

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



Agenda of: May 5, 2010
Item No.: 4.a.
Staff: Aaron Mount

TENTATIVE PARCEL MAP

FILE NUMBER: P08-0037

OWNER: Thorne Family Living Trust

APPLICANT: Rene E. & Christine A. Thorne, Trustees

ENGINEER: Gene E. Thorne and Associates, Inc.

REQUEST: A Parcel Map creating two parcels of 20.07 acres in size on a 40.14 acre site.

LOCATION: On the south side of Jayhawk Drive 0.75-mile west of the intersection with Jayhawk Drive and Deer Valley Road in the Rescue area, Supervisorial District IV. (Exhibit A)

APN: 102-020-97 (Exhibit D)

ACREAGE: 40.14 acres

GENERAL PLAN: Rural Residential – Ecological Preserve (RR-EP) (Exhibit C)

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit B)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff; and
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 Tentative Parcel Map P08-0037 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The subject parcel is described as the southeast quarter (SE1/4) of the southwest quarter (SW 1/4) of Section 10, Township 10 North, Range 9 East of the Mount Diablo Baseline and Meridian. Rene E. Thorne and Christine A. Thorne, husband and wife, acquired the title by grant deed dated June 22, 1965. A grant deed was executed on February 22, 1993 transferring the title to Rene E. Thorne and Christine A. Thorne, as trustees of the Thorne family Living trust, deed march 31, 1992.

STAFF ANALYSIS

Project Description: The applicant is requesting approval of a Tentative Parcel Map to create two parcels of 20.07 acres in size on a 40.14 acre site. The two proposed residential parcels would have individual septic systems and well water serving each home. The two proposed parcels would utilize Jayhawk Drive, which is not a County maintained road and Deer Valley Road, which is a County maintained road, as the primary access roads. The applicant would be required to provide off-site and on-site road improvements on Jayhawk Drive to be constructed to the required County Design and Improvements Standards Manual and fire safe standards.

Site Description: The 40.14 acres project site ranges in elevation from 1200 feet to 1600 feet above sea level. The western half of the property drains predominantly from west to northeast forming a portion of the head waters of Pinchem Creek and ultimately Weber Creek. The eastern half of the property drains to Jayhawk Creek. The north and east facing slopes support relatively dense oak woodland vegetation dominated by interior live oak. Indigenous vegetation on the lower slopes has been cleared to provide space for small vineyards as well as the construction of a system of roads.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-EP	Residential, single-family dwellings
North	RE-10	RR-EP	Residential, single-family dwellings
South	RE-10	RR-EP	Residential, single-family dwellings
East	RE-10	RR-EP	Residential, single-family dwelling
West	RE-10	OS-EP	Rare Plant Preserve, undeveloped (BLM)

Discussion: The site and surrounding properties are primarily rural residential and undeveloped land. Existing rural residences are located north, east and south of the project site. To the west is a rare plant preserve owned and administered by the U.S. Bureau of Land Management. Two parcels adjacent to the south east are owned by the County.

Project Issues: Discussion items for this project include land use and zone compatibility, road improvements, water and sewer improvements, fire safety, existing site design for grading and improvements, and available public services.

Fire Safety: The proposed parcels would be required to comply with the mitigation measures needed for fire protection as determined by the Wildland Fire Safe Plan, dated July, 2008 approved by the California Department of Forestry and Fire Protection and the Rescue Fire Protection District. These fire safe requirements would include the installation of an approved fire sprinkler system pursuant to NFPA 13D, 2007 Edition for all new residences and installation of a 3,000 gallon water tank for fire protection. The applicant would be required to file a Notice of Restriction with the Parcel Map which stipulates that a Wildland Fire Safe Plan has been prepared and wildfire mitigation measures must be implemented. All road improvements and fuel hazard reduction zone requirements would be completed prior to filing the Parcel Map. The driveways serving the residential units would be designed to the California Fire Safe Regulations minimum standards.

Public Services: There are a number of public amenities in the form of public parks and recreational opportunities within the County. This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands consistent with the County Subdivision Ordinance.

Water and Sewer: The proposed project would create two, approximately twenty (20) acre parcels which would be served by individual septic systems and well water serving each home. Permits for septic systems and wells would be issued by the El Dorado County Department of Environmental Management and under the regulations of the Regional Water Quality Control Board. The El Dorado County Department of Environmental Management would be responsible for protecting public health and safety environment from the potential adverse impacts associated with on-site, individual sewage disposal systems. The proposed project's septic system design would be reviewed by the Department of Environmental Management to ensure compliance with County Ordinance, Chapter 15.32, Private Sewage Disposal System, as well as County Resolution No. 259-99, Design Standards for the Site Evaluation and Design of Sewage Disposal Systems. Review by the Department of

Environmental Management and compliance with these existing regulations would ensure that all septic systems constructed as part of the project would function properly and would not violate any water quality standards or waste discharge requirements.

Access: The proposed project site would receive access off of Jayhawk Drive, which is not a County maintained road and Deer Valley Road, a County maintained road, which would provide through access for the project. Road improvements would be required by the DOT and the Rescue Fire Protection District to provide the road width and emergency vehicle load ratings pursuant to the fire safe regulations that are being placed upon the conditions of approvals for the project prior to filing of the Parcel Map. Based upon the required road improvements there would be no disruption of emergency access to and from the existing residences or those on surrounding parcels.

General Plan: The General Plan designates the subject site as Rural Residential (RR) with an Ecological Preserve (EP) overlay designation. The Rural Residential designation permits an allowable density of one dwelling unit per ten (10) to one-hundred and sixty (160) acres. This designation is considered appropriate only in the Rural Regions. The Ecological Preserve overlay designation is to identify those properties in public or private ownership which have potential to be established as habitat preserve areas for rare and endangered plant and animal species and/or critical wildlife habitat and/or natural communities of high quality or of Statewide importance. The two proposed 20.07-acre parcels would conform to the General Plan land use designation. The proposed map would be consistent with the EP overlay with incorporation of mitigation measures to reduce the impacts to endangered plants. The following General Plan policies apply to this project:

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The two new parcels would be in keeping with the General Plan intended development pattern expected in lands designated as Rural Residential (RR) and would be consistent with the dominant pattern of parcel development for the areas to the west and south.

Policy 5.7.2.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development. The project would be required to comply with the required minimum fire flow requirements of the Rescue Fire Protection District which would be reviewed and approved by the Department prior to filing the Parcel Map.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. As conditioned, and discussed under *Access* in the Project Issues section, the project would comply with the intent of this policy.

Objective 7.4.1 states that the County shall protect State and Federally recognized rare, threatened, or endangered species and their habitats consistent with Federal and State laws. The project site contains State and Federally listed plants and is located within the EP overlay, rare plant Mitigation Area 0, and the Pine Hill Preserve Federal recovery area. Mitigation in the form of a conservation easement and avoidance of listed plants, as discussed in the Initial Study, has been included in the conditions of approval. While mainly a CEQA issue the mitigations are consistent with General Plan

Policies 7.4.1.5 and 7.4.1.6 which require discretionary projects to protect special status plants and their habitat. Without incorporation of the mitigation for the Pine Hill endemic plants on the project site, the project would not be consistent with the General Plan and would have potentially significant impacts that would require an EIR. The proposed conservation easement (Exhibit I) has been reviewed and approved by the U.S. Fish and Wildlife service, U.S. Bureau of Land Management, and California Department of Fish and Game.

Policy 7.3.3.4 requires development projects to be set back at a minimum of 100 feet from all perennial streams, rivers, lakes and 50 feet from intermittent streams and wetlands. The Delineation of Jurisdictional Wetland on the R. Thorne Property dated August, 2008 prepared by Michael F. Baad, Ph.D. stated that the project site contains 0.49-acre of ephemeral stream channels. The project does not propose impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, costal, etc.) through direct removal, filling, hydrological interruption, or other means. The Tentative Parcel Map has been designed to observe the 50-foot required setbacks from the intermittent stream. Best Management Practices (BMPs) would be designed during the grading and improvement phase to limit the potential of surface run-off pre- and post-construction to comply with County and Regional Water Quality Control Board (RWQCB) standards. All grading, drainage and construction activities associated with this project, including those necessary to prepare and develop the off-site and on-site road access and turn-around, would be required to implement proper BMPs.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. No trees are proposed to be removed as part of this project proposal. The road improvements would not require oak tree removal and the improvements are not anticipated to impact the adjacent oak trees.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is located within the Estate Residential Ten-acre (RE-10) Zone District. Included below is an analysis of the Development Standards of the RE-10 Zone District pursuant to **Section 17.70.110** of the Zoning Ordinance.

A. Minimum lot area of ten acres;

The two proposed 20.07 acre parcels would be consistent with the requirements of the RE-10 Zone District.

B. No maximum building coverage;

No development is proposed in conjunction with the project.

C. Minimum lot with of 150 feet;

The average lot width for the proposed parcels would be approximately 659 feet which would be consistent with this requirement.

Section 17.71.210 requires development within Mitigation Area 0 would continue to address mitigation for impacts to rare plants on an individual basis. Within Mitigation Area 0, on-site mitigation is strongly encouraged. Developments shall mitigate impacts by one of the three options:

- A. *Set aside a part of the property and dedicate a perpetual conservation easement for habitat protection; or*
- B. *Cluster development in the least environmentally sensitive portion of the property according to the Implementation Strategy adopted by the County in March 1993 and receive in appropriate cases a density bonus in return for dedication of a perpetual conservation easement over the remainder of the property; or*
- C. *Provide an independent mitigation plan that meets CEQA requirements, such as the purpose of long-term protection of an amount of habitat in the same Ecological Preserve and as close to the development site as feasible, equal to at least 1.5 times the acreage developed.*

Option B, above, shall apply only to properties greater than five (5) acres in area.

As discussed in the General Plan section, on-site mitigation, Option A, has been proposed and reviewed by the US Fish and Wildlife service, Bureau of Land Management, and CA Department of Fish and Game. Exhibit I shows the proposed conservation easement that has been approved by the appropriate reviewing agencies. Avoidance of special status species outside of the conservation easement has been mitigated for future development.

Conclusion: As discussed above, staff finds that the project can be found to conform with the intent of the El Dorado County Code.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion) to determine if the project has a significant effect on the environment. Based on the Initial Study, potentially significant impacts to Biological Resources would occur and Mitigation Measures have been added to the project to avoid or mitigate to a point of insignificance. Staff has determined that the implementation of the Mitigation Measures would reduce potential impacts to a less than significant level and 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 \$2,060.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,060.25 is forwarded to the State Department of Fish and

Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2.....	Findings
Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Ecological Preserve Overlay
Exhibit E.....	Pine Hill Federal Recovery Area
Exhibit F	Assessor's Map
Exhibit G.....	Tentative Parcel Map, September 8, 2008
Exhibit H.....	Slope Map
Exhibit I	Proposed Conservation Easement
Exhibit J	Initial Study/Environmental Checklist, Draft Negative Declaration

ATTACHMENT 1

CONDITIONS OF APPROVAL

Tentative Parcel Map File Number P08-0037/Rene E. Thorne Parcel Map May 5, 2010, Zoning Administrator Hearing

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit E through I, dated May 5, 2010 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 will constitute a violation of permit approval.

The project description is as follows:

The applicant is requesting approval of a Tentative Parcel Map to create two parcels 20.07 acres in size. The two proposed residential parcels will have individual septic systems and well water serving each home. The two parcels will utilize Jayhawk Drive, which is not a County maintained Road and Deer Valley Road, which is a County maintained road, as the primary access roads. The applicant will be required to provide off-site and on-site road improvements on Jayhawk Drive to be constructed to the required County Design and Improvements Standards Manual and fire safe standards.

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

Condition from the Mitigated Negative Declaration

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

2.
 - a. The applicant shall provide a conservation easement granted to the County over that portion of the site that is predominantly rare plant habitat, as shown on Attachment I. The conservation easement shall provide for access to the site by personnel from the El Dorado County Development Services Department, California Department of Fish and Game, and the U.S. Bureau of Land Management on a semi-annual basis for the purposes of monitoring and management of rare plants. Agencies shall provide

advance notice to the property owner. The easement shall allow on-going use of the property by the property owner for uses compatible with rare plant habitat management, including but not limited to fuels reduction for fire safety, grazing, and recreational uses, provided that such uses do not adversely impact the rare plants.

- b. A plant reconnaissance shall be conducted during the blooming season for the gabbro soils rare plants prior to the issuance of building or grading permits and all disturbed areas shall avoid any rare plants found at that time.

MONITORING: The conservation easement area shall be shown on the parcel map and the grant of easement shall be recorded with the map. A notice of restriction shall be recorded with the parcel map to provide constructive notice to future owners of the avoidance requirement for building and grading permits.

Planning Services Site Specific and Standard Conditions

3. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within fifty (50) feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
5. Prior to filing of the Parcel Map, Planning Services shall verify that all Development Services fees shall be paid.
6. The subdivider shall be subject to a \$150.00 park in-lieu fee payable to the County Recreation Department. Planning Services shall verify that required fees have been paid prior to filing the Parcel Map.
7. 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 shall cooperate fully in the defense.

8. The Tentative Parcel Map shall expire in 36 months from date of approval unless a timely extension has been filed.
9. The applicant shall submit to Planning Services a \$2,060.25 California 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.

El Dorado County Department of Transportation

10. **On-site Improvements:** The applicant shall construct and / or verify the on-site portion of the access roadway is a 20-foot wide roadway consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C and minimum Fire Code requirements. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
11. **Off-site Access Improvements:** The applicant shall construct and / or verify the off-site portion of the access roadway from the project boundary to Deer Valley Road consistent with the requirements of El Dorado County Standard Plan 101C and the Fire Code, a 20-foot roadway width. The applicant shall include on the site plans or provide an exhibit to the DOT, Planning, and the Fire District that shows the offsite access roadway complies with this condition. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
12. **Secondary Access:** The nearest County roadway having two means of access for this site is Deer Valley Road. The DISM [Section 3 A. 9. & 12] state and therefore the applicant shall be required to verify and/or provide a secondary access to this site or an acceptable alternative. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101C and CA Fire Code with a 20ft wide roadway. These

off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map. The DISM allows the decision maker to waive this requirement if an “acceptable alternative” is provided. DOT would support waiving this requirement based on the preparation of an approved Fire Safe Plan, the fact that the road serves less than 24 parcels, and the project is within the allowed 5,280ft dead-end road length per the Fire Safe Guides (Fire Safe Regs) for parcels 20 acres in size or greater.

13. Road & Public Utility Easements: The applicant shall provide a minimum 50-foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the Parcel Map. Slope easements shall be included as necessary.
14. Encroachment Permit: The applicant shall construct or verify the roadway encroachment from Jayhawk Drive onto Deer Valley Road is consistent with Design Std **103D**. If necessary, the applicant shall obtain an encroachment permit from DOT and the improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
15. Turnaround: The applicant shall provide a turn around at the end of the access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
16. Off-site Easements: Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to the filing of the Parcel Map.
17. Off-site Access Easements: The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a “Parcel Map Guarantee” which shall be submitted to the County Surveyor’s Office with the first map check for the Parcel Map.
18. Easements: All applicable existing and proposed easements shall be shown on the project plans.
19. 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 Department of Transportation 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).
20. Maintenance Entity: The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage

facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. The Department of Transportation shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Parcel Map.

21. Common Fence/Wall Maintenance: The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
22. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
23. 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.
24. DISM Consistency: The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map.
25. Road Improvement Agreement & Security: The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Parcel Map.
26. 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.
27. Grading Permit / Plan: If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and

grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.

28. Grading Plan Review: Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
29. RCD Coordination: The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
30. Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
31. Drainage (Cross-Lot): Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Parcel Map.
32. 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 Parcel Map.

33. 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.
34. 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.
35. 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 a Parcel Map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

36. Electronic Documentation: Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the

Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

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

El Dorado County Surveyor's Office

38. All survey monuments must be set prior to filing the Parcel Map.
39. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
40. 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 P08-0037 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

Department of Environmental Management– Air Quality Management District:

41. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.
42. The applicant shall provide proof that each parcel shall have a safe and reliable water source prior to filing the Parcel Map. Individual wells shall comply with the requirements necessary for construction permits.

ATTACHMENT 2
FINDINGS
FILE NUMBER P08-0037, May 5, 2010

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:

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 County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources category. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the project.
- 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-Planning Services Department at 2850 Fairlane Court, Placerville, CA.
- 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 Consistency Findings

- 2.1 The proposed Tentative Parcel Map, as conditioned, is consistent with the Rural Residential General Plan land use designation for parcel size, density and land use.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies, 2.2.5.21 (incompatibility with land uses), 5.7.2.1 (fire protection), 6.2.3.2 (adequate access), 7.3.3.4 (setbacks for streams and wetlands), and 7.4.1.5 and 7.4.1.6 (protection of special status plants and their habitat), 7.4.4.4 (oak tree protection), because there are adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity and wildfire hazards have

been addressed. Mitigation has been incorporated to reduce the impact to special status plants located on the project site. Native oak tree canopy will not be impacted with the project.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Ten-acre (RE-10) which establishes a minimum parcel size of ten acres. The project will create two parcels of 20.07 acres in size which is consistent within the RE-10 Zone District. The proposed parcels conform to existing zoning. On-site mitigation has been incorporated consistent with section 17.71.210 of the Zoning Ordinance.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance.**

As proposed, the Tentative Parcel Map conforms to the development standards within the Estate Residential Ten-acre (RE-10) Zone District and Minor Land Division Ordinance.

- 4.2 **The site is physically suitable for the proposed type and density of development.**

The project was designed in a manner which avoids significant disturbance of slopes in excess of 30 percent, excessive grading and oak tree canopy removal.

- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage.**

The proposed Tentative Parcel Map is not likely to cause substantial environmental damage as determined in the prepared environmental document. Mitigation has been incorporated to reduce the impact to special status plants located on the project site.