

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



Agenda of: October 10, 2013
Item No.: 8
Staff: Tom Dougherty

SPECIAL USE PERMIT/PARCEL MAP

FILE NUMBER: S12-0008/P11-0005/Angles

APPLICANT: Michael Angles

REQUEST:

1. Tentative Parcel Map to create four single-family residential parcels comprising of 10.00, 10.01, 10.02, and 20.54 acres from a 50.57-acre parcel;
2. Design Waivers to allow the following:
 - a. A reduction of the surface widths of the roads to be reduced from 28 feet to 18 feet; and
 - b. Allow a dead-end road to exceed 2,650 feet and to serve more than 24 existing or potential parcels; and
3. Special Use Permit request to allow a gate to be installed between the Bela Vista Drive cul-de-sac and a proposed graveled road connector road to Mira Bella Drive.

LOCATION: On the north side of Emerald Forest Drive, approximately 4,000 feet north of the intersection of Rainbow Trail and Sly Park Road, in the Pollock Pines area, Supervisorial District 2. (Exhibit A).

APN: 042-011-46

PARCEL SIZE: 50.57 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit D-1)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Conditionally approve S12-0008, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2;
3. Conditionally approve Tentative Parcel Map P11-0005 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2;
4. Approve the Design Waiver to allow a reduction of the surface widths of all on-site and off-site roads from 28 feet to 18 feet (This would include Mira Bella Drive, Emerald Forest Drive, and Bela Vista Drive.) based on the Findings in Attachment 2; and
5. Deny the Design Waiver to allow a dead-end road to exceed 2,650 feet and to serve more than 24 existing or potential parcels based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description:

1. Tentative Parcel Map request to create four single-family residential parcels comprising 10.00, 10.01, 10.02 and 20.54 acres from a 50.57-acre parcel. Design Waivers are requested for the following:
 - a. Allow a reduction of the surface widths of all on-site and off-site roads from 28 feet to 18 feet. This would include Mira Bella Drive, Emerald Forest Drive, and Bela Vista Drive; and
 - b. Allow a dead-end road to exceed 2,650 feet and to serve more than 24 existing or potential parcels.

The four parcels would be served by wells and septic systems. All four parcels are proposed to have direct driveway access onto existing roads.

2. Special use permit request to permit the construction of a Knox Lock-equipped gate to be installed between the Bela Vista cul-de-sac and a proposed gravel connector road to Mira Bella Drive, the proposed secondary ingress/egress for P11-0005.

Site Description: The 50.57-acre parcel varies in elevation from 3,680 to 3,845 feet above sea level. The majority of the parcel is covered with native conifer trees and shrubs with some areas having the lower conifer branches removed for fire control. There is a drainage swale that drains northeast to southwest along the eastern portion. This is shown as an intermittent stream on the Sly Park U.S.G.S. Quadrangle but has no channel defined from water flow, nor does it have any wetland indicator plants present. The existing roads shown on the tentative parcel map have all been previously graded and graveled.

Background: A clear Certificate of Compliance COC93-0061 was issued for the parcel by the Surveyor's Office in August of 1993, which acknowledged the County's acceptance of the parcel as

legally created in accordance with the Subdivision Map Act and local subdivision ordinances, and allowed development of the property consistent with the zone district at the time. A Boundary Line Adjustment BLA00-0068 was approved in September of 2000 which increased the parcel size from the original 40 acres to the present 50.57-acre size shown on Record of Survey RS25-96 which is included as Exhibit C.

STAFF ANALYSIS

Project Issues: The primary issues with this project are access, circulation, and fire safety. Other discussion items include land use compatibility, design waivers, right-of-way vacation, water supply, and sewage disposal.

Access/Gates/Fire Protection: The primary access would originate from Sly Park Road and travels approximately 4,000 feet to Rainbow Trail, to Golden Street, through the existing Sly Park Hills Subdivision. Golden Street dead ends at the junction of Mira Bella Drive which then travels approximately 100 feet north and dead ends at a point where it turns right (east and then north), and where Emerald Forest Drive begins and turns left (west). See Exhibit B. The entrance at Sly Park Road serves as the ingress/egress point for the more than 300 lots within Sly Park Hills Subdivision.

When one exits the Sly Park Hills Subdivision north bound on Mira Bella Drive, an additional eight larger parcels exist which, due to their LDR land use designation, could potentially add an additional 40 parcels to the existing dead end ingress/egress through Sly Park Hills Subdivision (see Exhibits B and D-1). Due to the length of the dead end road and the total number of existing and potential parcels, a secondary emergency ingress/egress would be required. The applicant is proposing that a new road be constructed from Mira Bella Drive to the east that would join Bela Vista Drive at a locked gate entrance, and then through the Bela Vista Estates subdivision to Sly Park Road that would provide that required secondary emergency ingress/egress. That gate is the subject of the special use permit application.

In 2007 the applicant submitted Pre Application PA07-0004 to get an idea of some of the issues the project might encounter. At that time the El Dorado County Transportation Division identified a need for secondary access, as the Sly Park Hills and Bela Vista subdivisions lacked a secondary emergency ingress/egress road. Policy 6.2.3.2 requires 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. Policy 6.2.2.2 requires that the County preclude development in areas of high and very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.

In November 2010, the Bela Vista Estates Property Owner's Association (BVEPOA), the applicant, and the owner of the parcel to the north, came to an agreement in which the BVEPOA would grant emergency/secondary access only via Bela Vista Drive. This parcel map would provide for that access to be gated, closed and locked at all times, and to be controlled by emergency personnel only. As part of that settlement agreement for Case No PC20090739 (Exhibit J), the applicant is requesting that the County agree to:

1. Abandon the County's rights to the Bela Vista Drive road dedication and/or acknowledge that such claim has expired;
2. Allow the emergency/secondary access road to be gated and locked at the Bela Vista Drive cul-de-sac junction.

The applicant is proposing a Knox-Lock equipped gate to be installed between the Bela Vista Drive cul-de-sac and the proposed connector road. The gate is necessary to satisfy access rights creating the secondary access road for tentative map P11-0005 pursuant to the settlement with BVEPOA, and the applicant. The gate is proposed to be installed adjacent to the end of the Bela Vista Drive cul-de-sac to the specifications described above. The gate design and construction is to be selected by the BVEPOA who will supervise and control the installation. The applicant is required to pay all costs of the gate and its installation.

The project includes a Wildland Fire Safe Plan that was approved in September of 2012 by Cal Fire and El Dorado County Fire Protection District (Fire District) that addresses emergency access. The Fire District has also recommended conditions for the unobstructed widths of the apparatus access roads and to assure they would be designed and maintained to support the imposed loads of fire apparatus and to provide all weather driving capabilities. The Fire Safe Plan was approved by the Fire District and Cal Fire with the exception of the gate design because it includes a locking system. The gate as proposed would not allow egress of residents in an emergency situation as required in California Code of Regulations Title 14 Articles 1-5.

The Fire District has recommended that there be no gate installation or an access controlled electric gate with coded entrance and automatically opens for exiting purposes. The four parcels would be required to establish a maintenance entity to fulfill the additional requirements of the fire safe plan in perpetuity.

Planning, Transportation, Cal Fire, and the Fire District all agree that the proposed locked gate not constructed to Fire District standards results in a dead end. The parcel map and special use permit applications should be denied with that proposal. However, all four agencies would support the project with either no gate or an access controlled gate such as an electric gate with coded entrance that automatically open for exiting purposes, constructed to Fire District and Transportation standards. This would provide secondary emergency ingress/egress options for Bela Vista Estates, Sly Park Hills Subdivision, as well as the applicant's parcel and those adjoining.

Bela Vista Drive Right-of-Way: The applicant proposes that the County abandon the public interest to the Bela Vista Drive and/or acknowledge that the offer of dedication has expired.

When the Bela Vista subdivision was proposed, one of the conditions of the map required Bela Vista Drive to extend to its western boundary and build a temporary cul-de-sac. The subdivision map included the notation "Temporary cul de sac to be abandoned when the road is extended." The intent of extending Bela Vista was 2-fold: 1. To provide an access to the undeveloped property to the west and 2. To provide a secondary egress to Bela Vista subdivision in case of fire.

In 1986, the Bela Vista Homeowners Association requested that the County Board of Supervisors terminate and abandon the road rights-of-way under the Offer of Dedication within the Bela Vista Estates Subdivision. The Board of Supervisors denied the request based on the findings that:

1. The existing offers of dedication for street rights-of-way within the Bela Vista subdivision are necessary for prospective public use; and
2. The retention of the rights-of-way might be needed for the development of adjacent properties.

Planning and Transportation concur with the Board's action in 1986 and believe those concerns are still valid today.

The parcel is included in the Camino-Pollock Pines Community Region and those boundaries were originally expanded in order to provide improved circulation and fire protection. Although a change to a Rural Center is under consideration in the LUPPU, fire protection and emergency access in this area is still considered critical.

Land Use Compatibility: New development is required by General Plan Policy 2.2.5.21 to be compatible with the surrounding neighborhood. The parcel's LDR land use designation establishes areas for single-family residential development in a rural setting with a maximum density of one dwelling unit per 5.0 acres with parcel size range of 5 to 10 acres. The site is zoned Estate Residential Ten-Acre (RE-10) which is compatible with the LDR land use designation pursuant to Table 2-4 of the General Plan. The proposed Parcel Map would create four single-family residential parcels of ten acres or more, meeting the minimum parcel size requirement. The parcel sizes and residential uses would be consistent and compatible with the development pattern in the immediate neighborhood as all of the surrounding lots are designated LDR, Zoned RE-10 and are developed with single-family dwellings.

Design Waivers: The following findings must be made by the approving authority for each requested Design Waiver and they are included in Attachment 2:

1. That the proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan where applicable;
2. That the proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance;
3. That the site is physically suitable for the proposed type and density of development; and
4. That the proposed subdivision is not likely to cause substantial environmental damage.

The applicant is requesting Design Waivers for the following:

- a. To allow a reduction of the surface widths of all on-site and off-site roads from 28 feet to 18 feet. This would include Mira Bella Drive, Emerald Forest Drive, and Bela Vista Drive.

The 28-foot width is the standard for subdivisions within the Community Region. While the project is located within the Camino-Pollock Pines Community Region, it is a rural project. Furthermore, the Board of Supervisors has a Notice of Intent initiating a General Plan Amendment to change this area to a Rural Center, or perhaps remove it from both the community Region or Rural Center designate it as part of the Rural Region. The standard would then be the 20-foot section as proposed (Standard Plan 101C). With less than 150 ADT, an 18-foot wide road surface with 1-foot shoulders each side would be required.

- b. Allow a dead-end road to exceed 2,650 feet and to serve more than 24 existing or potential parcels.

The requirement for secondary access is for concurrent evacuation (egress) of civilians and ingress of emergency response (fire, law enforcement and medical) personnel in the event of a wildland fire and is required by State Law when a road exceeds the dead end road length of 2,640 feet for parcels between 5 and 19.99 acres in size. The parcel is located in a high fire hazard area and a locked gate accessible by only Fire District personnel effectively prevents emergency ingress/egress of the residents, and would result in an ineffective ability for emergency personnel to get to burning areas in a timely manner due to the backing up of residents impeded at the gate. Therefore, it is recommended that the design waiver, as proposed with a locked gate with access restricted only to Fire District personnel, be denied as proposed.

Water Supply (emergency fire protection): An emergency water supply and distribution system is required in order to provide adequate emergency fire protection.

Because the parcel is located within a Community Region (Camino-Pollock Pines, see Exhibit D-2), the applicant is required by Policy 5.7.1.1 to demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

The applicant is proposing to utilize wells as a water source. The Fire District is requiring that an enforceable agreement be established that indicates that no occupancy of any structures shall occur prior to installation of Emergency Water Storage that meets the fire flow requirement of 1,000 gallons per minute at 20 pounds per square inch for two hours as established by Title 14, Fire Safe Regulations. Additionally, as authorized under section 66411.1 of the Subdivision Map Act, a Notice of Restriction (NOR) would be required to be recorded requiring that this condition be satisfied. The NOR would be reviewed and approved by the District prior to the recordation.

Water Supply (potable): The applicant is required to demonstrate that water supply is available for proposed groundwater dependent development and that the existing residents' well water supplies are not degraded. Wells are permitted within Community Regions when the parcels are designated for low density residential uses.

Policy 5.2.3.4 requires that all applications for divisions of land which propose to rely on groundwater supply for domestic use shall demonstrate that the groundwater is adequate to supply the highest demand anticipated for the proposed residential use. Policy 5.2.3.5 requires that groundwater dependent developments be a minimum of five acres in size.

The Environmental Health Division has received proof of an adequate water supply from well production and water quality testing from one well that included production testing for a minimum of twenty-four (24) hours and it exceeded the 5 gallons per minute requirement. The project has been conditioned by the Environmental Health Division for all four parcels to have a water supply that meets Policy 800-02 standards prior to filing the Parcel Map.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study (Exhibit M) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant

effect on the environment, and a Negative Declaration has been prepared. therefore a Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County. In accordance with 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 the \$50.00 filing 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 Wildlife 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	Access Map
Exhibit C	Record of Survey RS25-96
Exhibit D-1	General Plan Land Use Designations Map
Exhibit D-2	Camino-Pollock Pines Community Region Map
Exhibit E.....	Zoning Map
Exhibit F.....	Tentative Parcel Map; January 2011
Exhibit G	Gate Location Map
Exhibit H	Applicant Tentative Parcel Map Narrative
Exhibit I.....	Applicant Special Use Permit Narrative
Exhibit J.....	Superior Court of California Settlement Agreement; October 20, 2010
Exhibit K	Bela Vista Estates Subdivision Map F-130
Exhibits L-1 to L-2	Site Visit Pictures
Exhibit M.....	Proposed Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S12-0008/Parcel Map P11-0005/Angles
Planning Commission/October 10, 2013**

CONDITIONS OF APPROVAL

Project Description

1. This Tentative Parcel Map and Special Use Permit are based upon and limited to compliance with the project description, the following hearing exhibit and Conditions of Approval set forth below:

Exhibit F Tentative Parcel Map, dated January 2011
Exhibit G Gate Location Plan

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 would constitute a violation of permit approval.

The project approval shall include the following and applies to the parcel currently identified by Assessor's Parcel Number 042-011-46:

- a. Tentative Parcel Map creating four single-family residential parcels, comprising 10.00, 10.01, 10.02 and 20.54 acres from a 50.57-acre parcel as shown in Exhibit F. All four parcels shall be served by onsite septic wastewater systems and wells.
- b. Design Waiver approval to allow a reduction of the surface widths of all on-site and off-site roads from 28 feet to 18 feet. This would include Mira Bella Drive, Emerald Forest Drive, and Bela Vista Drive.
- c. Special Use Permit allowing an access controlled electric gate with coded entrance that automatically opens for exiting purposes, to be installed to El Dorado County Fire Protection District standards between the Bela Vista Drive cul-de-sac and the graveled road connector road to Mira Bella Drive, at the location shown in Exhibit G.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, and parking 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.

Planning Services

2. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
3. **CA Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
4. **Park In-Lieu Fee:** 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 Development Services Division.
5. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

6. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a

Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

7. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

Transportation Division

8. **Offsite Improvements:** The applicant shall improve the extension of Bella Vista Drive to Mira Bella Drive and the connector between Mira Bella Drive to Golden Street, in accordance with the DISM Standard Plan 101C and the current Fire Code, with a 20-foot wide all weather surface roadway capable of supporting 40,000 pounds, (18-foot travel surface with 1-foot shoulders on each side). The connector road from Mira Bella Drive to Golden Street shall provide snow storage areas on the improvement plans. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved Improvement Agreement with security, prior to the filing of the Parcel Map.
9. **Onsite Improvements:** The applicant shall improve Mira Bella Drive, and Emerald Forest Drive in accordance with the DISM Standard Plan 101C and the current Fire Code with a 20-foot wide all weather surface, roadway capable of supporting 40,000 pounds (18-foot travel surface with two 1-foot shoulders). The improvements shall be completed to the

satisfaction of the Transportation Division or the applicant shall obtain an approved Improvement Agreement with security, prior to the filing of the Parcel Map.

10. **Turnaround:** The applicant shall provide a turn around at the end of both Emerald Forrest Drive and Mira Bella Drive to the provisions of County Standard Plan 114 or approved equivalent by local fire district. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved Improvement Agreement with security, prior to the filing of the Parcel Map.
11. **Encroachment:** The applicant shall obtain an encroachment permit and construct the encroachment from Mira Bella Drive onto Golden Street and the extension of Bella Vista Drive to the provisions of County Design Std 103C. The structural section shall be at least 2.5" AC over 6" AB. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved Improvement Agreement with security, prior to the filing of the Parcel Map.
12. **Secondary Emergency Access Gate:** Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, all gates providing access from a road 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. All gates shall be designed and constructed with turnarounds acceptable to the Transportation Division and the Fire Department. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved Improvement Agreement with security, prior to the filing of the Parcel Map.
13. **Maintenance Entity:** All shared or common public or private roads, parking facilities, landscaping, signs, gates and drainage facilities associated with this Parcel Map shall participate in an entity for the purpose of maintenance. If there is an existing entity, the owner shall join such entity. If the existing entity does not cover all of the above mentioned facilities, that entity shall either:
 - a. Modify the existing entity to include all of the above mentioned facilities; or
 - b. Create a new entity that includes all of the above mentioned facilities.

The Transportation Division shall review and approve the document modifying or forming the entity to ensure the provisions are adequate, prior to filing of the Parcel Map.

14. **Easements:** All applicable existing and proposed easements shall be shown on the Parcel Map.
15. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Transportation Division prior to the filing of the Parcel Map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).

16. **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.
17. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division, and pay all applicable fees prior to filing of the Parcel Map.
18. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Transportation Division for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. The improvements shall be installed to the satisfaction of the Transportation Division prior to filing of the parcel map.
19. **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.
20. **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 Transportation Division for design review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved Improvement Agreement with security, prior to the filing of the Parcel Map.
21. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division 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.
22. **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 Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

23. **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 Transportation Division. 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.
24. **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 Transportation Division.

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

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or the applicant shall demonstrate that there are no downstream impacts.
- d. The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting.

25. **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 easement 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/private 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.

26. **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.
27. **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.
28. **Storm Water Drainage BMPs:** Storm drainage from on-site and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by the Transportation Division. This project is located within the area covered by El Dorado County’s municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with “Attachment 4’ of El Dorado County’s NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004. With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Final Map.
29. **Off-site Improvements (Security):** Prior to the filing of a Parcel Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
30. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant’s expense and within 120 days of filing the Parcel Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any Parcel Map, the applicant shall submit the following to the Transportation Division 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.

31. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the owner will provide a CD to the Transportation Division with the drainage report, any structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
32. **TIM Fees:** The applicant shall pay the Traffic Impact Mitigation (TIM) fees at issuance of building permit.

Environmental Health Division

33. **Water Source (potable):** Prior to recording the parcel map, each parcel shall have a well that provides a safe and reliable water source. These wells require at a minimum, four hour production testing in compliance with EDC Policy 800-02.

El Dorado County Air Quality Management District

34. **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.
35. **Paving:** Project construction shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
36. **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).
37. **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.
38. **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)
39. **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 County Fire Protection District

40. **Site Plan Review Fee:** The applicant shall submit a site plan review fee of \$150.00 prior to the filing of the parcel map.
41. **Emergency Water Storage:** An enforceable agreement with the El Dorado County Fire Protection District indicating that no occupancy of any structures shall occur prior to installation of Emergency Water Storage as provided per NFPA 1142 "Water Supplies for Suburban and Rural Firefighting" as defined by the El Dorado County Fire Prevention Officers Standard, "Residential Water Supplies Without a Purveyor", to meet the fire flow requirement as established by Title 14, Fire Safe Regulations. As authorized under section 66411.1 of the Subdivision Map Act, a Notice of Restriction (NOR) shall be recorded

requiring that this condition be satisfied. The NOR shall be reviewed and approved by the District prior to the recordation and shall occur prior to filing of the parcel map.

42. **Fire Flow:** The applicant shall install a fire hydrant connecting to the emergency water storage system within 500 feet of each new parcel which shall deliver a minimum Fire Flow of 1,000 gallons per minute at 20 pounds per square inch for two hours prior to filing of the parcel map.
43. **Roadways:** Roadways that serve more than one parcel shall have a minimum 20 foot width of travel surface, to the split where the roadway shall only serve one parcel. At that location the access will be considered a driveway with a minimum 12 foot width and meet Fire Safe specifications. All roadways shall be installed to the satisfaction of the District and CAL Fire prior to the filing of the Parcel Map.
44. **Wildland Fire Safe Plan:** The Wildland Fire Safe Plan dated July 23, 2012 is approved with the exception of the gate design. The applicant shall record a Notice of Restriction (NOR) that states that all four parcels shall adhere to the conditions of the Wildland Fire Safe Plan and have an attached copy of the approved Plan. The NOR shall be reviewed and approved by the El Dorado County Fire Protection District, and subsequently shall be recorded and a copy of the recorded document shall be received by Planning Services and the Fire District prior to filing the Parcel Map.
45. **Gated Emergency Ingress/Egress:** The secondary egress from Mira Bella Drive to Bela Vista Drive shall have either no gate installation or an access controlled gate such as an electric gate with coded entrance and it shall automatically open for exiting purposes.

County Surveyor's Office

46. **Survey Monuments:** All survey monuments must be set prior to filing the Parcel Map.
47. **Parcel Map Guarantee:** Provide a Parcel Map Guarantee, issued by a title company, showing right to use of all effected roadways and proof of access from said roads to a State or County Maintained Road as defined in 16.44.120(B)(2).
48. **Condition Compliance Letter:** Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P11-0005 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

Special Use Permit S12-0008/Parcel Map P11-0005/Angles Planning Commission/October 10, 2013

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 during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one dwelling unit per five acres and parcel sizes that range from 5.00 to 10.00 acres and the project allows four parcels comprising 10.00, 10.01, 10.02, and 20.54 acres from a 50.57-acre parcel.
- 2.2 The Planning Commission finds the project is consistent with the following General Plan policies:
 - 2.2.1 2.2.5.21 (compatibility with surroundings) because the project provides ten-acre-plus sized parcels, larger than the majority of the surrounding LDR designated lots;
 - 2.2.2 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 the Environmental Health Division and El Dorado County Fire Protection District have required conditions of approval to assure adequate water supply and pressure, and the applicant has demonstrated there is the ability to provide adequate water and septic facilities to support the project;
 - 2.2.3 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 County Fire Protection District to assure adequate emergency vehicle ingress/egress;

As conditioned, 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 parcels will be consistent with the RE-10 zone district which permits the four parcels comprising 10.00, 10.01, 10.02 and 20.54 acres from a 50.57-acre parcel under Section 17.70.110.A.
- 3.2 As proposed, the project meets the applicable development standards contained within Section 17.70.110 of the Zoning Ordinance including minimum parcel width (150 feet).

4.0 PARCEL MAP FINDINGS

- 4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan because all necessary improvements have been considered by the reviewing agencies to determine that, this Tentative Parcel Map is consistent with the policies of the General Plan, as analyzed and described in the Staff Report and the General Plan Findings above.
- 4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance because as proposed, conditioned, the Tentative Parcel Map conforms to the development standards within the RE-10 zone district and the Minor Land Division Ordinance.
- 4.3 The site is physically suitable for the proposed type and density of development because the site is physically suitable for the proposed type and density of development. The project was designed in a manner which equally distributes the existing suitable emergency and potable water, emergency access, septic disposal areas, and natural feature features. The project avoids disturbances to slopes in excess of 30 percent, shows the ability for minimum impacts on the drainage swale areas, and is compatible within the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the General Plan LDR land use designation and conforms to the minimum parcel size and development standards of the RE-10 zone district.
- 4.4 The proposed subdivision is not likely to cause substantial environmental damage. After agency and staff review of the project, conditions have been added which reduced the potential for the project to cause significant negative effects on the environment. There are existing supporting access roadways, electrical, and telephone facilities available to the site. The applicant has shown the four resultant parcels can be developed with typical residential infrastructure improvements in areas of less than 30 percent slopes with minimum potential impacts to existing woody vegetation.

5.0 SPECIAL USE PERMIT FINDINGS

- 5.1 The issuance of the permit is consistent with the General Plan.

As conditioned to have either no gate installation or an access controlled gate such as an electric gate with coded entrance that automatically opens for exiting purposes, the proposed use of a gated secondary emergency ingress/egress is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.1.

- 5.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not conflict with the adjacent uses as it is conditioned by the El Dorado County Fire Protection District for access requirements. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report.

- 5.3 The proposed use is specifically permitted by Special Use Permit.

With an approved Special Use Permit as permitted by County Code Section 17.22.500, the use of a gated entrance within a road easement is permitted as an exception to the requirements of Section 17.14.155.E. Section 17.28.430.J allows the project to be heard by the Zoning Administrator or the Planning Commission. The Development Services Division Director has determined that because of the potential controversial nature of the project request, the project is to be heard by the Planning Commission.

6.0 DESIGN WAIVER APPROVAL FINDINGS

- 6.1 Design Waiver approval to allow a reduction of the surface widths of all on-site and off-site roads from 28 feet to 18 feet. This would include Mira Bella Drive, Emerald Forest Drive, and Bela Vista Drive.

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

The reduction is justified because, while the project is located within the Camino-Pollock Pines Community Region, it is a rural project. Furthermore, the Board of Supervisors has a Notice of Intent initiating a General Plan Amendment to change this area to a Rural Center, or perhaps remove it from both the community Region or Rural Center designate it as part of the Rural Region. The standard would then be the 20-foot section as proposed (Standard Plan 101C). With less than 150 ADT, an 18-foot wide road surface with 1-foot shoulders each side would be required.

6.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

While constructing the urban standard road would not create a hardship, this design would be unnecessary due to the rural nature of the site and proposed development and would result in excess grading and tree removal.

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

Permitting an 18-foot access road to the parcels would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The project has been conditioned to include this roadway widening to meet DISM and California Fire Code requirements.

6.1.4 This waiver(s) 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.

Approval of the waiver provides for reasonable access and circulation for this rural development and satisfies the requirements of the Fire Safe Standards and other applicable ordinances.

7.0 DESIGN WAIVER DENIAL FINDINGS

7.1 Allow a variation of DISM Volume 2, Section 3(A)(12) to allow a dead-end road to exceed 2,650 feet, to serve more than 24 existing or potential parcels, and to include a locked gate accessible only to Fire District personnel. The support for the denial of the design waiver is based on the following findings:

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

There are no special conditions or circumstances peculiar to the property proposed to be divided which would justify approval of the adjustment or waiver because the locked gate would deny the effective emergency ingress/egress of the existing and future residents. This is an area of high fire hazard with existing dead end roads that exceed design standards for length and number of parcels that are served by the road.

7.1.2 Strict application of the design or improvement requirement of the Minor Land Division Ordinance or Design and Improvements Manual would cause extraordinary and unnecessary hardship in developing the property.

Providing a secondary point of access is a basic requirement for this type of rural development and is not an unnecessary hardship. Cal Fire, the Transportation Division, and the Fire District have determined that the best available option to solve an existing unsafe dead-end road situation is to create a secondary access that has either no gate installation or an access controlled gate such as an electric gate with coded entrance that automatically

opens for exiting purposes. Because the applicant is proposing a locked gate, this finding cannot be made.

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

A locked gate would be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access constraints for emergency services and safety of adjacent property owners in the event of an emergency. Emergency response times cannot be met unless either no gate installation or an access controlled gate such as an electric gate with coded entrance that automatically opens for exiting purposes.

7.1.4 The adjustment or waiver would not have the effect of nullifying the objectives of the Ordinance and Manual noted above or any other law or ordinance applicable to the division.

Waiving the requirement for the dead-end road length would not be consistent with Design Improvement Standards Manual Volume 2, Section 3(A)(12) because the applicant is including a locked gate which creates a dead end, and neither Cal Fire, the Transportation Division, nor the Fire District can support the waiver as proposed.