat for the same. It was determined that although the proposed project site contains habitat to support some species of concern, no special-status species were found on the site.</p> <p>Depending on the time of the year development occurs, there could be impacts to nesting raptors or other migratory birds. The project has included a mitigation measure designed to reduce those potential impacts. This is discussed further below in the Policy 7.4.1.5 section.</p>
11. <i>Important timber production areas.</i>	Consistent: The project site does not contain or is adjacent to any important timber production areas.
12. <i>Important agricultural areas.</i>	<p>Consistent: This property and project is not under and would not conflict with an adjacent Williamson Act Contract.</p> <p>The subject parcel is located within the El Dorado Hills Community Region and does not contain, nor is it adjacent to, lands zoned and designated by the General Plan to be preserved for agricultural use.</p>
13. <i>Important mineral resource areas.</i>	Consistent: The project site does not contain or is located adjacent to any important mineral resource areas.
14. <i>Capacity of the transportation system serving the area.</i>	Consistent: DOT reviewed the submitted traffic study and concluded that the recommended Conditions of Approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area.
15. <i>Existing land use pattern.</i>	Consistent: The project site is surrounded by land designated and utilized for medium-density residential uses on two sides and low-density uses on the other two. The proposed rezone would be consistent with the dominant land use pattern as it is proposed with a similar lot density and pattern as other high-density residential developments within the El Dorado Hills Community

	Region Planning Concept Area.
16. <i>Proximity to perennial watercourse.</i>	Consistent: There were no perennial watercourses identified by the submitted Wetland Delineation within the project boundaries. The closest perennial stream as identified on the Clarksville U.S.G.S. Quadrangle is Sweetwater Creek which is located approximately 6,000 feet northeast of the project.
17. <i>Important historical/archeological sites.</i>	Consistent: A <i>Phase I Archeological Study of the Wilson Estates Project, Historic Resource Associates, January 2011</i> was completed for the subject parcel. The study reported there were no significant prehistoric and historic-period cultural resources sites, artifacts, historic buildings, structures or objects found. Because of the possibility in the future that ground disturbances could discover significant cultural resources, Planning has added standard conditions of approval to assure that potential issue is addressed during project development.
18. <i>Seismic hazards and present of active faults.</i>	Consistent: As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be anticipated to be offset by the compliance with the Uniform Building Code earthquake standards.
19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i>	Consistent: The project area is not currently encumbered with CC&Rs.

Land Use Compatibility: **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Discussion: As previously discussed and shown in the *Adjacent Land Use Table* above, the proposed residential project would be consistent with this Policy.

Lighting Impacts: **Policy 2.8.1.1** directs that *development shall limit excess nighttime light and that consideration will be given to design features, namely directional shielding, for street lighting that could reduce effects from nighttime lighting.*

Discussion: No street lighting is proposed with the application requests. If approved as proposed, the creation of these 58 lots would allow new lighting associated with the development of residential units on each lot. These impacts would not be expected to be any more than any typical residential lighting similar and typical to other subdivisions created within a land use area designated by the General Plan for High Density Residential uses within the County. With

exception to potential patio and garage entrance lighting, common area lighting is not proposed for this project. Use of flood lighting, security lighting and spot lighting for porch, patio and garage entrances would be required to meet the County lighting ordinance and must be shielded to avoid potential glare affecting day or nighttime views for those that live or travel through the area.

Public Services and Utilities: **Policy 5.1.2.1** directs that *prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development.*

Discussion: The submitted FIL determined there were adequate water and sewer facilities available to the project. There are adequate telephone, electric, and solid waste disposal services available to the site. Neither the Fire Department nor the El Dorado Hills Community Services District responses included concerns that they do not have adequate capacity to serve the project as proposed. The School Districts and Sheriffs Office did not respond with comments.

Water Supply and Fire Flow: **Policy 5.2.1.2** requires that *the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development.* **Policy 5.7.1.1** directs that *the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.*

Discussion: Water supply and required fire flow were discussed previously above in the *Project Issues, Fire Safety* and *Water Supply* sections. The project is conditioned to meet these policy requirements.

Availability of Water Supply: **Policy 5.2.1.4** directs that *subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.*

Discussion: As discussed above in the *Project Issues, Water Supply* section, public water service would be provided to the project site by EID. EID provided a letter indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with Policy 5.2.1.4 regarding availability of reliable water supply.

Fire Protection Services: **Policy 5.7.1.1** requires that *adequate fire protection services be provided for the proposed development.*

Discussion: As discussed above in the *Project Issues* and *Fire Safety* sections, a Fire Safe Plan dated September 2, 2011 has been approved by both the Fire Department and Cal Fire. This plan, as well as the Fire Department recommended Conditions of Approval require minimum roadway widths, secondary emergency access, and fire hydrant placement ensure adequate fire protection infrastructure. The project is conditioned to meet this Policy requirement.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs that the applicant demonstrate that adequate access exists, or can be provided, to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: With the inclusion of the requirement for the project to comply with an approved Fire Safe Plan, as well as the Fire Department recommended conditions of approval, neither the Fire Department nor Cal Fire would have any outstanding concerns with adequate access for emergencies. As discussed under *Access and Circulation* and *Fire Safety* in the *Project Issues* section, the project would meet the intent of this policy.

Noise Impacts: **Policy 6.5.1.3** directs that *where noise mitigation measures are required to achieve the standards of Tables 6-1 and 6-2, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project and the noise barriers are not incompatible with the surroundings.* **Policy 6.5.1.5** directs that *setbacks shall be the preferred method of noise abatement for residential projects located along U.S. Highway 50. Noise walls shall be discouraged within the foreground viewshed of U.S. Highway 50 and shall be discouraged in favor of less intrusive noise mitigation (e.g., landscaped berms, setbacks) along other high volume roadways.* **Policy 6.5.1.8** directs that *new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels specified in Table 6 1.*

Consistent: As discussed above in the Project Issues, Noise from Transportation Sources section, a six-foot tall masonry sound wall would be constructed on the south side of the lots along Green Valley Road as shown in Exhibits M and N to meet the intent of this policy, and mitigate noise impacts.

Wetlands/Intermittent Streams: **Policy 7.3.3.4** directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands.

Discussion: Jurisdictional Delineation and Special Species Evaluation, dated January 2009 prepared for the project identified one 0.0748-acre seasonal wetland (Dutch Ravine) potentially subject to Clean Water Act jurisdiction. The applicants have located this wetland on the submitted Tentative Subdivision Map at the location identified in Figure 4 of the submitted study and avoids impacts to it with a proposed permanent 50-foot non-building setback on each side of the stream, as measured from the Ordinary High Water Mark. The project proposes to cross the stream over a headwall with an open bottom drain, to proposed Lots 57 and 58 with a 24-foot road surface within a 50-foot wide easement. The U.S. Army Corps has verified the wetlands on the site, and has evaluated the applicant-submitted engineering plan for that crossing. They have confirmed with Planning Services that no permit from them subject of Section 404 would be required. The County has not received confirmation from Fish and Game, or the California Water Quality Control Board, as to whether or not the project would be subject of their 1602 and 401 Permits respectively therefore, mitigation measures have been included to insure that the

applicants rule that out with them. Implementing a 50-foot buffer on each side of the drainage and proposed development is expected to protect riparian habitat values and quality of the drainage. Implementation of Mitigation Measures (Conditions 3 to 5) would be anticipated to mitigate the impacts to wetlands and the project would then be compliant with this Policy.

Rare, Threatened and Endangered Species: **Policy 7.4.1.5** directs that *all discretionary projects should be designed to protect special status plant and animal species and their habitat.*

Discussion: A *Jurisdictional Delineation and Special Species Evaluation*, dated January 2009, and *Special Status Plant Surveys*, dated August 2011 were submitted for the project that included the results of a survey of the parcel for the special status and locally significant plants and animals, as well as for suitable habitat for the same. No special-status species were found on the site and it was determined that there is no habitat on the project site to support the special status plants that could potentially be present.

The project could have an impact on nesting raptors or other protected migratory birds by the tree canopy removal anticipated for the project. Depending on the timing of construction, site disturbance could result in disturbance of breeding and nesting activity of this species. According to the California Department of Fish and Game Code 3503, “take” of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Game. That disturbance of active nests can be avoided during construction through appropriate measures. Those measures have been included in recommended Mitigation Measure 2 included in Attachment 1.

Oak Tree Canopy: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: The discussion about potential impacts to existing oak tree canopy is discussed above in the Project Issues, Oak Tree Canopy section.

Conclusion: The project has been reviewed in accordance with the General Plan policies and it has been determined that the project, as conditioned and mitigated, would be consistent with all applicable policies of the General Plan.

Zoning: The subject site is currently zoned One-Acre Residential (R1A). With the approved rezone, the project area would be zoned R1-PD (Lots 1-58) and OS-PD (the open space Lots A-E). The 58 proposed single-family residential lots ranging in size from 8,611 to 24,683 square feet would conform to existing zoning and the development standards in Section 17.28.040 for minimum lot width of 60 feet, minimum parcel size of 6,000 square feet, building setback requirements of 20 feet in the front yards, 5 feet for the side yards, and 15 feet for the rear yards, with the exception of Lots 57 and 58. Those lots are subject of Design Waiver e, discussed above, to allow them to be “flag lots.” Each lot has been shown to have the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

Development Plan: The use of a Development Plan can allow for warranted adjustments to the development standards of the Zoning Ordinance but not the DISM. General Plan Policy 2.2.5.4 requires that all development applications which have the potential to create 50 parcels or more shall require the application of the Planned Development combining zone district. The submittal of a development plan normally includes review of the site plan, building elevations, access, signage, landscaping, and other issues which may impact the site and the neighborhood. In this case the Development Plan is the same as the Tentative Subdivision Map in Exhibit F. This Development Plan includes the use of mass pad grading to cluster infrastructure improvements and residential density, proposed to minimize impacts to the natural features of the 28.18 acres and to allow 30 percent open space within a parcel planned for high-density development. The project would incorporate sidewalks that would promote pedestrian, non-motorized travel. Lot access and shape are regulated within the DISM. As discussed above in the Project Issues, Design Waivers section, the request to allow the lot access to Lots 57 and 58 to exceed 100 feet would reduce potential impacts to the intermittent stream.

Conclusion: As discussed above, with an approved rezone, and as conditioned for the Final Map to show 30 percent open space, the project conforms to the Zoning Code. Staff finds that the necessary findings can be made to support the rezone, Development Plan and Tentative Map request. The details of those Findings are contained in Attachment 2.

Agency and Public Comments: The following agency and public group/committee were provided project details for review for comments and/or concerns:

El Dorado Hills Area Planning Advisory Committee (EDHAPAC): The EDHAPAC reviewed the project at their Wednesday August 10, 2011 meeting and responded that they had voted unanimously to support the project with the following conditions:

- a) Road reduction by only ten feet; and
- b) All setbacks to remain as per County standards; and
- c) Greenspace to be fully landscaped to minimize choppy appearance of walls.

Discussion: The interior roads for the 56 smaller lots are conditioned to have a 30-foot wide surface, and the access road to Lots 57 and 58 have a proposed 24-foot wide surface. DOT and the Fire Department have determined they are both of adequate widths for efficient vehicular circulation. The applicant has not requested setbacks less than County standards. The applicant has included a landscape plan, included in Attachment 1 that proposes to buffer the sound wall from outside views from Green Valley Road.

El Dorado Hills Community Service District (“District”): *The District has purview over parks, recreation facilities and programs, street lighting, cable television, solid waste management, CC&R's and design review, under grounding utilities, Landscaping and Lighting Assessment District creation and administration, bicycle and pedestrian trails, and open space management. In addition to the above, the District comments on community issues including traffic circulation, lighting, and noise impacts from new development.* The District submitted advisory comments and conditions to be considered during the development of this project. The applicable conditions have been included in Attachment 1. The project is conditioned for park

in-lieu fees to be paid prior to filing the final map, and park impact fees are paid at the building permit stage. The District's August 17, 2011 letter is included as Exhibit Q.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Negative Declaration/Mitigated Negative Declaration and Initial Study) to determine if the project may have 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 in the areas of impacts to aesthetics, biological resources, and noise. Staff has determined that significant effects of the project on the environment have been mitigated; therefore, 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.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C-1	Parcel Map PM41-38
Exhibit C-2	Parcel Map PM11-72
Exhibit D-1	General Land Use Designations Map
Exhibit D-2	El Dorado Hills Community Region Map
Exhibit E	Zoning Designations Map
Exhibit F	Tentative Map, September 2011
Exhibit G	Tentative Map Photo Exhibit
Exhibit H-1	Preliminary Grading and Drainage Plan, September 2011
Exhibit H-2	Common Access Drive Plan, (access to Lots 57 and 58), September 2011
Exhibit I	Preliminary Onsite/Offsite Sewer Exhibit
Exhibit J	Green Valley Connector Exhibit Y, October 2008
Exhibit K	Malcolm Dixon Area Traffic Circulation Plan Exhibit X, October 2008
Exhibit L	Tree Preservation Plan Map, June 2011
Exhibit M	Noise Barrier/Masonry Fence Exhibit, August 2010, and Preliminary Landscape Plan, December 15, 2011 (two pages).
Exhibit N	Figure 1, Proposed Site Plan and Traffic Noise Calibration Locations, July 21, 2011
Exhibit O	Rezone Exhibit Map
Exhibit P	Slope Map, June 2011
Exhibit Q	El Dorado Hills Community Service District Letter August 17, 2011 (four pages)
Exhibits R-1 to R-4	Site Visit Photos
Exhibit S	Aerial Photo of Project Site
Exhibit T	Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Rezone Z11-0007/Planned Development PD11-0004/Tentative Map TM11-1504/Wilson Estates
Planning Commission/January 26, 2012**

1. This Rezone, Development Plan, and Tentative Subdivision Map is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following Exhibits:

Exhibit F.....	Tentative Map, dated September 2011
Exhibit G.....	Tentative Map Photo Exhibit
Exhibit H-1.....	Preliminary Grading and Drainage Plan, dated September 2011
Exhibit H-2.....	Common Access Drive Plan, (access to Lots 57 and 58), dated September 2011
Exhibit I.....	Preliminary Onsite/Offsite Sewer Exhibit
Exhibit J.....	Green Valley Connector Exhibit Y, dated October 2008
Exhibit K.....	Malcolm Dixon Area Traffic Circulation Plan Exhibit X, dated October 2008
Exhibit L.....	Tree Preservation Plan Map, dated June 2011
Exhibit M.....	Noise Barrier/Masonry Fence Exhibit, dated August 2010 and Preliminary Landscape Plan dated December 15, 2011 (two pages).
Exhibit N.....	Figure 1, Proposed Site Plan and Traffic Noise Calibration Locations, dated July 21, 2011
Exhibit O.....	Rezone Exhibit Map

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 approval shall include the following and applies to the parcels currently identified by Assessor's Parcel Numbers 126-070-22, -23, -30:

- a) Rezone 20.02 acres of the parcel from One-Acre Residential (R1A) to One-Family Residential-Planned Development (R1-PD) and 8.16 acres to Open Space-Planned Development (OS-PD); and
- b) Tentative Subdivision Map and Development Plan to create 58 single-family residential lots ranging in size from 8,611 to 24,683 square feet, five open space lots (A to E), and one public roadway lot (Lot F); and

- c) a) Reduce sidewalk widths from 6 feet to 4 feet; b) Reduce residential street right-of-way widths from 50 feet to 40 feet; and c) Reduce cul-de-sac right-of-way from 60 feet to 50 feet (48.5 feet to back of walk); d) Allow a 10-foot setback for the toe of the exterior slope of the embankment from the property line for detention pond contained within Lot A; and e) Allow the access portion for flag lots 57 and 58 to exceed 100 feet in length, but not more than 170 feet, and shall not serve more than two lots.

The project shall construct a six-foot tall masonry sound wall within Lots A and E, and a six-foot tall tubular metal fence within Lots A, D, and E, as shown in Exhibits M and N. All lots will be served by public water and sewer. A phasing plan does not accompany this approval. The following table is a breakdown of the interior of the subdivision and the approved lots:

Wilson Estates Tentative Subdivision Map Individual Lot Area Summary			
Residential Lots			
Lot No.	Gross Lot Areas in Square Feet	Lot No.	Gross Lot Areas in Square Feet
1	16,951	30	9,756
2	11,906	31	12,004
3	11,225	32	13,036
4	10,729	33	8,611
5	10,769	34	9,705
6	10,312	35	10,314
7	10,101	36	11,050
8	10,449	37	9,750
9	10,247	38	9,750
10	10,045	39	9,750
11	9,956	40	10,289
12	9,976	41	16,369
13	9,996	42	15,865
14	10,016	43	20,103
15	10,592	44	13,831
16	10,628	45	11,340
17	9,499	46	10,722
18	9,517	47	10,722
19	9,228	48	11,723
20	17,287	49	10,335
21	12,681	50	9,100
22	10,164	51	9,447
23	9,336	52	9,100
24	11,832	53	9,100

25	9,295	54	9,820
26	9,014	55	10,503
27	10,717	56	10,503
28	11,514	57	24,471
29	10,875	58	24,683
Lettered Lots: Open space, roads, landscape, drainage, and retaining walls			
Lot No.	Gross Lot Areas in Square Feet	Lot No.	Gross Lot Areas in Square Feet
A (open space)	220,787	D (landscape lots)	11,726
B (open space)	69,470	E (landscape lots)	13,685
C (open space)	39,748	F (road lot)	28,214

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

Conditions from the Mitigated Negative Declaration

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

2. **Aesthetics-1: Landscaping for the Sound Wall and Tubular Metal Fence:** Landscaping shall be provided along the perimeter six-foot tall masonry sound wall within Lots A and E, and a six-foot tall tubular metal fence within Lots A, D, and E, as shown in Exhibits M and N as shown in Exhibit M, Noise Barrier/Masonry Fence Exhibit, dated August 2010 and Preliminary Landscape Plan dated December 15, 2011 (two pages), and Exhibit N.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The final landscape plan shall be submitted to Planning Services for review and approval prior to issuance of the Building Permit for the sound wall. The applicant shall schedule a site visit with Planning for an inspection of the installed landscaping prior to permit final.

3. **BIO-1: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between

March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading and improvement plans and final maps filed. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

4. **BIO-2: Streambed Alteration Agreement:** A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from the California Department of Fish and Game, if applicable, for the stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures shall be developed in coordination with CDFG in the context of the agreement process. Authorization prior to placement of any fill is required from the U.S. Army Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat that were not disclosed during the project review. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Development Services prior to issuance of the grading permit. If it has been determined by Fish and Game that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with verification from Fish and Game that no agreement is needed for the project, prior to issuance of a building and/or grading permit for the project area.

5. **BIO-3: No Disturbance Buffer:** A 50-foot setback line shall be shown on the Final Map that begins at all high-water marks or the outer boundary of any adjacent wetlands identified in the area identified in the submitted Jurisdictional Delineation, dated January 2009, and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. The identification shall be made on the Final Map, Site Plan Review, grading and building plans where applicable.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Prior to filing of the Final Map, Site Plan Review (SPR), grading and/or building plan approval, Development Services shall verify that the identification has been made on the Final Map, Site Plan Review, grading and building plans where applicable. The setback lines shall be shown on any submitted development plans submitted for the grading permit and Development Services shall verify this prior to issuance of any development permit.

6. **BIO-4: Water Quality Certification:** A Water Quality Certification, Section 401 permit, if applicable, shall be obtained by the applicant from the California Regional Water Quality Control Board for applicable project improvements. Appropriate mitigation measures shall be developed in coordination with in the context of the agreement process.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the Section 401 permit to Development Services prior to issuance of the grading permit. If it has been determined by the California Regional Water Quality Control Board that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with confirmation from them of that determination prior to issuance of a building and/or grading permit for the project area.

El Dorado County Planning Services

7. **Open Space:** The Tentative Subdivision Map shall be revised to demonstrate that 30 percent of the total project area is designated Open Space. Should the final map be submitted in phases, each phase map shall demonstrate how that 30 percent overall project area open space will be maintained up to and including the last phased final map, should the applicant submit the final map in more than one phase. Planning shall review, confirm and approve said revisions prior to issuance of any grading or encroachment permit, and prior to filing a Final Map.
8. **Oak Woodland:** The applicant shall pay the full mitigation in-lieu fee for all oak canopy removed as part of the mass-pad grading for the road and infrastructure improvements. Of the 154,504 square-feet of oak canopy project to be removed (60.1 percent of the existing project area indigenous oak tree canopy), 38,547 square-feet shall be paid at a 1 to 1 ratio, and 115,957 square feet shall be paid at a 2 to 1 ratio to the County, as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Development Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.
9. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be

requested prior to expiration of the map. The required application fees shall be paid to process the time extension.

10. **Compliance with Conditions:** At the same time of a filing of a Final Map, and at submittal of any grading 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 that applies at each said stage. Planning Services shall verify compliance prior to issuance of the road improvement grading permit and concurrent with the filing of a Final Map.
11. **Processing Fees:** Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
12. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
13. **Grading Permit:** Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Development Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
14. **Water Meter Award Letter:** A water meter award letter from El Dorado Irrigation District or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the lots created, shall be submitted to Development Services at the time of Final Map filing.
15. **Park In-lieu Fees:** Pursuant to Section 16.12.090, the project is responsible for parkland dedication which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado Hills Community Services District, and shall submit the receipt to El Dorado County Development Services with the Final Map.
16. **Liens for Assessment or Bonds:** Prior to filing the Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

17. **Archeological Resources:** If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

18. **HOA and CC&RS:** A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:

- a) The HOA shall be fully responsible for the ongoing maintenance and monitoring of the shared private road easement area, as well as Open Space Lots A-E, that are entirely within the subdivision boundary as shown on TM11-1504, Exhibit F, as well as the associated drainage facilities, and fire safety management of those areas in accordance with the approved Fire Safe Plan dated September 2, 2011. The landscaping for Lots D & E shall be designed and installed to comply with the guidelines established by the 'Streetscape Master Plan' published and adopted by the El Dorado Hills Community Services District. The ongoing maintenance and monitoring Lots D & E may become the responsibility of a future Landscaping and Lighting Assessment District, if one is established. The ownership deeds to the Open Space Lots A-E shall be held by the HOA and shall remain commonly-held open space for their mutual use, not to be utilized for residential uses.
- b) The HOA shall be fully responsible for the ongoing maintenance of any fences and walls constructed on the subdivision's perimeter property lines, as well as the six-foot tall masonry sound wall within Lots A and E, and the six-foot tall tubular metal fence within Lots A, D, and E, shown in Exhibits M and N.
- c) No construction or grading of any kind shall occur within the non-building setback areas shown on the Final Map 50-feet on both sides of Dutch Ravine, with the exception of required access road improvements over a headwall with an open bottom drain crossing as shown in Exhibit H-2, to Lots 57 and 58.

- d) The following items shall be included in the final CC&Rs, as recommended by the El Dorado Hills Community Services District (District):
- 1) The District shall be provided a copy of any landscape and streetscape designs for the HOA projects, for District records;
 - 2) The applicant and HOA shall review the current version of the Streetscape Master Plan to become familiar with the District's objectives regarding Streetscapes i.e. landscape material, wall and/or fence material, irrigation components, sidewalk connectivity.
 - 3) No interruption of bike trails is allowed. Bike trails should be linked with existing bike trails in the vicinity.
 - 4) All trails that may be adjacent to property should be connected. No interruption of trail system is allowed.
 - 5) All efforts should be made to preserve any existing Oak Trees. In the event that Oak Trees are removed, the standard Oak Tree Mitigation guidelines should be followed.
 - 6) Streetlights should be limited to all major intersections for safety purposes; however, they should be shielded so that the night skies can be preserved.
 - 7) Guidelines for construction, landscape, and entry lighting to be implemented include:
 - a. Light beams shall not trespass adjacent areas.
 - b. Lighting shall not be angled to create glare for passing traffic.
 - c. Lighting fixtures shall be hidden from view through plantings.
 - 8) Each residence will have its own cable television hookup service available which must be provided by current cable television franchisor.
 - 9) Trenching shall be provided for cable lines; Electrical and cable shall be undergrounded and in common trenches.
 - 10) The District requires mandatory waste management services for each new residence, including recycling services. Waste management services are required to be provided by current waste collection provider.
 - 11) In consideration of the mandatory waste management service required by the District, each residential lot shall be developed with accommodations to store a minimum of three waste and recycle material containers provided by the current waste management contractor. These containers shall be in an area not visible from the street.
 - 12) All construction debris resulting from any new construction shall be disposed of in a manner consistent with the solid waste diversion plan practiced by District and as mandated by AB939, and in compliance with El Dorado County Code and Demolition Debris Recycling Ordinance, Section I, Chapter 8.43 of Title 8 of the El Dorado County Ordinance Code.
- e) Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval. The CC&Rs shall contain language that restricts any future modifications by the HOA of County required provisions without prior County approval.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Development Services for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

19. **School Fees:** Applicable school fees shall be paid at the time of issuance of building permits for individual lots.

20. **Off-site Acquisition:** Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map, the subdivider shall submit to the Development Services Director for approval:
 - a) A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
 - b) Improvement plans prepared by a civil engineer of the required off-site improvements.
 - c) An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the parcel map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

21. **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.

El Dorado County Department of Transportation

22. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map: (the requirements outlined in Table 1 are minimums).

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS/ NOTES
Road "A" Road "B" Court "A" Court "B" Court "C" (onsite)	Std Plan 101B	30 ft	40 ft	Two 12 foot wide lanes, Type 1 curb, gutter and type 1 modified sidewalk. 25 MPH Design Speed.
Driveway connection for Lots 57 & 58	Std Plan 103B-1 Std Plan 101B	24 ft	50 ft	No Curb, gutter or sidewalk

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

** Non-exclusive road and public utility easements included.

23. **Multi-Project Area of Benefit:** Upon the applicant's request, the County will form and implement, at the applicant's expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit X & Y entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant shall prepare and submit for County's approval and adoption a proposed Area of Benefit and supporting Engineers Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisitions, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24 and 126-070-22, 23 & 30. The Area of Benefit Engineer's Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of the Final Map. For development projects within the proposed public financing district Area of Benefit, County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. For development projects which may derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan, County shall require participation in the funding and reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of project approval.

24. **Area of Benefit Improvements:** The following Area of Benefit Improvements is required of all projects party to the Area of Benefit. This project's proportional share and financial responsibility for these improvements shall be determined by the Engineer's Report. These improvements shall be completed to the satisfaction of DOT prior to filing of the final map.

Table 2			
ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
AREA OF BENEFIT Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20	Std Plan 101B County Maintained System	24ft (50ft R/W) EP to EP	Two 12 foot wide lanes and 3 foot wide shoulder per Exhibit K. 2"AC overlay over existing section. No vertical profile change. 3"AC/8"AB section for pavement extension or as recommended in Soils report.
AREA OF BENEFIT Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit K. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit K.
AREA OF BENEFIT New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit K. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit K.
AREA OF BENEFIT Off-Site New Connection From STA:10+00 to STA:15+44	Std Plan 101B County Maintained System	36ft (60ft R/W) Including slope easements. FC to FC	36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit K. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit K. 36 feet will accommodate two 11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.

25. **Offer of Dedication, Interior Roads:** Developer shall irrevocably offer to dedicate in fee, a 40 foot wide road and public utilities easement as determined by DOT, and for all other onsite roadways, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be rejected by the County.
26. **Offer of Dedication, Connector Road between Malcolm Dixon Road and Green Valley Road:** The applicant shall irrevocably offer to dedicate, in fee, 60 feet of right of way for the on-site portion of the New Connector Road, prior to filing the map. This offer will be accepted by the County.
27. **Offer of Dedication, Malcolm Dixon Road:** The applicant shall irrevocably offer to dedicate, in fee, 30 feet of right-of-way for the on-site portion of Malcolm Dixon Road

along the entire property frontage, prior to filing the map. This offer will be accepted by the County.

28. **Offer of Dedication, Green Valley Road:** The applicant shall irrevocably offer to dedicate, in fee, the necessary right-of-way to measure 50 feet from the center line north for the on-site portion of Green Valley Road along the entire property frontage as shown on the tentative map, prior to filing the map. This offer will be accepted by the County.
29. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachments from the access roadway onto Malcolm-Dixon Road to the provisions of County Design Std 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
30. **Turnaround:** The applicant shall provide a Type 1 modified rolled curb and gutter to include 6"X6" 10-gauge wire mat within the sidewalk with submittal of improvement plans. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
31. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
32. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
33. **Performance Bond:** The construction of all required improvements shall be completed with the presentation of the final map to the Development Services Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmens surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
34. **Subdivision Improvement Agreement & Security:** The developer shall enter into a Subdivision Improvement Agreement (SIA) 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 SIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the final map.

DOT Standard Conditions

35. **Improvement Plans and Cost Estimate:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
36. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
37. **Road & Public Utility Easements:** The applicant shall provide a 40 foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the map. Slope easements shall be included as necessary.
38. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or “not a county maintained road” road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
39. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
40. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
41. **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.
42. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.

43. **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.
44. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
45. **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.
46. **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.
47. **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.

48. **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 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 final map or the applicant shall obtain an approved improvement agreement with security.

49. **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.
50. **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.

51. **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.
52. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
53. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant’s expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
- a) A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b) Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c) An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the 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.

54. **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.
55. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Air Quality Management District

56. The cumulative air quality impact must be addressed for the project requires a change in the existing land use designation (i.e. general plan amendment, rezone), and projected emissions (ROG, NOx, CO, PM10 or Greenhouse gases) are greater than the emissions anticipated for the site if developed under the existing land use designation (El Dorado County APCD – CEQA Guide First Edition – February 2002, Chapter 3, subsection 3.3.6 Significance Criteria for Determining Cumulative Impacts, Chapter 3, page 7).
57. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is not located within the Asbestos Review Area (copy enclosed). AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
58. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
59. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
60. The project construction will involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
61. The AQMD's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

- a) Use low-emission on-site mobile construction equipment.
 - b) Maintain equipment in tune per manufacturer specifications.
 - c) Retard diesel engine injection timing by two to four degrees.
 - d) Use electricity from power poles rather than temporary gasoline or diesel generators.
 - e) Use reformulated low-emission diesel fuel.
 - f) Use catalytic converters on gasoline-powered equipment.
 - g) Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
 - h) Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - i) Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - j) Configure construction parking to minimize traffic interference.
 - k) Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
62. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
63. All portable equipment (non-mobile) with a 50 horse power or greater engine to be utilized on the project shall be permitted by the California Air Resources Board. Copy of the current portable equipment permit shall be with said equipment.

El Dorado Hills Fire Department

64. A secondary means of egress shall be provided prior to any construction or be phased per State Fire safe regulations.
65. The potable water system with the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,000 gpm with a minimum residual pressure of 20 psi for a two-hour duration. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
66. This development shall install Mueller Dry Barrel fire hydrants. This conforms to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet. The exact location of each hydrant shall be determined by the Fire Department.

67. In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
68. Pursuant to Section D103.6.2 of the Fire Code (Roads from 30 to 35 feet in width), fire apparatus access roads, 30 to 35 feet wide, shall be posted on one side as No Parking, Fire Lane, with parking allowed only on the opposite side of the roadway. The signage shall be approved by the Fire Department prior to installation. The applicant shall install the signage along Road "A," Road "B," Court "A," Court "B," and Court "C," prior to the filing of a final map.
69. All cul-de-sacs shall meet Fire Department standards.
70. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
71. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard B-003.
72. Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002.
73. All driveways shall conform to the El Dorado County Land Development Manual and the State Fire Safe Regulations.
74. Driveways shall be 12 foot wide. The maximum grade of a driveway shall not exceed 20 percent when paved, 16 percent if unpaved.
75. A Notice of Restriction (NOR) shall be filed with the final map which stipulates that the Fire District and Cal Fire approved Wildland Fire Safe Plan wildfire mitigation measures, prepared by William Draper dated April September 2, 2011 shall be implemented. The NOR shall be submitted to El Dorado Hills Fire Department for review, and subsequent approval, prior to final map filing.
76. Lots that back up to wildland open space shall be required to use non-combustible type fencing.

El Dorado County Surveyor

77. All survey monuments must be set prior to filing the final map or the developer shall show proof of surety, for work to be done, by bond or cash deposit. Verification of the survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office prior to filing the final map.

78. The roads serving the development shall be named by submitting a completed Road Name Petition, with the County Surveyors Office, prior to filing the final map with the Board of Supervisors. Proof of any signage required by the Surveyor's Office must also be provided prior to filing the final map.

ATTACHMENT 2

FINDINGS

**Rezone Z11-0007/Planned Development PD11-0004/Tentative Map TM11-1504/Wilson
Estates
Planning Commission/January 26, 2012**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. The project proposes 58 single-family residential lots for 28.18 acres, 2.1 units per acre, which conform to the General Plan land use designation.

2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of Policy 2.1.1.2 (Community Region definition), 2.2.1.2 (HDR definition), 2.1.1.7 (adequate roads, utilities and addressing fire hazards), 2.2.5.3 (rezone criteria), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 6.5.1.3, 6.5.1.5 (noise), 7.3.3.4 (impacts to wetlands), 7.4.1.5 (rare, threatened, endangered species), and 7.4.4.4 (impacts to oak canopy). Because of the review for General Plan consistency, and as conditioned and mitigated, less than significant impacts to water, biological, archeological and historical features, visual qualities, traffic, services, public facilities, public utilities, and on existing emergency response capabilities will occur. The project can be found to be compatible with the local community. It has been reviewed and conditioned by the El Dorado Hills Fire Department, Department of Transportation, the County Surveyor, and the El Dorado Irrigation District noting there are adequate available utilities such as water, power and solid waste facilities. As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards, with an approved rezone to R1-PD, the 58 lots conform to zoning and the development standards in Section 17.28.040 for minimum lot width of 60 feet, minimum parcel size of 6,000 square feet, building setback requirements of 20 feet in the front yards, 5 feet for the side yards, and 15 feet for the rear yards, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development Findings

4.1.1 *That the planned development request is consistent with the General Plan.* The overlay PD zone for the project is consistent with the High Density Residential (HDR) land use designation in terms of use, development concept, and density.

4.1.2 *That the proposed development is so designed to provide a desirable environment within its own boundaries.* The project has been designed utilizing current engineering techniques that would adequately accommodate the proposed clustered residential development, preserve open space areas, and minimize impacts to the existing Dutch Ravine where it passes through the project.

4.1.3 *That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The project includes Design Waiver requests from the Design and Improvement Standards Manual, but is not seeking variations from the Zoning Code.

- 4.1.4 *That the site is physically suited for the proposed uses.* The clustered development has been designed to utilize the developable areas to the greatest extent possible.
- 4.1.5 *That adequate services are available for the proposed uses, including but not limited to water supply, sewage disposal, roads, and utilities.* The project would be required to improve and extend public water and sewer services which currently exist in the immediate area. As conditioned, the required road improvements shall be constructed consistent with County Design and Improvement Standards Manual. Subsequent permits review and approval would be required prior to any start of construction.
- 4.1.6 *That the proposed uses do not significantly detract from the natural land and scenic values of the site.* The residential development would blend with the existing and future residential uses in the immediate area. The planned residential development would include a preserved open space area that contains the Dutch Ravine riparian and indigenous oak tree corridor.

4.2 Tentative Subdivision Map Findings

- 4.2.1 *The proposed Tentative Subdivision Map, including design and improvements, is consistent with the General Plan policies and land use map.* As proposed, and modified by the Mitigations and Conditions of Approval, the map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, noise, and mitigation for indigenous oak tree canopy, threatened species, and wetland impacts.
- 4.2.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 2.1 units per acre.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* Potential environmental impacts for the subdivision have been minimized by the lot designs and 8,611 plus square foot sizes. The loss of indigenous oak tree canopy will be mitigated by in-lieu fee requirements, the wetlands will be mitigated for minimal impacts by a permanent setback line, and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* The project has been conditioned to comply with El Dorado County Department of Transportation and El Dorado Hills Fire Department requirements to assure adequate access.
- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado Hills Fire Department reviewed the proposed Tentative Subdivision Map and conditioned the

map for adherence to Fire Safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

5.0 DESIGN WAIVER APPROVAL FINDINGS

- 5.1 *Allow sidewalks to be reduced to from six feet to four feet wide.* The support for the design waiver is based on the following findings:
- 5.1.1 *It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because DOT has stated they would support the design waiver to reduce the sidewalks from six feet to four-foot wide. The permitted reduction would reduce the required grading and lessen the impacts to the natural features. It has been determined that the project would not induce volumes of pedestrian through traffic warranting six-foot wide sidewalks.
- 5.1.2 *It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* no agency or individual solicited for comments found that the six-foot width would be necessary and that the four-foot width can be found to be adequate to support the level of anticipated pedestrian circulation.
- 5.1.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because El Dorado Hills Fire Department and El Dorado County Department of Transportation have reviewed the subdivision request and Design Waiver request, and as conditioned, have recommended approval of the layout and design of the proposed lots and emergency access of the proposed parcels with implementation of the required Wildland Fire Safe Plan, and their recommended conditions of approval.
- 5.1.4 *It can be found that this waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division* because the project has been mitigated and conditioned to meet all applicable County Codes.
- 5.2 Allow a variation of DISM Standard Plan 101B for a Class 1 Subdivision for the reduction of the residential street right-of-way widths from 50 feet to 40 feet.
- 5.2.1 *Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because strict adherence to the said DISM standard for the access road requirements would result in excessive grading because DOT and the Fire Department have determined that 40 feet is more than adequate to accommodate the interior roadways.
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* because strict application of the requirement for interior road widths meeting County subdivision

design and improvement standards would create excess right-of-way area for no known purpose.

- 5.2.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because DOT supports the Design Waiver for reduced right-of-way width, given that the roads, gutters, curbs, and sidewalks all fit within this right-of-way and they are not anticipated to need widening in the future. Neither DOT nor the Fire Department responded with any concerns with allowing the reduction.
- 5.2.4 *This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division* because the approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code because, as conditioned and mitigated, DOT and the Fire Department have determined necessary requirements have been met.
- 5.3 Allow a variation of DISM Standard Plan 114 to reduce cul-de-sac right-of-way from 60 feet to 50 feet (48.5 feet to back of walk)
 - 5.3.1 *Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because strict adherence to the said DISM standards for the cul-de-sac requirements would result in excessive grading because DOT and the Fire Department have determined that 50 feet is more than adequate to accommodate for adequate vehicular circulation and turnaround capabilities for the interior roadways.
 - 5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* because strict application of the requirement for interior cul-de-sac right-of-way widths would result in excessive grading because DOT and the Fire Department have determined that 50 feet is more than adequate to accommodate efficient vehicle turnarounds.
 - 5.3.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because DOT supports the request, given that the roads, gutters, curbs, and sidewalks all fit within this right-of-way and they are not anticipated to need widening in the future. Neither DOT nor the Fire Department responded with any concerns with allowing the reduction.
 - 5.3.4 *This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division* because the approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code as the requirements of the applicable Codes will still be met.
- 5.4 Allow a variation of Section 5.4 of the Drainage Manual to allow 10-foot setback for the toe of the exterior slope of the embankment from the property line for detention pond contained within Lot A, where a 25-foot setback is required.

- 5.4.1 *Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because strict adherence to the said DISM standards for the toe setback requirements would result in a deeper detention pond with excessively heightened embankments. DOT has determined that 10 feet is more than adequate to accommodate the access around the detention pond for maintenance.
- 5.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* because strict application of the requirement for the 25-foot setback would result in excessive grading, depth, and steepness of the pond, and DOT has determined that 10 feet is adequate to accommodate construction and maintenance vehicles and other equipment.
- 5.4.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because DOT supports the request, given that there will be adequate room for service and maintenance vehicles and equipment. Neither DOT nor the Fire Department responded with any concerns with allowing the reduction of setback.
- 5.4.4 *This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division* because the approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code as the requirements of the applicable Codes will still be met.
- 5.5 Allow a variation of Volume II, Section 12.D for the access portion of proposed flag Lots 57 and 58 to exceed 100 feet in length. The support for the Design Waiver is based on the following findings:
- 5.5.1 *Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because strict adherence to the said DISM standards for the access road requirements to proposed Lots 57 and 58 would cause excessive environmental impacts to the existing intermittent stream crossing. The project will use a 24-foot wide by approximately 170-foot long access strip for access to Lots 57 and 58, to be located within a 50-foot wide road easement. The slopes at that point range from 10 to 40+ percent therefore, the Hillside Design Standards of the Design Improvement Standards Manual apply. Volume II, Section 12 (D) allows flag-shaped lots in Planned Developments and states the access portion can be 25-foot wide for one lot but cannot exceed 100 feet in length. A common access drive is permitted by this Section to serve no more than two lots.
- 5.5.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* because strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required 100-foot or less length, meeting County subdivision design and improvement standards, would not allow for an adequate spanning of the intermittent stream, as confirmed by the U.S. Army Corps of Engineers.

- 5.5.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because allowing Lots 57 and 58 to use a driveway standard access road for exclusive access will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare. Neither DOT nor the El Dorado Hills Fire Department responded with any concerns for the proposed access to Lots 57 and 58 to exceed 100 feet.
- 5.5.4 *This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division* because the approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code because Volume II, Section 12 (D) of the Hillside Guidelines allows flag-shaped lots in Planned Developments and states the access portion can be 25-feet wide for one lot, and DOT, the fire Department and the U.S. Army Corps of Engineers have determined the 170-foot length will result in safe access and adequate protection of an existing intermittent stream.