

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



Agenda of: December 13, 2012
Item No.: 11
Staff: Lillian MacLeod

TENTATIVE MAP REVISION

FILE NUMBER: TM05-1401-R/Malcolm Dixon Road Subdivision Revision

APPLICANT: Diamante Development

AGENT: CTA Engineering & Surveying

REQUEST: Revision of the approved tentative map to include a phasing plan for financing purposes only, consisting of:

- a. Phase 1 to include Lot 8; and
- b. Phase 2 to include Lots 1 through 7; with
- c. Conditions of Approval deferred until Phase 2.

LOCATION: On the north side of Malcolm Dixon Road, approximately 0.5 mile east of the intersection with Salmon Falls Road, in the El Dorado Hills area, Supervisorial District 4. (Exhibit A)

APN: 126-100-23 (Exhibit D)

ACREAGE: 40.6 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Estate Residential – 5 acres (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve TM05-1401-R, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND

The tentative subdivision map and concurrent rezone application (Z05-0015), requesting the project parcel be rezoned from Exclusive Agriculture (AE) to RE-5, were heard by the Planning Commission on May 13, 2010 and recommended for approval. The Board of Supervisors approved both applications on June 15, 2010.

STAFF ANALYSIS

Project Description: The applicant is requesting a revision of the approved tentative map to include a phasing plan. Phase 1 will include Lot 8 and Phase 2 will include Lots 1 through 7. Lot 8 has existing development consisting of a residential dwelling unit served by private well and septic system and several accessory structures, including outbuildings and a swimming pool. Driveway access to Lot 8 is from a partially paved road easement off Malcolm Dixon Road. The applicant is requesting this lot be recorded as Phase 1 to allow financing for the completion of the approved conditions. Specifically, the applicant is requesting to defer the required road and infrastructural improvements and annexation of Lots 1 through 8 into EID and the El Dorado Hills Fire Department until Phase 2.

Site Description: The project site is located outside of the El Dorado Hills Community Region boundaries, north of Malcolm Dixon Road between Salmon Falls Road and Arroyo Vista Way. The site is situated at an elevation range of approximately 800 to 900 feet on terrain that moderately slopes downward in a southwesterly direction. Oak savannah vegetation and two riparian streams exist on the site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	One, single-unit residential development
North	RE-5-PD	LDR	Undeveloped (Approved Tentative Subdivision Map TM06-1408, Alto LLC: 23 residential and 3 open space lots)
NW	RE-5-PD	LDR	Undeveloped (Approved Tentative Subdivision Map TM08-1463, La Cañada: 47 residential and 2 open space lots)
South	RE-5	LDR	Undeveloped (Approved Tentative Subdivision Map TM06-1421, Diamante Estates: 19 residential and 1 open space lots)
East	RE-5	LDR	Rural residential development
West	RE-5	LDR	Undeveloped (Approved Tentative Subdivision Map TM06-1421, Diamante Estates: 19 residential and 1 open space lot)

Discussion:

General Plan Policy TC-1p encourages streets within new subdivisions to provide “efficient connections between neighborhoods and communities”. Currently, the site is accessed by a graded and partially paved utility road connecting off Malcolm Dixon Road to the south. The utility road appears within the road easement approved under the tentative map. The existing residence on Lot 8 is accessed by a driveway encroachment off the utility road. As proposed, the project will require road improvements to be completed prior to the Phase 2 Final Map recordation that will provide circulation within the entire eight lot subdivision, as well as connections to the approved subdivision maps to the north and south of this project.

Phasing Map Issues:

Under General Plan Policy 5.1.2.2, “discretionary development shall not result in a reduction of services below the minimum standards established for current users, pursuant to Table 5-1”. Policy 5.1.2.4 implies public and emergency service standards in Rural Regions are less than those in Community Regions based on lower densities of development. The site is within the Rural Region. Lot 8 is already developed with a private well and septic system and as such, both private systems meet the minimum levels of service under Table 5.1. Lot 8 is currently served by the El Dorado Hills Fire Department and will continue to receive fire protection under the minimum response time provided in Table 5.1.

Policy 5.2.1.5 requires development projects to annex into water districts in Rural Regions only “if groundwater sources are not available to serve”. The approved tentative map requires annexation into the El Dorado Irrigation District (EID) prior to final map recordation. The applicant is requesting to defer annexation of all eight lots prior to recordation of Phase 2. The conditions requiring road and infrastructural improvements to serve all eight lots will apply to the Phase 2 portion of the approved tentative map, as well.

Discussion:

The El Dorado County Subdivisions Ordinance Section 16.28.010 states that timing of the subdivision agreements and construction improvements will be required “as may be necessary to form a logical and orderly development of the whole subdivision in units”, or phases. The requirements for annexation into EID and the El Dorado Hills Fire Department are more logically accomplished by having them occur in one action prior to Phase 2 recordation. LAFCO staff has agreed to the request, preferring that annexation occur with recordation of the complete tentative map at Phase 2, in order to prevent an “island effect” from being created by a one-lot annexation. The Fire Department has also indicated they will be the first responders to structural fires on Lot 8 prior to annexation with the Phase 2 Final Map recordation.

LAFCO staff concurs with revisions to Conditions 14 and 15 requiring the current applicant or real party of interest to apply for annexation of all eight lots prior to Phase 1 recordation and to complete the annexation process prior to Phase 2 recordation. This will assure an orderly development of the tentative map in compliance with the El Dorado County Subdivision Ordinance Section 16.28.010, while allowing the applicant to obtain funding to complete the required improvements.

Building Permit Issues:

Upon purchasing the project site, the applicant inherited several outstanding building permit issues from the residential development on Lot 8. These include expired pool and grading permits that resulted in a code enforcement action. Section 17.22.120 states that prior to being considered, applications for land use entitlements must meet the requirement that no violation of the County Code exists on the project site unless the application brings the violation into compliance.

Discussion:

The applicant has worked with Building Services to correct and final the pool permit. However, under the grading permit, the previous property owner graded excessively beyond its allowed scope. Subsequent attempts by the County to resolve the issues were ignored by the previous owner and the permit expired. Currently, the applicant has complied with County requests to reactivate the permit and provide information to ensure compliance within its scope. As a result, the code enforcement file has been closed. The previous grading of speculative building pads on Lots 3, 4, and 5, were analyzed in the *Report of Limited Geotechnical Services for Building Pads on Tentative Parcel Map TM05-1401* (October 17, 2012) by Youngdahl Consulting Group, Inc. They are addressed in a condition recommended by the Department of Transportation.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project revision has a significant effect on the environment by tiering off the certified Mitigated Negative Declaration and including revised analysis based on policy amendments for greenhouse gas emissions and oak woodland preservation. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared. The State Department of Fish and Game fees have already been paid under the Notice of Determination filed June 29, 2010. After approval of this project, a \$50.⁰⁰ recording fee is to be submitted to Planning Services and must be made payable to El Dorado County.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Parcel Map
Exhibit E	Approved Tentative Subdivision Map
Exhibit F	Phasing Plan
Exhibit G	Proposed Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Tentative Map Revision TM05-1401-R/Malcolm Dixon Road Subdivision Revision
Planning Commission/December 13, 2012

CONDITIONS OF APPROVAL

El Dorado County Planning Services:

1. This Tentative Map ~~and Zone Change~~ phasing plan approval is based upon and limited to compliance with the project description, hearing Exhibits E-~~F1~~, and revised Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project includes a request for a ~~Zone Change from Exclusive Agriculture (AE) to Estate Residential Five Acre (RE-5)~~. A T phasing plan for the previously approved Tentative Map to create 8 lots ranging in size from 5.0 acres to 5.6 acres. Phase 1 will consist of Lot 8 and Phase 2 will consist of Lots 1 through 7. Access to the ~~proposed~~ approved subdivision ~~would~~ will be from a proposed roadway connection to the south at the existing Malcolm Dixon Road extending further off-site to the south providing an additional connection to Green Valley Road. The ~~project proposes~~ approved Tentative Map will ~~to~~ use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would ~~be~~ require annexation ~~by LAFCO~~ into the local water and fire districts. ~~No Design Waivers have been requested~~

~~A 50 foot rear setback for Lot 1 shall be shown on the Final Map.~~

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 (Tentative Subdivision Map, Preliminary Grading and Drainage Plan, Slope Map, and Oak Canopy Map) must be submitted for review and approval and shall be implemented as approved by the County.

2. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

CONDITIONS FROM THE CERTIFIED MITIGATED NEGATIVE DECLARATION

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

3. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Survey results shall then be submitted to CDFG. If active raptor nests are found on or immediately adjacent to the site, consultation shall occur with CDFG to determine appropriate avoidance measures. If no nesting is found to occur, necessary tree removal could then proceed.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall ensure that adequate surveys are prepared prior to issuance of building permit.

4. Special status plant surveys to determine presence or absence of these species should take place in May or June. Vegetation surveys will follow protocol guidelines issued by the California Department of Fish and Game. These guidelines state that surveys for special status plants be done at the appropriate times of the year, and that all individuals observed be identified to the extent necessary to determine whether it is a special status species.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall ensure that adequate surveys are prepared prior to issuance of building permit.

El Dorado Hills Fire Department

5. The project applicant shall provide potable water for fire protection. The potable water system shall provide a minimum fire flow of 1,000 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. All homes shall be fire sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. Engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval prior to approval by the County of a subdivision improvement agreement or subdivision grading permit.

6. The developer shall install Muller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specifications for the purposes of providing water for fire protection. The spacing between hydrants for this development shall not exceed 500 feet. The exact location of each hydrant shall be determined and approved by the Fire Department.
7. 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 the Fire Safe Regulations to enhance nighttime visibility.
8. 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 ~~filing the Final Map of any combustibles~~ members being brought onto the site as specified by the El Dorado Hills Fire Department Standard ~~403~~ B-003.
9. Fences that are constructed on Llots that back up to Wildland Open Space shall ~~be construct~~ fences composed of non-combustible material, ~~with a three foot wide gate located in accordance with Fire Department requirements to allow emergency access into the open space areas prior to finaling any building permit.~~
- ~~10. Driveways serving the project shall be designed to a maximum of 20% grade. Driveways exceeding the 20% grade shall install fire sprinklers per the NRPA 130 standards within the dwelling unit prior to finaling any building permit.~~
- ~~11. Any type of traffic calming device that utilizes a raised bump/dip section of roadway is prohibited.~~
- ~~12. Lots shall have a minimum setback of a minimum of 30 feet, as required by the Fire Safe Regulations.~~
- ~~13.11. Proper roadway access and circulation shall be provided to allow access to the site. Roadways shall be coordinated with other proposed developments in the area and designed in accordance with the Fire Department regulations. This development shall provide adequate access and circulation between surrounding developments to provide the residents with multiple evacuation routes during an emergency.~~
- ~~14. No access control devices that obstruct traffic circulation shall be installed, per State Fire Regulation Section 1273.~~
- ~~15.12. A Wildland Fire Safe Plan, approved by the El Dorado Hills Fire Department is required to~~ shall be developed and implemented prior to occupancy prior to filing the Final Map for Phase 2. This shall address the homes that back up to the open wildland areas that surround this project.

13. There shall be no parking on either side of the road. The roadway shall be marked or signed per Appendix D of the California Fire Code.

LAFCO

- ~~1614.~~ ~~Prior to Final Map filing, the applicant shall complete the annexation process into El Dorado Irrigation District (EID) through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.~~
Prior to Phase 1 Final Map recordation, the real party of interest, (i.e., either the current landowner, developer, or their successor) shall apply for annexation through LAFCO of Lots 1 through 8 into the El Dorado Irrigation District (EID) and the El Dorado Hills Fire Department (El Dorado Hills County Water Agency) and submit evidence of compliance to Planning Services.
- ~~1715.~~ ~~Prior to Final Map filing, the applicant shall complete the annexation process into El Dorado Hills Fire Department (El Dorado Hills County Water Agency) through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.~~
Prior to Phase 2 Final Map recordation, the annexation process into the El Dorado Irrigation District (EID) and the El Dorado Hills Fire Department (El Dorado Hills County Water Agency) through LAFCO shall be completed and evidence submitted of the satisfaction of this condition to Planning Services upon completion.

Planning Services

- ~~1816.~~ The applicant shall provide to Planning Services, a Meter Award Letter or similar document from El Dorado Irrigation District, prior to filing the Phase 2 Final Map that includes the meter awards for lots 1 through 8.
- ~~1917.~~ 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 applicant shall pay all fees at the time of filing the Phase 2 Final Map.
- ~~2018.~~ The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
- ~~2119.~~ 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 applicable condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
- ~~2220.~~ This Tentative Subdivision Map shall expire in 36 months from its original date of approval unless a timely extension has been filed.

~~2321.~~ ~~At time of final map filing, CC & R's shall be submitted and reviewed by Planning Services. A 50 foot rear setback for Lot 1 shall be shown on the Phase 2 Final Map.~~

~~2422.~~ Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.

~~2523.~~ 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.

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

~~2624.~~ All applicable Development Services fees shall be paid prior to recording the Phase 1 and Phase 2 Final Maps.

Surveyor's Office

~~2725.~~ All applicable survey monuments must be set prior to the presentation of the Phase 1 and Phase 2 Final Maps to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. The project applicant shall ensure that verification of set survey monuments, or amount of bond or deposit are acceptable to the County Surveyor's Office.

~~2826.~~ The applicant shall file a completed road name petition for roads serving the development with the County Surveyor's Office prior to filing the Phase 2 Final Map.

~~27.~~ The applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or county-maintained road, as defined in Paragraph 16.44.120.B.2 of the County Subdivisions Ordinance, with the legal right to improve that access as required by the County Design and Improvements Standards Manual prior to filing the Phase 1 and Phase 2 maps.

El Dorado County Resource Conservation District

2928. Prior to grading operations, the developer shall contact the District for review of an erosion control plan. The erosion control plan must be approved by the District prior to issuance of a grading permit.
3029. Revegetation of all disturbed soils will be accomplished with approved amounts and types of vegetative species, mulch, and fertilizer materials per the “El Dorado County Erosion Control Requirements and Specifications – MLRA18.” The applicant shall include these specifications as a part of the engineering drawings for the project.
3130. The applicant shall analyze the downstream drainage areas for the capacity of existing structures to adequately handle runoff created by the proposed development and problems related to erosion control. The applicant shall complete this as part of the erosion control plan.
3231. The applicant shall perform a hydrological analysis to assure the downstream drainage systems are adequate. The applicant shall complete this as part of the erosion control plan.

California Regional Water Quality Control Board

3332. The applicant shall obtain a permit for the project under the National Pollutant Discharge Elimination System (NPDES). The applicant shall obtain the General Permit to cover this project prior to issuance of a grading permit.
3433. The project applicant shall obtain a 401 Water Quality Certification prior to issuance of a grading permit.

El Dorado County Department of Environmental Health

3534. Project applicant shall adhere to Rules 223, 223.1, and 223.2 during construction. The applicant shall submit a Fugitive Dust Plan Application with appropriate fees to and receive approval by the District prior to the issuance of a grading permit.
3635. Project construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
3736. Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire. Project construction shall adhere to District Rule 300 Open Burning.
3837. The project construction shall adhere to District Rule 215 Architectural Coatings.

El Dorado County Department of Transportation (DOT)

PROJECT-SPECIFIC DOT CONDITIONS:

3938. 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 Phase 2 Final Map: (the requirements outlined in Table 1 are minimums)

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH*/ SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS/ NOTES
Chartraw Road (<i>onsite</i>)	Std Plan 101C Maintenance Entity	24ft / 2 ft	50ft	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Chartraw / Diamante Road Widening (<i>offsite</i>) From STA: 21+70 (<i>New Connection</i>) to Chartraw southern boundary line.	Std Plan 101C Maintenance Entity	24ft Including slope easements. EP to EP	50ft	Two 12 foot wide lane and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed.

*Road width is measured edge of pavement to edge of pavement.

39. The applicant shall address non-engineered fill on Lots 3, 4, and 5 as stated in the Youngdahl letter dated October 17, 2012. The improvements shall be completed to the satisfaction of the Department of Transportation before the recordation of the Phase 2 Final Map.

40. 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 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. 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 Phase 2 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.

41. **Area of Benefit Improvements:** The following Area of Benefit Improvements are 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 Phase 2 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 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.
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 X. Omit shoulders at (e) Box Culvert location. 3”AC/8”AB or as recommended in Soils report. For design speed see Exhibit X.
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 X. 3”AC/8”AB section or as recommended in Soils report. For design speed see Exhibit X.

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 X. 3"AC/8"AB section or as recommended in Soils 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.
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42. **Offer of Dedication, Interior Roads:** Developer shall irrevocably offer to dedicate in fee, a 50 foot wide road and public utilities easement that extends from the southern boundary line to the northern boundary line (to provide access to development beyond) as determined by EDC DOT, and for all other onsite roadways, prior to the filing of the Phase 2 Final ~~m~~Map. Slope easements shall be included as necessary. This offer will be rejected by the County.
43. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment 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 Phase 2 Final Map.
44. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall guarantee access for this site to use the proposed offsite roadways to the south and east and shall be provided by and through a "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the Phase 1 and Phase 2 ~~f~~Final ~~m~~Maps.
45. **Reciprocal Access Agreement:** The applicant shall provide a reciprocal access agreement, signed by the adjoining property owners, guaranteeing access for this site to use the proposed off-site roadways from this project to Salmon Falls Road, prior to the filing of the Phase 2 ~~f~~Final ~~m~~Map. This agreement shall also allow the adjoining landowners to use the onsite roads to access Malcolm Dixon Road.
46. **Turnaround:** If the road serving the subdivision to the north is not constructed at the same time or prior to the road serving this subdivision, ~~T~~the applicant shall provide a turn around at the end of the onsite roadways to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Phase 2 Final Map.
47. **Roadway Slopes:** Pursuant to DISM Sec 3.B.9 and Design Std. Plan 101B, the gradient of any street shall not exceed 15%. Roadway slopes shall be indicated on the improvement plans to show compliance with this requirement.

48. **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.
49. **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 Phase 2 Final Map.
50. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
51. **Performance Bond:** The construction of all required improvements shall be completed with the presentation of the Phase 2 Final Map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

DOT STANDARD CONDITIONS

52. **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 Phase 2 Final Map.
53. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

54. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway ~~prior to~~ with the filing of the Phase 2 Final mMap. Slope easements shall be included as necessary.
55. **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 County Department of Transportation DOT prior to the filing of the Phase 2 Final mMap. 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.
56. **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).
57. **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.
- ~~58. **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.~~
5958. **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 Phase 2 Final Map.
- ~~6059.~~ **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the County Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Phase 2 Final Map.
- ~~6160.~~ **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.
- ~~6261.~~ **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the County 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.

6362. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the County Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the County 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.
6463. **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 County 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.
6564. **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 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.
6665. **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 County 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 County Department of Transportation prior to the filing of the Phase 2 Final Map or the applicant shall obtain an approved improvement agreement with security.

- ~~6766~~. **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 Phase 2 Final Map.
- ~~6867~~. **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 Phase 2 Final Map.
- ~~6968~~. **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.

~~7069.~~ **Off-site Improvements (Security):** Prior to the filing of a the Phase 2 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.

~~7170.~~ **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 Phase 2 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~~ the Phase 2 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% 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.

~~7271.~~ **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.

~~7372.~~ **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

ATTACHMENT 2

FINDINGS

Tentative Map Revision TM05-1401-R/Malcolm Dixon Road Subdivision Revision Planning Commission/December 13, 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:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

As proposed, the project remains consistent with the Low Density Residential (LDR) land use designation density of one dwelling unit per five acres, as defined within General Plan Policy 2.2.1.2.

2.2 The project is consistent with General Plan Policy TC-1p.

As proposed, the project will require road improvements to be completed prior to the Phase 2 Final Map recordation that will serve the development of the entire subdivision and the approved subdivisions adjoining them.

2.3 The project is consistent with General Plan Policy 5.1.2.2.

The project site is within the Rural Region. Lot 8 has an existing house served by a private well and septic system and as such, both private systems meet the minimum levels of service under Table 5.1. Lot 8 is currently protected by the El Dorado Hills Fire Department and will continue to receive fire protection under the minimum response time provided in Table 5.1.

2.4 The project is consistent with General Plan Policy 5.2.1.5.

Lot 8 has been developed residentially with permitted well and septic systems. The approved tentative map requires annexation into the El Dorado Irrigation District (EID) prior to final map recordation. The intent of the proposed phasing plan is to allow the applicant to obtain funding on the property for the required improvements of all eight lots. In order to ensure that Phase 1 does comply with annexation requirements, the annexation application will be required for all eight lots prior to Phase 1 Final Map recordation. Prior to Phase 2 Final Map recordation, the annexation process shall be completed for all eight lots.

Lot 8 is currently protected by the El Dorado Hills Fire Department and will continue to receive fire protection within the minimum response times. The same process of phased application and completion shall be required for annexation into the Fire Department district. See further discussion under Section 4.1, below.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17.

The phasing plan contains the eight, previously approved residential lots, which are consistent with the required development standards for the RE-5 Zone District outlined in Section 17.28.210 of the County Zoning Ordinance.

4.0 SUBDIVISION MAP FINDINGS

4.1 The proposed project is consistent with Title 16.

The proposed phasing plan is consistent with Section 16.28.010 of the County Subdivisions Ordinance allowing portions of an approved tentative map to be finalized at various stages. Timing of the subdivision agreements and construction improvements will be required “as may be necessary to form a logical and orderly development of the whole subdivision in units”, or phases. The requirements for annexation into EID and the El Dorado Hills Fire Department are more logically and orderly accomplished by having them occur in one action. The current applicant or real party of interest shall apply for annexation of all eight lots prior to Phase 1 Final Map recordation and will complete the annexation process prior to Phase 2 Final Map recordation.