

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



Agenda of:	December 13, 2012
Item No.:	12
Staff:	Tom Dougherty

REZONE/TENTATIVE MAP

FILE NUMBER: Z11-0007/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 (R1);
2. Tentative Subdivision Map with phasing plan to create 49 single-family residential lots ranging in size from 10,141 square feet to 62,449 square feet, two frontage landscape lots (Lot A-14,233 square feet, and Lot B-13,426 square feet), one 54,855 square foot lot (Lot C) for open space, landscaping, drainage, and retaining walls, one 0.65-acre public roadway lot (Lot F), and two gates at the project entrances to Roads B1 and D; and
3. A Design Waiver is requested to allow the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters.

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 C-1)

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

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 Tentative Map TM11-1504 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
5. Approve the request for a Design Waiver to allow the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters.

PROJECT INFORMATION

Project Description:

Rezone: Request to rezone the project parcels from One-Acre Residential (R1A) to One-Family Residential (R1);

Tentative Subdivision Map: Tentative Subdivision Map to create 49 residential lots ranging in size from 10,141 sq. ft. to 62,449 sq. ft. (the lot sizes are listed in Exhibit F, Tentative Map Lot Size Table), two frontage landscape lots, and one lot for open space, landscaping, drainage, and retaining walls, and two gates at the project entrances to Roads B1 and D;

Design Waiver: Design Waiver to allow the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters; and

Additionally, the project proposes to construct the following fences/walls:

- a. A six-foot tall masonry sound wall within Lot C and along the west boundary of Lot 38, and a portion of the east boundary of Lot 23;
- b. A six-foot tall ornamental iron (tubular metal) fence and three-rail PVC fence within Lots A, and B; and
- c. A six-foot tall solid wood fence along the western boundary of Lots 1, 2 and 39-41, and southern boundary of Lots 43-46 and 1.

The project includes a preliminary landscape plan to buffer views of both fences/walls as well as the outside-in views into the project area (Exhibit M).

The applicant noted on the submitted Tentative Map that they want the option available for the phasing of the final map (s), however, they are currently proposing to record it all at once.

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 2.90 acres of the 28.18 being covered with 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 bounded by existing roads on the north and south sides.

Background: The original project proposal had been scheduled to be heard by the Planning Commission on January 26, 2012 but was continued off-calendar to address the changes necessitated by the State Appeals Court decision relating to the Oak Woodlands Management Plan. Subsequent to that continuation, the project was completely revised to reduce the number of lots to 49, create a new lot layout in response to area residents concerns, eliminate the Planned Development request, revised sewer and water plan, grading plan, oak tree canopy plan, and the elimination of all the original design waiver requests. This staff report and the attached Mitigated Negative Declaration and Initial Study have been completely re-written to reflect the significant changes to the proposed project.

The prior land use designation of Medium Density Residential was established by Resolution 373-89 in December of 1989. During the update to the General Plan in the early 1990s, the Board of Supervisors directed staff to incorporate requested land use changes with pending projects into the draft. The HDR land use designation became applicable for the subject parcels when the 1996 General Plan was adopted.

Adjacent Land Uses:

	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 LDS 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 C-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.

STAFF ANALYSIS

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 49 single-family residential lots ranging in size from 10,141 sq. ft. to 62,449 square feet. Those 49 lots for the 28.18 total acres, a density of to 1.7 units per acre which conforms to the General Plan land use designation. 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.

Project Issues: Discussion items for this project include access and circulation, Design Waiver request, fire safety, grading and drainage, homeowner's association, noise and proposed sound wall, oak canopy, open space, parks, and the proposed rezone.

Access and Circulation: The project would be accessed from one encroachment onto Malcolm Dixon Road, a County-maintained roadway, and one encroachment onto a new connection roadway ("Road F") between Green Valley Road and Malcolm Dixon Road. The El Dorado Hills Fire Department determined that parking would not be allowed on the interior Roads B1, D, E, and F.

The Traffic Impact Analysis (TIA) dated March 3, 2011 and Supplemental TIA dated May 3, 2012 were approved by DOT. The Supplemental study estimated the project would generate 540 total new trips, with 44 new trips occurring during the AM peak-hour, and 55 new trips occurring during the PM peak-hour. The traffic studies' recommendations have been incorporated into the proposed DOT conditions of approval, included in Attachment 1.

Multi-Project Area of Benefit: In order to address cumulative traffic impacts, 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 Exhibit K entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant would 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 construction of

public improvements as may be appropriate. The proposed Area of Benefit would include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24 and 126-070-22, 23 & 30. This area of benefit, including this project, along with the following approved tentative maps: a. La Canada Tentative Map TM06-1421 (47 lots, 10/27/09); b. Alto LLC Tentative Map TM06-1408 (23 lots, 5/5/09); c. Grande Amis-Chartraw-Malcolm Dixon Road Estates Tentative Map TM05-1401 (8 lots, 6/15/10); and d. Diamante Tentative Map TM06-1421 (19 lots, 10/27/09). The Area of Benefit Engineer's Report would 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 would 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 would 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 Area of Benefit Improvements are required of all projects included in the Area of Benefit. This project's proportional share and financial responsibility for these improvements would be determined by the Engineer's Report. These improvements would be required to be completed to the satisfaction of DOT prior to filing of the final map. An Area of Benefit condition has been established that will result in widening of Malcolm Dixon Road, realignment of the two curves on Malcolm Dixon Road and the connection to Green Valley Road through the Wilson property. The projects within the Area of Benefit will share the cost of all of the improvements. The first project will be required to build all of the improvements and then be reimbursed by the subsequent projects their fair share of the costs. Public funds will not be utilized for the improvements.

DOT's recommended conditions incorporate the same Area of Benefit conditions to the approved tentative maps listed above. 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 are included in Attachment 1.

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. As conditioned, neither DOT nor the Fire Department has any outstanding concerns with the emergency ingress/egress capabilities of the project.

Traffic impacts are discussed in more detail in the project Initial Study-Environmental Checklist, Transportation/Traffic Section 16. DOT has included conditions of approval in Attachment 1 to address the direct and cumulative impacts traffic impacts. The Traffic Impact Analysis (TIA) dated March 3, 2011 and Supplemental TIA dated May 3, 2012 are provided as an attachment to Exhibit U, Mitigated Negative Declaration and Initial Study.

Gates: The encroachments from the “New Connection” Road F to Road B1, and Malcolm Dixon Road to Road D are proposed to enter the subdivision through gated entrances. The Fire Department has reviewed the gate proposals and has conditioned the project that the gates comply with their Gate Standard B-002. The Fire Department would inspect the gates for compliance prior to final approval of that building permit. DOT also reviewed the gate proposal and did not have any outstanding concerns as conditioned.

Design Waiver Request: One Design Waiver has been requested to allow variation from the requirements of the El Dorado County Design Improvement Standards Manual (DISM) to allow the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters. DOT and the Fire Department have reviewed the request and did not have objections. The project parcel is surrounded by existing roadways that were built with A.C. Dikes and over-side drains and the Design Improvement Standards Manual (DISM) 101B Standard Plan, Note 10 makes allowances if the project is connecting to existing A.C. facilities.

Fire Safety and Water Supply: There is an existing domestic water line in Green Valley Road. With the installation of a looped system through the project, sufficient water supply will be provided to meet the domestic needs and fire flow for the project as required by **Policy 5.2.1.2** (adequate quantity and quality of water for all uses), and **Policy 5.7.1.1** (adequate emergency water supply, storage, conveyance facilities, and access for fire protection).

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 either a Community Services District, Lighting and Landscape District, or a Zone of Benefit/Homeowner’s Association having recorded CC&Rs to ensure the ongoing maintenance of the open space lots.

Grading and Drainage: Pad grading is not proposed as part of the subdivision except as noted on the Preliminary Grading and Drainage Plan, and Tree Preservation Plan dated May 2012 (Exhibit H-1) for lots 38 to 42. Grading of these lots will be done as part of the subdivision improvements for roads, and infrastructure. 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. The majority of the grading and drainage improvements associated with the proposed subdivision appear to be those associated with the required infrastructure improvements, which includes the roadways to access this site. The Preliminary Grading, Drainage Plan is included as Exhibit H-1. The plan proposed for the spanning of the creek from Road F to proposed Lots 47-49 is included as Exhibit H-2. DOT has reviewed the preliminary plan maps, as well as the Revised Drainage Report dated July 2012, and has recommended conditions of approval for grading and drainage which are included in Attachment 1. The revised Drainage Report Wilson Estates, dated July 2012 is provided as an attachment to Exhibit U, Mitigated Negative Declaration and Initial Study.

Homeowner’s Association: A Homeowner’s Association (HOA) would need to be established for the purposes of implementing the Fire Safe Plan, maintenance of the fences, retaining and sound walls, open space lots, landscaping lots, the two entrance gates, 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: Policy 6.5.1.3 states that noise mitigation measures are required to achieve the standards of Tables 6-1 and 6-2. 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 applicants submitted an Environmental Noise Assessment, dated May 3, 2012 (Exhibit U, Attachment 14) 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, a six-foot high noise barrier was recommended at the locations depicted in Exhibit N. As a result, Green Valley Road traffic noise exposure would be expected to be less than 60 dB Ldn. The Assessment found that the barriers should be constructed of concrete or masonry block, or precast concrete. Wood was not recommended due to eventual warping and shrinking of materials which results in openings and cracks which compromise the barrier longevity. The applicant has included a masonry sound wall in the project proposal.

The sound wall and other fencing proposed will be buffered by landscaping. The preliminary landscape plan is included as Exhibit M. The aesthetic impacts are discussed in more detail in the Aesthetics section of the Mitigated Negative Declaration and Initial Study. A recommended mitigation measure has been included in Attachment 1 to assure the masonry sound wall has vertical shielding by landscape plants.

Oak Tree Canopy: Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. The project proposes to utilize custom lot grading at the individual building permit stages for each lot and therefore, the majority of the existing intermittently-dispersed, single mature oak trees would have the ability to be preserved by a future lot owner.

As shown in the Preliminary Grading, Drainage, and Tree Preservation Plan map, provided as Exhibit H-1, the project area has 2.90 acres of the total 28.18 project acres covered in oak canopy which is ten percent of the project area. General Plan Policy 7.4.4.4, Option A, would therefore require the retention of 90 percent of the oak tree canopy for the project area.

The General Plan allows 10 percent of the 2.90 acres to be removed (up to 0.29 acres) and to be mitigated at a 1 to 1 ratio. The project would remove approximately 0.20 acres of oak tree canopy for road and lot development which is less than what is allowed to be removed. The applicant has demonstrated in the Preliminary Landscape Plan dated January 6, 2012, that the project can provide 1 to 1 replacement plantings onsite within Lot C. That planting is required to be carried out in compliance with the Interim Interpretive Guidelines for El Dorado County

General Plan Policy 7.4.4.4 (Option A). The project is conditioned that the final landscape/oak tree planting plan be reviewed and approved by Planning Services prior to issuance of any grading or building permit for the masonry wall/Lot C area. As conditioned, the project would be compliant with Policy 7.4.4.4, Option A.

Open Space: The 1.26-acre Lot C is proposed for open space, landscape, drainage, retaining walls, and the sound wall. Lots A and B are proposed as frontage landscape lots and comprise a total of 14,223 and 13,425 square feet respectively. 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 guidelines established by the 'Streetscape Master Plan' 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.

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. Additionally, the proposed new residences would be subject to the payment of Park Impact fees of the EDHCS in place at the time of building permit issuance.

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 changes in conditions that would support a higher density or intensity zoning district. In addition to the issues discussed above, specific criteria considered the following:

1. **Water Supply:** Policy 5.2.1.4 directs that subdivision approvals in Community Regions dependent on public water supply shall be subject to the availability of a permanent and reliable water supply. El Dorado Irrigation District has indicated in the submitted Facility Improvement Letter (FIL) dated September 14, 2012, 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. The project requires 50 EDUs and the FIL reported that as of January 1, 2012, there were approximately 4,752 EDUs available in the El Dorado Hills Water Supply Region. This system would need to tie into the existing 12-inch water line in Green Valley Road. The project is required to construct all improvements to EID specifications and the El Dorado Hills Fire Department requires a minimum fire flow of 1,000 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. The project would comply with this policy. The EID FIL is provided Exhibit U, Attachment 20.
2. **Wastewater Disposal:** Sewer facilities for the project would be provided by the El Dorado Irrigation District (EID), as required by Policy 5.1.2.1. 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. 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 the existing Malcolm Dixon Road public utility easement 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 FIL states that the project will require 49 EDUs of sewer service and that the existing sewer line has adequate capacity for the proposed project at this time, with extensions of facilities of adequate size.

3. **Wetlands/Intermittent Streams:** Policy 7.3.3.4 directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands. The Jurisdictional Delineation and Special Species Evaluation identified one 0.0748-acre seasonal wetland (Dutch Ravine) potentially subject to Clean Water Act jurisdiction. Dutch Ravine was determined to be an intermittent stream. It travels through the eastern portion of the project area from north to south. The Tentative Subdivision Map included a 50-foot non-building setback on each side of the stream, as measured from the Ordinary High Water Mark, and as required by General Plan Policy 7.3.3.4. The project proposes to cross the stream over a headwall with an open bottom drain, to proposed Lots 47-49 with a 24-foot road surface within a 50-foot wide easement (see Exhibit H-2). The U.S. Army Corps has confirmed with Planning Services that no Section 404 permit 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 to their 1602 and 401 Permits. These agencies must review the final development plans of an approved project to make those final determinations. Implementation of Mitigation Measures (Conditions 4 to 6) is expected to protect riparian habitat values and quality of the drainage. The submitted wetland studies are included as Exhibit U, Attachments 10 and 11..
4. **Critical flora and fauna habitat areas:** The *Jurisdictional Delineation and Special Species Evaluation*, and *Special Status Plant Surveys* determined that although the proposed project site contains habitat to support some species of concern, no special-status species were found on the site. The primary existing vegetation/wildlife corridor along Dutch Ravine would be preserved by the required 50-foot non-building setback measured from the high water marks on both sides of the stream. 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. The referenced studies are included as Exhibit U, Attachments 8 and 9.
5. **Existing Land Use Pattern:** General Plan Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. 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 project has proposed larger lot sizes (1.03 and 1.04 acres), as well as a permanent 50-foot non-building setback for the portion of the project abutting the residences along the west property line. The three lots proposed for along the east boundary range in size from 0.86 acre to 1.43 acres and include a 30-foot non-building setback. These larger sized parcels and setbacks were designed by the applicant to provide a more efficient transition from the MDR designated lots to the west and the

LDR designated lots to the east, in response to concerns from neighbors as well as the El Dorado Hills Area Planning Advisory Committee.

6. **Important historical/archeological sites:** A Phase 1 Archeological Study of the Wilson Estates Project, dated January 2011 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 other than portions of rock building foundations. Because of the possibility in the future that ground disturbances could discover significant cultural resources, mitigation measures have been recommended (conditions 7-8) to assure that potential issues are addressed during project development.

Agency and Public Comments: The following agency and organizations were provided project details for review:

El Dorado Hills Area Planning Advisory Committee (EDHAPAC): The EDHAPAC reviewed the project at their August 8, 2012 meeting and responded that they had voted 4-0 in support of the project if their subcommittee's comments and recommendations were incorporated into the conditions of approval. Their primary concerns were oak trees, visual impacts of the proposed masonry sound wall, traffic levels, traffic safety, above-ground utilities, building setbacks along Green Valley Road, and on and off-site drainage. The EDHAPAC meeting summary letter dated August 15, 2012 is included as Exhibit R.

El Dorado Hills Community Service District ("District"): The District submitted advisory comments and conditions to be considered during the development of this project. Some of their recommendations are appropriate for the building permit stage and were not added to the conditions for this map stage. 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 October 17, 2012 letter is included as Exhibit Q.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (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, cultural 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 \$2,156.25 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 \$2,156.25 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	General Land Use Designations Map
Exhibit C-2	El Dorado Hills Community Region Map
Exhibit D	Zoning Designations Map
Exhibit E	Tentative Map; May 2012
Exhibit F	Tentative Map Lot Size Table
Exhibit G	Tentative Map Photo Exhibit; May 2012
Exhibit H-1	Preliminary Grading and Drainage Plan, and Tree Preservation Plan; May 2012
Exhibit H-2	Road 'F' to Lots 47-49; May 2012
Exhibit I	Preliminary Onsite/Offsite Sewer Exhibit; May 2012
Exhibit J	Green Valley Connector Exhibit Y; October 2008
Exhibit K	Malcolm Dixon Area Traffic Circulation Plan Exhibit X; October 2008
Exhibit L	Masonry Sound Wall and Fence Exhibit; May 2012
Exhibit M	Preliminary Landscape Plan; January 6, 2012
Exhibit N	Figure 1, Proposed Site Plan and Traffic Noise Calibration Locations
Exhibit O	Zoning Map (rezone); May 2012
Exhibit P	Slope Map; May 2012
Exhibit Q	El Dorado Hills Community Service District Letter; September 24, 2012 (four pages)
Exhibit R	El Dorado Hills Area Planning Advisory Committee Letter; August 15, 2012
Exhibits S-1 to S-4	Site Visit Photos
Exhibit T	Aerial Photo of Project Site
Exhibit U	Proposed Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Rezone Z11-0007/Tentative Map TM11-1504/Wilson Estates
Planning Commission/December 13, 2012**

1. This Rezone, 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 E	Tentative Map dated May 2012
Exhibit H-1.....	Preliminary Grading and Drainage Plan, and Tree Preservation Plan dated May 2012
Exhibit H-2.....	Road 'F' to Lots 47-49 dated May 2012
Exhibit I	Preliminary Onsite/Offsite Sewer Exhibit dated May 2012
Exhibit J	Green Valley Connector Exhibit Y dated October 2008
Exhibit L	Masonry Sound Wall and Fence Exhibit dated May 2012
Exhibit M	Preliminary Landscape Plan dated January 6, 2012
Exhibit O.....	Zoning Map (rezone) dated May 2012

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 identified by Assessor's Parcel Numbers 126-070-22, -23, -30:

- a. Rezone the 28.18 project acres from One-Acre Residential (R1A) to One-Family Residential (R1); and
- b. Tentative Subdivision Map creating 49 single-family residential lots ranging in size from 10,141 sq. ft. to 62,449 square feet, two frontage landscape lots (A 14,233 square feet, and B 13,426 square feet), one 54,855 square foot lot (C) for open space, landscaping, drainage, and retaining walls, one 0.65-acre public roadway lot (Lot F), two gates at the project entrances to Roads B1 and D; and
- c. Design Waiver approval to allow the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters.

All lots will be served by public water and sewer. The map may be recorded in phases, subject to Development Services Director review.

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 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 shall be provided along the perimeter six-foot tall masonry sound wall within Lot C, consistent with the Preliminary Landscape Plan, Exhibit M dated January 6, 2012. The final landscape plan shall include vertical shielding of the masonry wall with plants a minimum of five-gallon size. The oak tree replanting required to mitigate to comply with Policy 7.4.4.4 Option A requirements, as required in Condition 11, may be of the sizes as stated in the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A) Amended October 12, 2007.

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

the grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the project site.

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 Road F Dutch Ravine stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation. The Agreement shall address the following to the satisfaction of the Department of Fish and Game:

The applicant will purchase 300 feet of channel credits at a mitigation bank (six-feet wide and 50-feet in length, and implement best management practices to adequately offset impacts associated with the road crossing. This shall be completed before a County grading permit is issued for the crossing.

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 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 setback shall be shown on the Final Map.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Prior to filing of the Final Map, Development Services shall verify that the setback is shown on the Final Map. The setback lines shall be shown on any development plan for Lots 47-49 submitted to Development Services Department. The Department shall verify that no development occurs within the setback 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. The Certificate shall include the following, subject to California Regional Water Quality Control Board approval:

- a. The applicant will prepare a Storm Water Pollution Prevention Plan for approval. That plan will describe methods for ensuring downstream water quality during construction and will be implemented before construction begins.
- b. Work areas will be separated by buffers and orange construction fencing to delineate the preserved riparian areas. No grading will be allowed within the fenced-off buffer zones.
- c. Waste and construction materials will be placed where they will not run off into the stream, or they will immediately be removed off-site.
- d. The project will include a Continuous Deflection Separation system to remove oil and other substances from runoff within the project area before it is discharged to Dutch Ravine. This system will be maintained by the property owner as described in the Contech Stormwater Solutions technical manuals.

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. The Storm Water Pollution Prevention Plan shall be reviewed and approved by Building Services or DOT prior to issuance of a grading permit.

7. **Cultural Resources 1:** During the course of grading activities within the perimeter of the Charles Dixon Farm Site as defined by Figure 1 of the Phase 1 Archeological Study of the Wilson Estates Project, dated January 2011, archeological monitoring shall occur. If previously unidentified or subsurface archeological sites or features are discovered, work shall stop at that location and the discovery shall be examined for its potential significance and removed if deemed of scientific value, after which work can proceed once again.

Monitoring Responsibility: Planning Services

Monitoring Requirement: A note shall be placed on the grading plans for this particular area of the project. Planning Services shall confirm that the mitigation has been included on the plans prior to issuance of any grading permit for this particular area of the project.

8. **Cultural Resources 2:** An interpretive sign shall be designed in consultation with the El Dorado County Historical Museum to commemorate the location of the Charles Dixon Farm and the Live Oak School. The sign shall be located in an appropriate location near the site and along Malcolm Dixon Road.

Monitoring Responsibility: Planning Services and Applicant

Monitoring Requirement: The applicant shall provide Planning Services with proof this has been completed prior to approval and recordation of the final map.

9. **Noise 1:** A six-foot high noise barrier shall be constructed in compliance with the Environmental Noise Assessment Wilson Estates, Bollard and Associates, May 3, 2012. The barrier shall be constructed of concrete or masonry block, or precast concrete. The wall shall be constructed and located as shown in the Masonry Sound Wall & Fence Exhibit L, dated May 2012, and shall not result in the removal of oak trees.

Monitoring Responsibility: Planning Services and Applicant

Monitoring Requirement: Planning Services shall review the final development plan for the construction of the wall prior to issuance of the building and/or grading permit. Planning Services shall confirm that the wall has been constructed in compliance with this mitigation measure prior to building permit final, which shall occur prior to approval and recordation of the final map.

El Dorado County Planning Services

10. **Notice of Restriction:** A Notice of Restriction shall be recorded with, and noted on, the final map that states that the Lots A and B shall be utilized for frontage landscape lots, and Lot C for open space, landscaping, drainage, and retaining walls and that they shall not be utilized for residential development.
11. **Fencing/Walls:** The project shall construct the following fencing, as shown in Exhibit L:
 - a. A six-foot tall masonry sound wall within Lot C and along the west boundary of Lot 38, and a portion of the east boundary of Lot 23;
 - b. A six-foot tall solid wood fence along the western boundary of Lots 1, 2 and 39-41, and southern boundary of Lots 43-46 and 1.
12. **Oak Woodland:** The project shall mitigate for the loss of 0.20 acres of oak tree canopy as shown on Exhibit H-1, Preliminary Grading and Drainage Plan, and Tree Preservation Plan dated May 2012, at a 1 to 1 ratio within Lot C, in compliance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A). The final landscape/oak tree planting plan shall be substantially consistent with Exhibit M, Preliminary Landscape Plan dated January 6, 2012, and shall be reviewed and approved by Planning Services prior to issuance of any grading or building permit for the masonry wall/Lot C area.
13. **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.

14. 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.
15. Processing Fees: Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
16. Fish and Game Fee: T Fish and Game Fee: The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 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.
17. 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.
18. 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 shall pay the park fee, to the El Dorado Hills Community Services District, and shall submit the receipt to El Dorado County Development Services with the Final Map.
19. 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).
20. 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.

21. 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. Responsibility for the ongoing maintenance and monitoring of the shared private road easement area, as well as Open Space Lots A-C, that are entirely within the subdivision boundary as shown on TM11-1504, Exhibit E, 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 A, B, and C 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 A, B, and C 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, B, and C 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. Responsibility for the ongoing maintenance, and access rights for, any fences and walls constructed on the subdivision's perimeter property lines, as well as the six-foot tall masonry sound wall within Lot C, and the other fences described above in Condition 10, and shown in Exhibit L.
 - c. Ensuring that 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 47-49.
 - d. Providing to El Dorado Hills Community Services District (EDHCSD) a copy of any landscape and streetscape designs for any HOA projects, for EDHCSD records.
 - e. Development of accommodations to store a minimum of three waste and recycle material containers in an area not visible from the street, on each residential lot in consideration of the EDHCSD mandatory waste management services requirements.

- f. Development, implementation, and maintenance of the Wildland Fire Safe Plan, William Draper, Registered Professional Forester #898, dated September 2, 2011, that is approved according to State Fire Safe Regulations and shall address the homes that back up to the open wildland areas that surround this project.
- g. 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 County approval, prior to filing of the Final Map.

- 22. **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

Project Specific Conditions:

- 23. **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 "B1" Road "D" Road "E" (onsite)	Std Plan 101C	28 ft	50 ft	Two 14 foot wide lanes, Type "A" AC dike. No Curb, gutter or sidewalk. 25 MPH Design

				Speed.
Road "B2" Court "A" Court "B"	Std Plan 101C	36 ft	50 ft	Two 18 foot wide lanes, Type "A" AC dike on one side. No Curb, gutter or sidewalk. 25 MPH Design Speed
Road "F"	Std Plan 101C	24 ft	50 ft	Two 12 foot wide lanes. 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

24. 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.

25. 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 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.

26. Offer of Dedication, Interior Roads: Developer shall irrevocably offer to dedicate in fee, a 50 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.
27. 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.
28. Offer of Dedication, Malcolm Dixon Road: The applicant shall irrevocably offer to dedicate, in fee, the necessary right of way to measure 30 feet from the center line south for the on-site portion of Malcolm Dixon 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. 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.
30. Encroachment Permit(s): The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the access roadway onto Malcom-Dixon Road to the provisions of County Design Standards 103D. The applicant shall obtain an encroachment permit from DOT and shall construct the two roadway encroachment(s) from the access roadway(s) onto “New Connection” Road to the provisions of County Design Standards 103D. The improvements shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
31. Turnaround: The applicant shall provide a turnaround to the provisions of County Design Standard 114 or approved equivalent by local fire district. The improvements shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
32. Gates, Location: Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, all gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.
33. Gates, Turnarounds: All gates shall be designed and constructed with turnarounds acceptable to the Department of Transportation and the Fire Department. 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.
34. Signal Modification: The developer shall provide a signal cycle length optimization design for Green Valley Road at El Dorado Hills Boulevard/Salmon Falls Road. The design shall be substantially completed to the approval of the Department of Transportation prior to the filing of the map
35. 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.
36. Maintenance Entity: The proposed project shall 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.

37. Performance Bond: The construction of all required improvements shall be completed with the presentation of the 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 materials 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.
38. 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

39. 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.
40. Easements: All applicable existing and proposed easements shall be shown on the project plans.
41. 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.
42. 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.

43. 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.
44. 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
45. 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.
46. 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.
47. 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.
48. 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.

49. **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.
50. **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.

51. **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.

52. 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.
53. 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.
54. 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.
55. 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% 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.

- 56. 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.
- 57. 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

- 58. Fugitive Dust: 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. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions mitigation, shall be adhered to during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
- 59. Paving: Project construction shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
- 60. Open Burning: 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).
- 61. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
- 62. Construction Emissions: The AQMD's goal is 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 odors. The following measures should be used to reduce impacts on air quality from equipment exhaust emissions:
 - 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.
63. New Point Source: Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501.3.A)
64. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

El Dorado Hills Fire Department

65. A secondary means of egress shall be provided prior to any construction or be phased per State Fire Safe regulations.
66. The potable water system with the purpose of fire protection for this residential development 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. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.

67. Mueller Dry Barrel fire hydrants shall be installed in conformance with 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.
68. 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.
69. There shall be no parking on the roadway B1, D, E, and F. Curbs shall be painted and signs installed to Fire Department standards prior to recording the final map, or included as part subdivision improvement agreement.
70. Court "A" shall not exceed 800 feet in length.
71. Road "F" shall not exceed 150 feet in length.
72. No traffic calming device that utilizes a raised bump/dip section of roadway shall be installed.
73. 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.
74. Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002. The Department shall inspect the gates for compliance prior to building permit final.
75. The Wildland Fire Safe Plan, William Draper, Registered Professional Forester #898, dated September 2, 2011, shall be implemented. This shall address the homes that back up to the open wildland areas that surround this project. Provisions for on-going maintenance shall be contained in the CC&Rs as required by Condition 21.

El Dorado County Surveyor

76. 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.
77. 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/Tentative Map TM11-1504/Wilson Estates 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 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 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. The project consists of a zone change to R1, which is consistent with General Plan Table 2.4 and a tentative map creating 49 single-family residential lots for 28.18 acres, 1.7 units per acre, which is consistent with the five units per acre standard for HDR.
- 2.2 The project is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of the following Policies:

- 2.2.1 Policy 2.2.1.2 (HDR definition) because it meets density standards. The project proposes 49 single-family residential lots ranging in size from 10,141 sq. ft. to 62,449 square feet. Those 49 lots for the 28.18 total acres, a density of to 1.7 units per acre which conforms to the General Plan land use designation;
- 2.2.2 2.2.5.3 (rezone criteria) because the project was analyzed for water and wastewater capacity, critical flora and fauna areas, wetland impacts, transportation, existing land use pattern and historical and archeological resources;
- 2.2.3 2.2.5.21 (compatibility with surroundings) because the project provides larger sized parcels and setbacks designed to provide a more efficient transition from the MDR designated lots to the west and the LDR designated lots to the east;
- 2.2.4 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), because review of the El Dorado Irrigation District Facility Improvement Letter, Preliminary Onsite/Offsite Sewer Exhibit, and El Dorado Hills Fire Department recommended conditions of approval have demonstrated there are adequate water and sewer facilities to support the project;
- 2.2.5 6.2.3.2 (adequate emergency vehicle ingress/egress) because the project must adhere to the approved Wildland Fire Safe Plan, and conditions have been added as recommended by the El Dorado Hills Fire Department to assure adequate emergency vehicle ingress/egress;
- 2.2.6 Policy 6.5.1.3 and 6.5.1.8 (noise barriers to achieve acceptable noise levels) because the submitted Environmental Noise Assessment determined that the required masonry wall sound barrier will reduce noise impacts to levels consistent with these policies;
- 2.2.7 7.3.3.4 (impacts to wetlands) because mitigation measures 4-6 have been included to reduce impacts to Dutch Ravine;
- 2.2.8 7.4.1.5 (rare, threatened, endangered species) because the Special Status Plant Surveys have demonstrated their were no rare, threatened, endangered species found within the project site and a mitigation measure has been included to protect migratory bird and nesting raptor species;
- 2.2.9 7.4.4.4 (impacts to oak canopy) because the project has demonstrated it can meet the requirements of Option A onsite by replanting within Lot C and as conditioned that planting will be compliant with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A).

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 is consistent with the El Dorado County Zoning Ordinance Development Standards. With an approved rezone to R1, the 49 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 Tentative Subdivision Map Findings

- 4.1.1 The proposed Tentative Subdivision Map, including design and improvements, is consistent with the General Plan policies and land use map because 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, as set forth in the General Plan Findings, Section 2.0.
- 4.1.2 The site is physically suitable for the type and density of development proposed because the site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1.7 units per acre.
- 4.1.3 The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat because potential environmental impacts for the subdivision have been minimized by the lot designs and 10,000 plus square foot sizes. The loss of indigenous oak tree canopy will be mitigated by replanting in compliance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A). The wetlands will be mitigated for minimal impacts by a permanent setback line. The potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during grading.
- 4.1.4 The subdivision will have adequate access to accommodate the proposed density because 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.
- 4.1.5 The subdivision will not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties because the map will adhere to Fire Safe and Fire Code standards and the approved Fire Safe Plan 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 the utilization of road-side ditches and asphaltic concrete (AC) dikes in lieu of curbs and gutters. The support for the design waiver is based on the following findings:
 - 5.1.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The project site is surrounded by existing roadways that were built with A.C. Dikes and over-side drains and the Design Improvement Standards Manual (DISM) 101B Standard Plan, Note 10 makes allowances if the project is connecting to existing A.C. facilities.
 - 5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The larger lot sizes were found to be adequate to support the proposal and to require dikes that do not match the existing surrounding ones is an unnecessary hardship and is out of character with the surroundings.
 - 5.1.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed A.C. dikes meet the requirements of the El Dorado Hills Fire Department and El Dorado County Department of Transportation.
 - 5.1.4 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 project has been conditioned to meet all applicable County Codes.