

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: December 3, 2008
Item No.: 4.b.
Staff: Robert Peters

TENTATIVE PARCEL MAP

FILE NUMBER: P07-0027

APPLICANT: Michael R. Wilkes Construction, Inc.

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: Tentative parcel map creating four (4) parcels ranging in size from 3.0 acres to 3.15 acres from a 12.16 acre site. Design waivers have been requested for the following:

- 1) Not require inclusion of a eight (8) foot roadway shoulder along the subject property frontage on El Dorado Road;
- 2) Allow creation of Parcels A and B exceeding the 3:1 lot depth to width ratio; and
- 3) Allow the use of Standard Plan 101C for the on-site roadway (18-foot travel surface, 1 foot shoulders).

Request to eliminate a bike path required by General Plan Transportation and Circulation Element Policy TC-4i which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible.

LOCATION: On the north side of El Dorado Road approximately 0.6 miles north of the intersection with Mother Lode Drive, in the El Dorado Area, Supervisorial District III (Exhibit A).

APN: 329-040-55 (Exhibit B).

PARCEL SIZE: 12.16 acres

GENERAL PLAN: Medium-Density Residential (MDR) (Exhibit C)

ZONING: Single-Family Three-Acre Residential (R3A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

RECOMMENDATION:

Staff recommends the Zoning Administrator 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 the following design waiver as the required findings have been made as noted in Attachment 2:
 - 1) Allow creation of Parcels A and B exceeding the 3:1 lot depth to width ratio; and
4. Approve Tentative Parcel Map P07-0027 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; or

BACKGROUND: This Parcel Map application was submitted on June 12, 2007. Initially, the project was deemed complete; however, the Technical Advisory Committee Meeting held on August 27, 2007 identified project issues relating to lot configuration, oak tree removal, and access and road improvements. Several revision to the project design and revisions to oak tree canopy exhibits have resulted in the tentative parcel map and exhibits submitted for this staff report.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the parcel map request and issues for Zoning Administrator consideration are provided in the following sections.

Project Description: The tentative parcel map would create four (4) parcels ranging in size from 3.0 acres to 3.15 acres from a 12.16 acre site (see Exhibit E). Three (3) design waivers have been requested for the following: 1) Not require inclusion of a eight (8) foot shoulder along the subject property frontage on El Dorado Road; 2) Allow creation of Parcels A and B exceeding the 3:1 lot depth to width ratio; and 3) Allow the use of Standard Plan 101C for the on-site roadway (18-foot travel surface, one (1) foot shoulders) rather than Modified Standard Plan 101B requiring a 20-foot roadway width without curb, gutter, and sidewalk. The applicant has submitted a design waiver

supporting documentation for proposed design waivers (see Exhibit F). Proposed design waivers are discussed in the design wavier section below.

Also, the applicant is requesting relief from the application of General Plan Transportation and Circulation Policy TC-4i which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible.

Site Description: The 12.26 acre subject parcel lies on the western slope of the central Sierra Nevada Mountains in the El Dorado area, on the north side of El Dorado Road approximately 0.6 miles north of the intersection with Mother Lode Drive, at an approximate elevation of 1,600 feet above mean sea level. The center of the project site is a hilltop. The site contains slopes in excess of 40 percent. Biological communities on the site include mixed oak woodland, and an intermittent channel, seasonal wetland and seeps totaling approximately 0.10 acres. Oak woodland canopy currently covers approximately 5.98 acres (49 percent) of the parcel. The soil types consist of Boomer gravelly loam, 15 to 30 percent slopes (BhD); Diamond Springs very fine sandy loam, nine (9) to 15 percent slopes (DfC); and Diamond Springs very rocky sandy loam, 3 to 50 percent slopes. The parcel contains an existing single-family residence with septic system. Boomer gravelly loam (BhD) has moderately slow permeability, medium surface runoff, and moderate erosion hazard, while Diamond Springs very fine sandy loam (DfC) and very rocky sandy loam (DgE) have moderately slow permeability, medium to rapid runoff, and slight to high erosion hazard.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R3A	MDR	Single-Family Residence
North	R3A	MDR	Undeveloped Residential Property
South	R2	MFR	Single-Family Residences
East	R1A/R2	MFR	Single-Family Residences
West	R3A	MDR	Single-Family Residences

The project parcel is bounded on all sides by residential uses or undeveloped residentially zoned lands. The project would create four residential parcels in a residential setting consistent with surrounding densities, and would not create conflicts with the surrounding land uses.

Project Issues: Discussion items for this project include: cultural resources; wetlands, intermittent channel, and seeps; slopes; access; circulation; high wildfire hazard development; septic capability; potable and fire protection water supply; air quality; and oak tree canopy removal. Discussion of each project issue is further discussed in detail below:

Cultural Resources: An archaeological survey was completed by Historic Resource Associates, dated March 2006, for the project site. This survey found no significant prehistoric or archaeological sites, features, or artifacts were found, nor were any historic buildings, structures, or objects found. Based on the archaeological survey results, it was determined that no further archival or field study would be recommended. Standard conditions of approval have been included to protect undiscovered sub-surface cultural resources (see Conditions of Approval, Attachment 1).

Wetland, Intermittent Channel, and Seeps: The project site contains approximately 0.01 acres of seasonal wetland, 0.03 acres of seep, and approximately 0.06 acres (553 feet by 5 feet) of intermittent channel. The existing intermittent channel is located within a 16-foot wide drainage easement per Parcel Map 40-77. General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that policy require a minimum setback of 50 feet from intermittent streams and wetlands. The proposed development does not propose impacts to the referenced waters, thus the proposed project is considered consistent with the referenced policy.

Slopes: The project site contains slopes in excess of 40 percent. Slope categories for the project site are as follows; eight (8) percent of the project site has slopes ranging from zero (0) to 10 percent; 26 percent of the project site has slopes ranging from 11 to 20 percent; 29 percent of the project site has slopes ranging from 20 to 30 percent; and 37 percent of the project site has slopes ranging from 30 to greater than 40 percent (see Exhibit G). Pursuant to General Plan Policy 7.1.2.1 and the Interim Interpretive Guidelines for that policy, development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The proposed project would disturb 30 percent and greater slopes; however, all disturbances would be required for access to proposed parcels. Therefore, the proposed project is considered consistent with the referenced policy.

Access: The primary access to the project would consist of the construction of proposed on-site Roads A and B serving Parcels A, B, and C. The applicant is proposing to construct on-site roadways to 18-foot roadway with 1-foot shoulders (Standard Plan 101C) (see Exhibit H), however, DOT is requiring a 20-foot roadway width without curb, gutter, and sidewalk (Modified Standard Plan 101B). Also, the applicant is proposing to remove the requirement for frontage improvements to El Dorado Road to include the widening of El Dorado Road consisting of curb, gutter, and sidewalks (per General Plan Policy TC-4i and Standard Plan 101A) with an 8-foot shoulder (see Exhibit I). Proposed Parcel C will take access off of El Dorado Road utilizing a 12-foot wide gravel driveway and standard encroachment (Standard Plan 103B-1).

The applicant has asked for design waiver to allow use of Standard Plan 101C and eliminate the requirement for an eight (8) foot shoulder, and has also requested relief from the requirements for frontage improvements along El Dorado Road per General Plan Policy TC-4i and Standard Plan 101A (see Design Waiver and General Plan sections below). These requirements would result in additional 6,500 cubic yards of grading, 6,000 cubic yards of which would need to be removed from the site, and removal of 1.05 acres of additional oak tree removal (see Exhibits I and J).

Circulation: The Department of Transportation (DOT) reviewed the proposed project and determined it would not trip the traffic impact threshold within the General Plan. Proposed project access is discussed above in the “Access” section. The Department of Transportation provided conditions of approval that would ensure consistency with County policies and procedures with regard to grading, drainage, and design standards required for any roadway improvements (see Conditions of Approval, Attachment 1).

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT reviewed the proposed project and determined that it would not trigger the threshold described above because of its limited size.

High Wildland Fire Hazard Development: General Plan Policy 6.2.2.2 requires that *The county shall 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 prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.* The subject parcel is located in the high wildland fire hazard area. The project has been conditioned by Diamond Springs - El Dorado Fire Protection District (See Attachment 1, Conditions of Approval). The applicant has worked with the Diamond Springs - El Dorado Fire Protection District and has implemented fire safe measures based on Fire District comments to include turnarounds and turnouts, 12-foot driveway widths, and roads consistent with DOT requirements (see Exhibit H). The project is conditioned to require an approved Fire Safe Plan prior to filing the final parcel map (see Attachment 1, Conditions of Approval).

Septic Capability: El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the “Individual Sewage Disposal Suitability Study” completed and submitted by Norton Professional Geologist.

Potable and Fire Protection Water Supply: El Dorado Irrigation District provided a letter dated March 21, 2006 indicating that it has adequate water supplies to serve the project.

Air Quality: The El Dorado County Air Quality Management District (AQMD) reviewed the project and determined that with the implementation of four standard County measures, the project would have a less than significant impact on the air quality. As part of the measures, an asbestos dust mitigation plan application must be prepared and submitted to the AQMD if naturally occurring asbestos is encountered during project construction. These measures are included as conditions of project approval within Attachment 1 of the staff report.

Oak Tree Canopy: Oak canopy covered an estimated 7.25 acres, or 60 percent of the 12.16 acre project site based on April 1, 2004 aerial photo, however, oak canopy covered an estimated 5.98

acres based on May 1, 2006 aerial photo (see Exhibit K). An estimated 1.27 acres of oak canopy was removed between April 1, 2004 and May 1, 2006. This oak canopy removal was in violation of General Plan Policy 7.4.4.4 and Planning Services has determined that the oak canopy analysis shall be based on the April 1, 2004 coverage. The County minimum retention standard, based on the 2004 coverage, is 70 percent. Table 1 (below) includes all oak canopy removal; including impacts associated with frontage improvements to El Dorado Road (see Exhibit J). The project oak canopy retention rate is 53.1 percent and does not meet the oak canopy retention standards of policy 7.4.4.4, Option A.

TABLE 1: Tree Canopy Summary					
	Area	% Existing Canopy	% Required Retention	Canopy to be Remove	% Proposed to Retain
Total	12.16 Acres	60%	70%	3.40 acres	53.1%

Areas do exist for on-site mitigation of oak canopy removal which falls within the retention rate of General Plan Policy 7.4.4.4, Option A (see Exhibit L). Since the proposed project results in tree removal in excess of the required retention provisions of General Plan Policy 7.4.4.4, Option B will be utilized, or a combination of Option A and B will be utilized (see Conditions of Approval, Attachment 1) in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

General Plan: The General Plan designates the subject site as Medium-Density Residential (MDR) which establishes areas suitable for detached single-family residences with larger lot sizes enabling limited agricultural land management activities. Pursuant to General Plan **Policy 2.2.1.2**, the allowable density for the designation is one (1) dwelling unit per one (1.0) acre with parcel sizes ranging from one (1.0) to five (5.0) acres. The proposed project would result in densities and minimum parcel sizes conforming to the General Plan Land Use Designation.

General Plan **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. Surrounding parcels in the immediate vicinity are developed with single-family residences on lot size consistent with the three (3) acre or greater parcels proposed. As such, the three (3) new parcels and their residential uses would be consistent with the intended development pattern.

General Plan **Policy 5.7.1.1** requires the applicant 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 project will utilize public water services via El Dorado Irrigation District. The Diamond Springs-El Dorado Fire Protection District has conditioned the project and the project has been conditioned to require an approved Wildfire Fire Safe Plan addressing the emergency water and access issues for the project site prior to filing the parcel map (See Condition of Approval No.11 and Nos. 40-54, Attachment 1).

General Plan **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 prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. The Diamond Springs-El Dorado Fire Protection District has conditioned the project and the project has been conditioned to require an approved Wildfire Fire Safe Plan addressing the emergency water and access issues for the project site prior to filing the parcel map (See Condition of Approval No.11 and Nos. 40-54, Attachment 1).

General Plan **Policy 6.2.3.2** requires that the applicant to 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. The Department of Transportation has reviewed the project and supports the proposed parcel map provided that the applicant meet the minimum standards for the County Design and Improvement Standards Manual (DISM) Modified Standard Plan 101B for on-site improvements and widen the off-site portion of El Dorado Road to include an eight (8) foot shoulder. The Diamond Springs-El Dorado Fire Protection District has conditioned the project and the project has been conditioned to require an approved Wildfire Fire Safe Plan addressing the emergency water and access issues for the project site prior to filing the parcel map (See Condition of Approval No.11 and Nos. 40-54, Attachment 1).

General Plan **Policy 7.1.2.1** does not allow development on slopes greater than 30 percent unless necessary for access. The project site includes slopes that are 30 percent or greater; however, the project will only disturb 30 percent slopes for required access (see Exhibit G). Both of the parcels contain slopes that are less than 30 percent. Therefore, the proposed parcel map would not create unnecessary disturbances to slopes greater than 30 percent (See Exhibit E and G).

General Plan **Policy 7.3.3.4** requires a minimum setback of 50 feet from intermittent streams and wetlands. The project site contains areas of seasonal wetland, seep, and intermittent channel; however no impacts to these features are proposed and no development is proposed within 50 feet of these features. Therefore, the project is consistent with the referenced policy.

General Plan **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards. Oak canopy covered an estimated 7.25 acres, or 60 percent of the 12.16 acre site based on April 1, 2004 aerial photo which will be used for project analysis (see Oak Tree Canopy discussion above). Under General Plan Policy 7.4.4.4 Option A and the El Dorado County Oak Woodland Management Plan, 70 percent of the existing canopy must be retained. As proposed, the project would retain 53.1 percent of the oak tree canopy at the site which does not meet the retention standards of General Plan Policy 7.4.4.4, Option A. Areas do exist for on-site mitigation of oak canopy removal. Since the project results in tree removal in excess of the required retention provisions of General Plan Policy 7.4.4.4, Option B will be utilized, or a combination of Option A

and B will be utilized consistent with the requirements of General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

General Plan Transportation and Circulation **Policy TC-4i** seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. DOT has conditioned the project to include sidewalks consistent with Policy TC-4i along the El Dorado Road project frontage constructed to County Design and Improvements Standards Manual (DISM) Standard Plan 101A. Also, DOT has conditioned the project to require an eight (8) foot shoulder along the El Dorado Road project frontage (see Attachment 1, Conditions of Approval). The applicant has requested relief from Policy TC-4i and a Design Waiver Request to eliminate the required eight (8) foot shoulder stating that the requirement is infeasible because application Policy TC-4i together with the DOT condition of approval for an eight (8) foot shoulder would result in 6,500 cubic yards of additional grading, 6,000 cubic yards of which would need to be removed from the site, and removal of 1.05 acres of additional oak tree canopy due (see Exhibits I and J). The applicant has submitted Design Waiver Request, Findings and Exhibits, attached as Exhibit F, which state that the inclusion of sidewalks will not stimulate pedestrian traffic in the area to the types of destinations anticipated in Policy TC-4i, and sidewalks are over 800 feet away on the west side of El Dorado Road toward Highway 50 in front of El Dorado Savings Bank, the closest commercial enterprise.

DOT maintains that they are neutral on the application of Policy TC-4i, however, will continue to require the eight (8) foot shoulder along the project frontage. With the inclusion of the condition to require sidewalks pursuant to General Plan Policy TC-4i the proposed project is considered consistent with the referenced policy. If the approving authority finds the requirement for inclusion of sidewalks pursuant to Policy TC-4i is not feasible, the applicable condition of approval (see Attachment 1, Conditions of Approval 28) would be removed and findings for approval must be made for consistency with the referenced policy.

Planning Services recommends that the applicant be relieved from the requirements of Policy TC-4i due to infeasibility. The proposed project is a rural subdivision which proposes three (3) acre or greater parcel sizes and takes access from a two lane regional road as depicted on the General Plan Circulation Map Figure TC-1. The project frontage is approximately 1,113 feet in length, steeply sloped, and contains dense oak canopy. Significant grading and oak canopy removal is required to include an eight (8) foot shoulder along the project frontage. Additional grading and oak canopy removal for inclusion of sidewalks would create an even more substantial cost to the applicant, and would ultimately result in extraordinary construction costs (see Exhibits I and J). The proposed density resulting from the project would not result in a substantial increase in pedestrian traffic on El Dorado Road. No sidewalks are found on residential development in the project vicinity. Inclusion of an eight (8) foot shoulder would allow for pedestrians to travel safely through this section of El Dorado Road without being forced onto the existing roadway, where limited shoulder currently exists. The project contains multi-family residential land use designations across El Dorado Road. At an ultimate density, sidewalks may be appropriate; however, those properties are currently developed with single-family residential land uses, which result in less pedestrian traffic than multi-

family land uses. No schools or parks exist within two (2) miles of the project site. Some commercial land uses with sidewalks exist to the north of the project site (El Dorado Savings Bank, see Exhibit F); however, those commercial land uses are limited and are more than 800 feet away. Findings for granting relief have been provided in Attachment 2.

It has been determined that the project, as conditioned, is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The proposed parcel map contains four parcels which are consistent with the development standards identified with Section 17.28.440 of the Zoning Ordinance, including a minimum parcel size of three (3) acres. The existing residential use at the subject site is permitted by right under Section 17.28.420.

Findings for approval are provided in Attachment 2.

Design Waiver: Three (3) design waivers from the Design and Improvement Standards Manual (DISM) have been requested for the proposed project. Findings of consistency for the proposed design waivers which are to be approved are provided in Attachment 2. The requested design waivers are as follows:

1. Not require the inclusion of an eight (8) shoulder along the subject property frontage on El Dorado Road.

Discussion: DOT does not support the proposed design waiver. DOT has conditioned the parcel map to include the eight (8) foot shoulder (see Attachment 1, Conditions of Approval).

2. Allow creation of Parcels A and B exceeding the 3:1 lot depth to width ratio.

Discussion: Proposed Parcels A and B would be irregular shaped parcels in that the proposed parcels would exceed the 3:1 depth to width ratio required by the DISM. The applicant has submitted supporting documentation for the proposed design waiver (see Exhibit F). The applicant has demonstrated that the proposed lots would comply with the required 150-foot lot width and the required 30-foot setback requirements and provide for adequate buildable areas on the site. Also, project design has included a building restriction line with a no build area on parcels A and B in the areas furthest from each lot frontage. The proposed lots would meet all the Development Standard requirements of the R3A zone district. Parcel configuration would be consistent with other residential parcels in the project vicinity (see Exhibit A). Planning Services has reviewed the Design Waiver request and has recommended approval.

Findings for approval are included within Attachment 2.

3. To allow the use of Standard Plan 101C for the on-site roadway (18-foot travel surface, one (1) foot shoulders).

Discussion: DOT does not support the proposed design waiver. DOT has conditioned the parcel map to include a Modified 101B Standard with 20-foot road width without curb, gutter, or sidewalk (see Attachment 1, Conditions of Approval).

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (see Exhibit M) to assess project-related environmental impacts. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. 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.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 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 1Conditions of Approval

Attachment 2.....Findings

Exhibit A.....Vicinity Map

Exhibit B.....Assessor’s Map

Exhibit C.....General Plan Land Use Map

Exhibit D.....Zoning Map

Exhibit E.....Tentative Parcel Map

Exhibit F.....Design Waiver Request and Findings

Exhibit G.....Slope Map

Exhibit H.....Preliminary Grading Plan

Exhibit I.....Supplemental Grading Exhibit

Exhibit J.....Updated Oak Canopy Analysis

Exhibit K.....Chronological Aerial Photographs

Exhibit L.....Oak Canopy Replacement Area

Exhibit M.....Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

Tentative Parcel Map File Number P07-0027/Wilkes Zoning Administrator/December 3, 2008

I. PROJECT DESCRIPTION

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit A through M dated October 1, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The tentative parcel map would create four (4) parcels ranging in size from 3.0 acres to 3.15 acres from a 12.16 acre site. The project includes road improvements consisting of the construction of proposed on-site Roads A and B serving Parcels A, B, and C to 20-foot roadway width without curb, gutter, and sidewalk (Modified Standard Plan 101B), with standard encroachment (Standard Plan 103D). Also, the project includes frontage improvements to include the widening of El Dorado Road with an 8-foot shoulder. Proposed Parcel C will take access off of El Dorado Road utilizing a 12-foot wide gravel driveway and standard encroachment (Standard Plan 103B-1).

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

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. If construction begins outside the February 1 to August 31 breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, then the bird is considered adapted to construction disturbance.

If construction is scheduled to begin between February 1 to August 31 then a qualified biologist shall conduct a preconstruction survey for active nests at the project site and within 250-foot radius of the construction site from publicly accessible areas within 30 days prior to construction. If no active nests of a bird of prey or Migratory Bird Treaty Act (MBTA) bird are found, then no further mitigation measures are necessary.

If an active nest of a bird of prey or MBTA bird is found in the project study area, then the biologist shall flag the active nest tree so that a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest tree.

The construction contractor shall install stakes or temporary flagging, fencing, etc., at the edge of the minimum 250-foot ESA. The ESA shall be maintained throughout the construction period. No disturbance shall occur within 250 feet of a nest tree until a qualified biologist determines that the nest is no longer active.

Timing/Implementation: If construction begins during the nesting season (February 1 to August 31), the preconstruction survey shall be conducted no more than 30 days prior to clearing and grubbing and submitted prior to grading permit issuance.

Enforcement/Monitoring: El Dorado County Planning Services

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of a combination of the options a and c, or options b and c below, will reduce impacts to a less than significant level:
 - a. For tree replacement under Policy 7.4.4.4, Option A, of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance

documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.

- b. In lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.
 - c. The applicant shall mitigate the impacts to oak woodland exceeding the retention requirements of Policy 7.4.4.4, Option A, of the General Plan, by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.
4. If Option A above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the re-planted oak saplings and/or oak acorns for this project.
5. If Option A above is utilized, Covenants, Conditions, and Restrictions (CCRs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CCRs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the replanted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.
6. A meter award letter or similar documentation shall be provided to Planning Services by EID prior to filing the parcel map.
7. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Parks and Recreation Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the parcel map.
8. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the

discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

9. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
10. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
11. The applicant shall submit an approved Wildfire Fire Safe Plan prepared by a Registered Professional Forester (RFP) and approved by the Diamond Springs - El Dorado Fire Protection District and/or California Department of Forestry and Fire Protection.
12. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed with Planning Services.
13. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.
14. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
15. 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.

Air Quality Management District

16. Prior to grading permit issuance, an Asbestos Dust Mitigation Plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
17. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
18. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
19. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
20. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
21. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
 - Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.
 - Retard diesel engine injection timing by two to four degrees.
 - Use electricity from power poles rather than temporary gasoline or diesel generators.
 - Use reformulated low-emission diesel fuel.
 - Use catalytic converters on gasoline-powered equipment.
 - Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).

- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- 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 traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Department of Transportation (Specific Conditions)

22. The onsite roadway shall be improved per the El Dorado County Design and Improvements Design Manual (DISM) Standard Plan Modified 101B (20-foot road width) without curb, gutter or sidewalk. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
23. A turnaround per the El Dorado County Design and Improvements Standard Manual (DISM) 114 or approved equivalent to the satisfaction of DOT and the Fire Department shall be provided at the end of the roadway serving the parcels prior to the filing of the final map.
24. The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” road signs as required by the Department of Transportation prior to filing the parcel map.
25. The applicant shall construct driveway encroachments onto the proposed roadway to the provisions of DISM 103B-1. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
26. The applicant shall construct an encroachment per DISM 103D for road serving lots A, B, and D onto El Dorado Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security prior to the filing of the parcel map.
27. The applicant shall provide a 50-foot wide non-exclusive road and public utility easement through the proposed roadways serving parcels A, B and D.
28. In accordance with the El Dorado County General Plan Policy TC-4i, sidewalks shall be constructed per DISM 101A on the project frontage along El Dorado Road. The improvements shall be substantially completed to the approval of the Department of

Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.

29. The applicant shall include an 8-foot shoulder on the project frontage along El Dorado Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
30. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to El Dorado Road, prior to the filing of the parcel map.
31. If the subdivider is required to perform off-site improvements and it is determined that the subdivider 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 subdivider'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 or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.
 - d. Completed CEQA analysis.

In addition to the agreement the subdivider 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.

Department of Transportation (Standard Conditions)

32. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the Parcel Map.
33. If site improvements are to be made, 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.
34. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, 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.
35. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
36. 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.
37. For projects that disturb more than one acre of land area (43,560 square feet), at the time that an application is submitted for improvement plans or a grading permit, 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 State of California. 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 SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
38. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
39. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Diamond Springs - El Dorado Fire Protection District

40. The District has a fee structure. Fees shall be collated for review of all types of plans.
 - a. Application Fee - \$50.00
 - b. Four or less lots - \$120.00
41. Minimum fire flow required is 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) for 2 hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm at 20 psi for two (2) hours.
42. Provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
43. Projects that do not meet Fire Flow may use a NFPA 13D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of the required fire Flow and approved by the Diamond Springs-El Dorado Fire District.
44. In place of requirement No. 25 (above), the applicant shall enter into a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of water storage for each parcel. This deed restriction shall be reviewed and approved by the Fire District prior to final recording.
45. Additional hydrants may be required for this project. The Fire District will determine hydrant locations.
46. All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
47. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
48. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval shall include a deed restriction for a NFPA 13D residential sprinkler system.
49. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

50. All roadways shall be to El Dorado County Department of Transportation Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width; parking on both sides of the road will require 40 feet minimum road width.
51. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead “T”, a modified “T” or a modified “Y” in lieu of a circular type turnaround, per El Dorado County DOT Standards.
52. Any gates will require Fire District approval and meet current El Dorado County Standards.
53. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
54. PUBLIC RESOURCES CODE 4291: A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

County Surveyor’s Office

55. All survey monuments shall be set prior to filing the Parcel Map.
56. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor’s Office prior to filing the Parcel Map.
57. 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 the map by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the consultant and/or agent and the applicant.

ATTACHMENT 2

FINDINGS

Tentative Parcel Map P07-0027/Wilkes Zoning Administrator/December 3, 2008

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The County finds that through feasible conditions and mitigations placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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.
- 1.4 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits residential uses on parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazards), 6.2.3.2 (fire safe access), 7.1.2.1 (disturbance of slopes in excess of 30 percent), 7.3.3.4

(wetland setbacks), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, connection to public water, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

General Plan Transportation and Circulation Policy TC-4i seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. Application of Policy TC-4i has been determined to be infeasible based on the application submittal materials and the analysis presented in the staff report. This determination has been found to be consistent with the General Plan policy identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Single-Family Three-Acre Residential (R3A) which permits the proposed parcel sizes of 3.0 to 3.15 acres under Section 17.28.440(A).
- 3.2 The existing residential use at the subject site is permitted by right under Section 17.28.420(A). As proposed, the project meets all applicable development standards contained within Section 17.28.440 of the *El Dorado County Zoning Ordinance*.

4.0 PARCEL MAP FINDINGS

- 4.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Medium-Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, traffic, sidewalk requirements for Community Regions where feasible emergency water supply, high wildland fire hazard development, fire safe access, disturbance of slopes in excess of 30 percent, wetland/intermittent drainage setbacks, and tree canopy removal mitigation standards.

- 4.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*
As proposed, the tentative map conforms to the development standards within the Single-Family Three-Acre Residential (R3A) Zone District and the Minor Land Division Ordinance.
- 4.3 *The site is physically suitable for the proposed type and density of development.*

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant disturbances of slopes in excess of 30 percent, wetlands/intermittent streams, and meets the requirements for mitigating tree canopy removal.

- 4.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

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

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To allow creation of parcels exceeding the 3:1 lot depth to width ratio.

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

The subject site is unique in that there is an existing residence in the approximate middle of the parcel, and the existing parcel is irregularly shaped. The site is constrained by slopes in excess of 40 percent, wetlands and an intermittent stream, and oak woodlands and future development sites are limited. The proposed design waiver allows creation of three additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, Single-Family Three-Acre Residential, and consistent with the General Plan Designation of Medium Density Residential (MDR) which allows 1 to 5 acre parcels. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from denial of the division of the subject parcel creating three additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, Single-Family Three-Acre Residential, and consistent with the General Plan Designation of Medium Density Residential (MDR) which allows 1 to 5 acre parcels. The subject site is heavily sloped and future development areas are limited. The project design includes a building restriction line with a no build area on parcels A and B in the areas furthest from each lot frontage.

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

The lot width to depth ratio Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public.

- 5.1.4 *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.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The greater than 3:1 lot depth to width ratio will create parcels that will be consistent with the Development Standard of the R3A zone district and applicable policies of Chapter 17 of the County Code.