

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: August 23, 2007

Item No.: 7

Staff: Daniel Hamilton

REZONE/SUBDIVISION MAP

FILE NUMBER: Z05-0019/TM05-1403/Protzel Cameron Park Subdivision

APPLICANT: John Protzel

ENGINEER: Cooper, Thorne and Associates Engineering and Surveying

REQUEST: Zone change from Estate Residential Ten-acre (RE-10) to One-family Residential (R1) and One-half Acre Residential (R20,000), and a tentative subdivision map (Exhibit E) to create 45 single family lots ranging in size from 7,910 to 97,641 square feet. Six letter lots are proposed for landscaping along Marble Valley Road. Two design waivers have been requested to:

- a. Construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk along Voltaire Drive, required under Standard Plan 101B.
- b. Reduce right-of-way for Voltaire Drive, C Drive, and D Drive to 44 feet, rather than the 60 feet required under Standard Plan 101B, as well as reduce the right-of-way for Beasley Drive to 50 feet, rather than the 60 feet required under Standard Plan 101B.

LOCATION: On the south end of the existing Voltaire Road, approximately one half mile southwest of the intersection of U.S. Highway 50 and Cambridge Drive, in the Cameron Park area, Supervisorial District II. (Exhibit A)

APN: 119-020-48 (Exhibit B)

ACREAGE: 32.66 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (MND)

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND: An application for a zone change and tentative subdivision map was submitted on December 9, 2005, and deemed complete for processing on January 23, 2006. A Technical Advisory Committee (TAC) meeting was held on March 6, 2006. As a result of agency comments and General Plan issues discussed at the TAC meeting, additional map revisions were required and received by staff at various points through June 2006. After the resolution of issues with the project, the submitted traffic study was reviewed and approved by the Department of Transportation (DOT) on August 12, 2006. Negotiations continued on the details of the map, specifically the compliance with oak tree retention and provision of design waivers, through April 2007. A completed tentative map and associated exhibits were provided in April 2007.

STAFF ANALYSIS

Project Description: The project request includes a zone change from Estate Residential Ten-acre (RE-10) to One-family Residential (R1) and One-half Acre Residential (R20,000), and tentative map to create 45 lots ranging in size from 7,910 to 97,641 square feet. The project site is located at the southern terminus of Voltaire Drive, one-half mile southwest of the intersection of Cambridge Drive and Crazy Horse Road, in the Cameron Park area. Two design waiver requests have been submitted to construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk along both sides of Voltaire Drive, and reduce the right-of-way along Voltaire Drive, B Court, and internal streets C and D Drive to 44 feet, and Beasley Drive to 50 feet, all variations of the requirements of Standard Plan 101B.

Site Description: The project site lies at an elevation of between 980 and 1,215 feet above mean sea level. Topography of the property is level to moderately sloped and is vegetated with oak trees, grasses, and shrubs. Surrounding development includes suburban-density single family residential development on the north, with undeveloped lands to the west, south, and east. A preliminary jurisdictional delineation report indicates that the total acreage of potential jurisdictional wetlands and other waters of the United States within the project study area are 1.11 acres. Oak woodland habitat is present on the site. Access to the proposed subdivision is from Voltaire Road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	HDR	Vacant and undeveloped
North	R-1	HDR	Single-Family Residences
South	RE-10	HDR	One single family residence.
East	MV-TM	LDR	Vacant and undeveloped
West	MV-TM	LDR	Vacant and undeveloped

General Plan: The General Plan designates the subject site as High-Density Residential (HDR), which permits a density of one to five units per acre. The proposed project would create 45 lots on 32.66 acres with a net density of 1.4 units per acre. The proposed project therefore conforms to the General Plan land use designation. The following General Plan policies apply to this project:

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

- 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated August 5, 2005, states that adequate water facilities are available to serve the proposed project upon annexation into the EID service area.

- 2. Availability and capacity of public treated water system;*

Discussion: As discussed above, EID has adequate water facilities to serve the projected needs of the project.

- 3. Availability and capacity of public waste water treatment system;*

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated August 5, 2005, states that adequate wastewater facilities are available to serve the proposed project upon annexation into the EID service area. The site would be served by an existing eight-inch line in Voltaire Drive and a six-inch line in Beasley Drive.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: The project site is located within Buckeye Union School District and the El Dorado Union High School District. The distance to the closest high school is 7.3 miles, in El Dorado Hills. The affected school district was contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

5. *Response time from the nearest fire station handling structure fires;*

Discussion: The El Dorado County Fire Protection District is responsible for providing fire protection to the subject site. As such, the District has reviewed the proposal and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of eight fire hydrants, provision of established fire flow, submittal of a fire safe plan, and construction of road improvements shown on the tentative subdivision map, would satisfactorily address all fire related safety issues. The Fire District has indicated that the proposed design waivers are sufficient to ensure adequate access to the site.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located within the Cameron Park Community Region. As proposed, the project is an in-fill residential project adjacent to compatible existing and planned residential and commercial land uses.

7. *Erosion hazard;*

Discussion: The site is moderately sloping with extensive grading proposed to complete the development, resulting in a moderate potential for soil erosion at the site. The El Dorado County Resource Conservation District has conditioned the project to require review and submittal of an erosion control plan to limit erosion impacts resulting from grading activities. Revegetation of disturbed soils are required as part of project approval. The California Regional Water Quality Control Board has commented on the project, requiring the use of Best Management Practices during construction, including the use of swales and filters to reduce soil runoff and preserve topsoil on the site.

8. *Septic and leach field capability;*

Discussion: The proposed lots would be served by municipal sewage disposal systems of the El Dorado Irrigation District. An FIL letter, dated August 5, 2005, indicates that the site can be served adequately by existing facilities. No septic systems or leach fields are proposed.

9. *Groundwater capability to support wells;*

Discussion: The project would be served by EID public water facilities. No wells are proposed.

10. *Critical flora and fauna habitat areas:*

Discussion: The County's General Plan designates areas within the County that has the potential to affect rare plants. The County's General Plan and General Plan EIR define Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is not within a Rare Plant Mitigation Area. The likelihood of special status flora species to occur within the project site is considered low.

There is also some limited suitable habitat on the project site for some special-status fauna, including red-shouldered hawk, red-tailed hawk, and the great horned owl, which could be affected by construction activity. Mitigation Measures contained within the MND, included as Attachment 1 in the Conditions of Approval, would reduce potential impacts to critical fauna habitat areas to a less than significant level.

11. *Important timber production areas:*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The site is presently General Plan designated and zoned for single-family residential development. The site is not within an active agricultural area, and the site itself is not used in agriculture. Thus, the site is not considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project would not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation reviewed the submitted traffic study and concluded that the recommended conditions of approval, including improvements to existing roadways and proposed design waivers, would sufficiently address project traffic issues and ensure that the transportation system is adequate to serve the area.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing and planned residential land uses. Staff has determined that the proposed project is consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: According to the preliminary jurisdictional delineation report submitted, the total acreage of potential jurisdictional wetlands and other waters of the U.S. at the subject site are 1.11 acres. General Plan Policy 7.3.3.4 requires a minimum setback of 50 feet from the wetlands delineated on the tentative subdivision map. All wetlands on the site are protected through the incorporation of 50 foot setbacks, as shown on the tentative map.

17. *Important historical/archeological sites;*

Discussion: The applicant submitted Phase I Cultural Resource Assessment, prepared by Michael Brandman Associates, with the application in December 2005. The report indicated numerous historic and prehistoric resources known to exist on the site and on surrounding properties and required additional analysis. A Phase II Cultural Resource Investigation was performed on the site, documenting the history and cultural significance of on site resources, including stone structures, walls, and artifacts. The Phase II Cultural Resource Investigation concluded that adequate documentation of known resources has occurred and that a cultural resource specialist should be on site during preliminary grading to ensure that additional discovered artifacts are appropriately documented and preserved, as appropriate. This has been added as a mitigation measure to the MND, to ensure that cultural resources are appropriately mitigated and to ensure consistency with General Plan Policy 2.2.5.3.

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area. Master CC & R's would be reviewed and recorded prior to final map approval.

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: As discussed above, the subject site is surrounded by existing and planned uses which are compatible with the proposed development. The proposed subdivision would fit within the context of these existing residential and undeveloped uses.

Policy 5.2.1.2: An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Discussion: Upon annexation, the El Dorado Irrigation District would provide water to the subject site. According to the *Facility Improvement Letter* prepared by the El Dorado Irrigation District, August 5, 2005, “in terms of water supply, as of January 1, 2005, there were 2,434 equivalent dwelling units (EDUs) available in the Western Water Supply Region. Your project, as proposed on this date would require 48 EDUs of water supply.” A 12-inch water line exists under Beasley Drive, with an 8-inch line under Voltaire Drive, adjacent to the site. Various options are available to extend water service from these existing lines to the subdivision, depending on construction of improvements planned in other nearby areas. There is sufficient water supply for all uses available to serve the project.

Policy 5.2.1.3: All medium-density residential, high-density residential, multi-family residential, commercial, industrial and research and development projects shall be required to connect to public water systems when located within Community Regions and to either a public water system or to an approved private water system in Rural Center.

Discussion: The project site is within the Cameron Park Community Region. As stated in the submitted EID Facility Improvement Letter, the project would connect to public water.

Policy 5.7.1.1: Prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Discussion: The El Dorado County Fire Protection District and the Cameron Park Community Services District would provide fire service to the site. The El Dorado County FPD is the primary fire suppression provider to the site, although the FPD maintains an agreement with the Cameron Park CSD to allow for the Cameron Park CSD to be the first responder to emergency calls to this site. The water flows and transportation infrastructure is sufficient to meet District requirements for fire suppression. A Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the FPD to ensure adequate fire protection infrastructure.

Policy 7.3.3.4: Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site-or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based

on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: Pursuant to the General Plan policy above, a 50-foot setback is required from the 1.1 acres of wetlands located at the site and shall be shown on the final map prior to approval. These water features at the subject site are mapped on the tentative subdivision map, shown as Exhibit F. After applying the 50-foot wetland setbacks, 30-foot building setbacks, related setbacks, and tree canopy retention standards, buildable areas for each lot were verified and are shown within Exhibit F. The wetlands are to be avoided with this project.

Policy 7.4.4.4: For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
80–100	60% of existing canopy
60–79	70% of existing canopy
40–59	80% of existing canopy
20–39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

Option B

The project applicant shall provide sufficient funding to the County's INRMP conservation fund, described in Policy 7.4.2.8, to fully compensate for the impact to oak woodland habitat. To compensate for fragmentation as well as habitat loss, the preservation mitigation ratio shall be 2:1 and based on the total woodland acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8.

Discussion: The applicant submitted a tree canopy analysis which determined that existing tree canopy at the site is approximately 70 percent, requiring 70 percent retention of existing canopy cover. Estimated tree canopy retention after road improvements and lot development is 71.6 percent. The project would include the removal of an estimated 121 trees, which totals 5.62 acres of tree canopy. Building envelopes included on Exhibit J confirm that the project is consistent with General Plan tree canopy retention policies. Trees removed from the site under Option A would be replaced at a 1:1 ratio for woodland acreage. The required formula to determine replacement plantings by saplings is (replacement acres in size) multiplied by (200 trees per acre) = total number of saplings or one-gallon trees needed. Under this formula, the applicant is required to replant 1,124 saplings. Any trees removed from the site under Option B would be preserved at a 2:1 ratio for woodland acreage through the County's INRMP conservation fund by payment of the mitigation fees required.

The project applicant has proposed to replant saplings on site as space permits, with the remainder of samplings or acorns planted in an off-site area located north of the project site, within the same area of Cameron Park. The planting plan and detailed preservation plan for future trees are included as a mitigation measure in the MND and in the conditions of approval in Attachment 1. The tree planting and preservation plan is required prior to issuance of a grading permit for the project. An easement is required for any areas proposed for off-site tree plantings and must be obtained prior to the recordation of the tentative map. A total number of 1,124 saplings would be replanted on-site or in the off-site replacement area to comply with the policy. Final plans illustrating compliance with this policy are required to be submitted for review and approval by Planning Services prior to issuance of a grading permit.

Conclusion: Staff finds after review of the above policies that the project, as conditioned, conforms to the General Plan.

Zoning: The subject site is requested to be rezoned to One-acre Residential (R1A) and One-half Acre Residential (R20,000). This would result in the creation of 26 lots zoned R1A and 19 lots zoned R20,000. The change in zoning is consistent with the existing HDR General Plan designation, and the proposed lot sizes are consistent with the proposed zoning.

Design Waivers Discussion: As proposed, the tentative subdivision map requests the following design waivers:

1. Construct a four-foot wide sidewalk in lieu of the six-foot wide on both sides of Voltaire Drive required under Standard Plan 101B.
2. Reduce right-of-way for Voltaire Drive, C Drive, and D Drive to 44 feet, rather than the 60 feet required under Standard Plan 101B, as well as a reduction from 60 feet to 50 feet on Beasley Drive.

The proposed design waivers have been reviewed and are supported by the Department of Transportation (DOT) with findings provided in Attachment 2 of the staff report. Planning staff

concurs with DOT recommendation for approval as the existing patterns of sidewalks and roadway construction would ensure consistency between adjacent developments.

Other Issues:

Access/Circulation: DOT reviewed the proposed subdivision map and determined that the applicant needs to construct Beasley Drive and Voltaire Drive to Standard Plan 101B with noted exceptions for design waivers. Internal streets C and D would be required to be constructed to Standard Plan 101B, and Marble Valley Road shall be improved as outlined in the conditions of approval. Additionally, the applicant needs to provide an Irrevocable Offer of Dedication (IOD) for all roadways, including the full right of way for Marble Valley Road. Internal roadway Design Waivers would ensure consistency with the existing roadway design in adjacent development.

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) any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. This project is located in the Cameron Park Community Region (Figure LU-1: Land Use Diagram of the General Plan), so Level of Service E is allowable (General Plan Policy TC-Xd). Intersections affected by this project would be at Level of Service C for the year 2011. As such, no improvements are required to maintain or attain a higher Level of Service.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis, performed by Rimpo and Associates, and determined that the project would have a less than significant impact on the air quality with the implementation of Mitigation Measures incorporated into the MND for the project. Mitigation Measures in the MND are consistent with the recommendations of the Air Quality Analysis.

Construction Storm Water: The California Regional Water Quality Control Board – Central Valley Region submitted project comments pertaining to storm water discharges associated with construction activities, post construction storm water management, and wetlands. The site is moderately sloped with extensive grading proposed. There is a potential for soil runoff, in addition to construction-related runoff. The following mitigation measures would reduce potential impacts: requiring construction activities and improvements to be setback at least 50 feet from waterways, creation of an erosion control plan, use of Best Management Practices, and use of swales and filters would further minimize potential impacts. The issues raised above were considered in the prepared environmental document and related mitigation measures.

Cultural Resources: As previously discussed, significant cultural resources exist at the site. The El Dorado County Historical Society commented on the project, requesting the completion of a cultural resource survey to document the history and significance of the ranch house on the western end of the site. A Phase I and Phase II Cultural Resource Investigation were completed, documenting the history of structures and resources on site, and mitigation measures were developed to ensure the appropriate treatment of any additional resources discovered in construction and grading.

Drainage and Grading: The El Dorado County Resource Conservation District reviewed the project and expressed concerns regarding erosion control and surface water drainage in this area. The District requested that the applicant provide an erosion control plan to the District prior to grading, and requested revegetation of all disturbed areas consistent with the El Dorado County Erosion Control Requirements and Specifications. The requirement for submittal of an erosion control plan has been incorporated as a mitigation measure within the MND, and the revegetation requirements are part of existing policy requirements, which the applicant must adhere to.

EID Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive water services. LAFCO recommended the applicant contact LAFCO “near the end of the Tentative Subdivision Map process to inquire about annexation into EID.” LAFCO also identified potential issues to be addressed within the Initial Study.

Fire: The El Dorado County FPD and the Cameron Park CSD would jointly provide fire protection services to the site. Fire issues are addressed within the project’s conditions of approval.

Noise: The project, during construction and earthwork, may generate excessive noise. There are residential units north of the project site. Construction activities and earthwork would be limited to certain hours of the day to minimize affects on nearby residences.

Public Transit: The El Dorado County Transit Authority reviewed the proposed subdivision and had no concerns or specific conditions of approval requested.

Surveyor’s Office: The Surveyor’s Office reviewed the proposed project and noted that survey monuments must be set and roads named through the Surveyor’s Office prior to final map filing.

Utilities: Pacific Gas and Electric Company reviewed the proposal and had no comments.

Wastewater: The site would be provided with domestic sanitary sewer service by the El Dorado Irrigation District. The Facilities Improvement Letter for the project indicates that there is an existing eight-inch sewer line in Voltaire Drive and a six-inch sewer line in Beasley Drive which would provide service to the site. Various service connection alternatives are available to the applicant for connection, depending on timing of improvements associated with nearby developments. Provision of adequate wastewater service is dependent on successful annexation to EID.

Wetlands: The biological assessment of the project site indicated a preliminary wetlands delineation must be prepared for the proposed project. The applicant prepared such a study and intends to avoid project features which would require the discharge of dredged or fill materials into waters of the United States. Construction activities must be setback 50 feet from the waterways by El Dorado County ordinance.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit L) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

NOTE: 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 Department of Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The total fee will be forwarded to the State Department of Fish and Game via the County Recorder's Office and is used to help defray the cost of managing and protecting the state's fish and wildlife resources.

RECOMMENDATION

Staff recommends the Planning Commission make the following recommendations to the Board of Supervisors:

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) incorporated as conditions of approval in Attachment 1;
3. Approve Z05-0019/TM05-1403 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the modification of the project to include the conditions provided in Attachment 1; and
4. Approve the following design waivers in accordance with the findings noted in Attachment 2:
 - a. Construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk required under Standard Plan 101B.
 - b. Reduce right-of-way for Voltaire Drive, C Drive, and D Drive to 44 feet, rather than the 60 feet required under Standard Plan 101B, as well as a reduction from 60 feet to 50 feet on Beasley Drive.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval

Attachment 2.....Findings

Exhibit A.....Vicinity Map

Exhibit B.....Assessor’s Parcel Map

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

Exhibit D.....Zoning Map

Exhibit E.....Proposed Zoning Map

Exhibit F.....Tentative Subdivision Map

Exhibit G.....Preliminary Grading and Drainage Plan

Exhibit H.....Slope Study

Exhibit I.....Soils Map

Exhibit J.....Tree Preservation Map

Exhibit K.....Proposed Wetlands Crossing Structure

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

ATTACHMENT 1
CONDITIONS OF APPROVAL
FILE NUMBER TM05-1403 and Z05-0019

1. This tentative subdivision map and zone change approval is based upon and limited to compliance with the project description, dated June 2006, 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 “Project” is for a tentative subdivision map to create 45 lots ranging in size from 7,910 to 97,641 square feet and a zone change from Estate Residential Ten-acre (RE-10) to One-family Residential (R1) and One-half Acre Residential (R20,000). The “Project” includes two design waiver requests to construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk along the east side of Beasley Drive and both sides of Voltaire Drive, and reduce ROW along Voltaire Drive and internal streets C and D Drive to 44 feet, , as well as a reduction from 60 feet to 50 feet on Beasley Drive, all variations of the requirements of Standard Plan 101B.

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.

CONDITIONS FROM THE MITIGATED NEGATIVE DELECRATION

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

2. The applicant shall avoid take of any active raptor nests, and pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance. The applicant shall follow the

appropriate avoidance measures issued by CDFG. If no nesting is found to occur, than necessary tree removal may proceed, upon approval by Planning Services.

Monitoring Responsibility: Planning Services

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

3. The project applicant shall place construction fencing around the oak trees to protect them from disturbance during construction. Protective fencing shall be erected at least one (1) foot beyond the drip line surrounding each oak tree unless otherwise specified by a certified project arborist. This fenced area shall not be encroached for any reason, without authorization by the certified project arborist. No materials, equipment, or vehicles shall be stored or parked within the projected tree zone. No grading, cuts, fills or trenching of any kind shall be allowed within the drip line of the trees without direct supervision of the project arborist.

Monitoring Responsibility: Building Services

Monitoring Requirement: During construction, the building inspector shall ensure that protective fencing is properly erected, and that the fenced area is not encroached, unless supervised by the project arborist on site.

4. Any oak trees removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County. Replacement of removed tree canopy shall be at a 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 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 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.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall review the Certified Arborist letter and conduct a site visit prior to issuance of a grading permit to ensure that all measures are in place to protect the oak trees during construction.

5. During preliminary site grading, a cultural resources specialist shall be present on site in the event that subsurface artifacts are uncovered. If a deposit is found to be significant, data shall

be collected and consultation shall be initiated with the appropriate agency. Work in the area of the discovery shall be halted until artifacts can be evaluated in accordance with state and federal regulations regarding cultural resources. A contract demonstrating that a cultural resources specialist has been retained for site grading activity shall be submitted to Planning Services for review prior to issuance of a grading permit.

Monitoring Responsibility: Building Services

Monitoring Requirement: During grading, building inspector shall ensure that a cultural resource specialist is on site.

6. Construction activities shall be limited to between the hours of 7:00 AM and 5:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on weekends and federally-recognized holidays.

Monitoring Responsibility: Building Services

Monitoring Requirement: Building inspector shall ensure that construction documents indicate hours limitations as specified in mitigation measure.

Department of Transportation

7. The applicant shall construct the following roadways as specified in Table 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 recordation of the final map:

TABLE 1		
ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
Marble Valley Road(on-site)	40 ft roadway with 50 ft ROW along frontage per Std Plan 101B	Std Plan Type 2 vertical curb and gutter (no sidewalk), with Class 1 Bike Path. 40 ft roadway with four (4) foot wide paved shoulder along frontage and 6 foot wide native shoulder on both sides of roadway
Marble Valley Road(off-site) Eastern Boundary to Flying 'C' Road	40 ft roadway with 60 ft ROW	No curb/ gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000"
Voltare and Beasley Drive, 'C' & 'D' Drive, 'B' Court	28 ft roadway (50 ft ROW) per Std Plan 101B	Std Plan Type 1 curb and gutter with 4 foot wide sidewalks, Type 2 vertical curb for 'D' Drive. Beasley Drive Std Plan Type 2 vertical curb and gutter with 6 foot wide sidewalk on east side of roadway only and 2 foot wide shoulder with guard rail on west side of roadway from STA 18+18 to 19+72 as shown on Tentative Map. 'B' Court and 'C' Drive cul-de-sac according to Standard Plan 114.

Notes for Condition 1 table:

Road widths in the preceding table are measured from curb face to curb face.

Curb face for rolled curb and gutter is 6" from the back of the curb.

8. The approved traffic study requires that the applicant shall improve the Cambridge Road/ US 50 eastbound on-off ramps, providing an all way stop. 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 recordation of the final map. In addition, the applicant shall obtain an approved encroachment permit from Caltrans for the required improvements.
9. The required off-site improvements to Marble Valley Road, as specified in Table 1 of DOT conditions, shall adhere to the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000” and shall be consistent with the MacKay & Soms “Conceptual Plans for the Improvements of Marble Valley”, which were approved by DOT on September 3, 1999. The applicant shall update these Improvement Plans to adhere to current County Design Standards and 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 recordation of the final map.
10. The required on and off-site improvements to Marble Valley Road shall be signed and striped as a two (2) lane road as shown on the approved Tentative Map and the required on-site and off-site road improvement plans for Marble Valley Road.
11. The applicant shall irrevocably offer to dedicate (IOD), in fee, 50 feet of right of way along the entire on-site frontage of Marble Valley Road, with the appropriate slope easements. This offer will be accepted by the County.
12. The applicant shall irrevocably offer to dedicate (IOD), in fee, 60 feet of right of way from the eastern boundary of this project to Flying ‘C’ Road, where it intersects with Crazy Horse Road, with the appropriate slope easements, as depicted on the revised MacKay & Soms Conceptual Plans for the Improvements of Marble Valley, which were approved by DOT on September 3, 1999. This offer will be accepted by the County.
13. The applicant shall irrevocably offer to dedicate (IOD), in fee, adequate right of way to realign Flying ‘C’ Road to intersect with Marble Valley Road, with the appropriate slope easements, as depicted on the revised MacKay & Soms Conceptual Plans for the Improvements of Marble Valley, which were approved by DOT on September 3, 1999. This offer will be accepted by the County.
14. The applicant shall irrevocably offer to dedicate (IOD) a 50 foot road and public utility easement for Voltare and Beasley Drive, prior to filing the final map. This offer will be rejected by the County.
15. A vehicular access restriction shall be established along the entire on-site frontage of Marble Valley Road except for the proposed access locations, prior to filing the final map. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established along the entire frontage on the major roadway.

16. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied.
17. The applicant shall join and/or form, prior to filing the final map, an entity satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County.
18. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If 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 commencement 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 Agent, 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 professional appraiser of the cost of land necessary to complete the off-site improvements.
19. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant's engineer on June 7, 2007.

El Dorado County Fire Protection District

20. The District shall require eight new hydrants, of Muller model Centurion 200, for this project, as approved by the Fire District in an appropriate location. The applicant shall install the hydrants along with roadway and utility improvements.
21. The developer shall construct Beasley Road and Voltaire Drive at least 40' in width.
22. The developer shall limit on-street parking for Roads C and D on only one side of the street prior to occupancy. No parking signs or red curbs are required.
23. A Fire Safe Plan, approved by CDF and El Dorado County FPD, is required prior to occupancy.

24. The developer shall ensure that cul-de-sacs and all access roads are open to public use with no gates immediately prior to and after occupancy.

LAFCO

25. Prior to final map filing, the applicant shall complete the annexation process into EID through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.

Planning Services

26. The applicant shall provide to planning services, a meter award letter or similar document from EID, prior to filing the Final Map.
27. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall pay all fees at the time of filing the Final Map.
28. The subdivider shall pay a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
29. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.⁰⁰ per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. The increase is calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant shall contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The owner of record shall pay the fee at the time the building permit is issued. The owner of record shall record on the property the agreement or a notice of restriction to alert subsequent owners of this obligation.
30. 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 California Government Code.
31. 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.

32. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.

Surveyor's Office

33. All survey monuments must be set prior to the presentation of the Final Map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. The project applicant shall ensure that verification of set survey monuments, or amount of bond or deposit are acceptable to the County Surveyor's Office.
34. The applicant shall file a completed road name petition for roads serving the development with the County Surveyor's Office prior to filing the Final Map.

El Dorado County Resource Conservation District

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

California Regional Water Quality Control Board

38. The applicant shall obtain a permit for the project under the National Pollutant Discharge Elimination System (NPDES). The applicant shall obtain the General Permit to cover this project prior to construction.
39. The project applicant shall certify that the project will not violate water quality standards prior to issuance of a grading permit. Section 401 of the Clean Water Act and shall obtain approval of a 401 Water Quality Certification of any waters of the United States that may be affected by the project.

Cameron Park Community Services District

40. The developer shall pay adequate parks fees, based on County appraisal. The developer shall ensure that any CC&R's established for the project are reviewed and approval by the CSD.

El Dorado County Department of Environmental Health

41. Project applicant shall adhere to Rules 223, 223.1, and 223.2 during construction. The applicant shall submit a Fugitive Dust Plan Application or Asbestos Dust Mitigation Plan Application to and receive approval by the District prior to the issuance of a grading permit and start of project construction.
42. Project construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
43. Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
44. The project construction shall adhere to District Rule 215 Architectural Coatings.
45. The applicant shall submit a list to the District stating which mitigation measures the applicant must comply with to reduce impacts to air quality from equipment exhaust emissions during all construction involved in this project for approval prior to issuance of a Building Permit.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z05-0009/TM05-1403

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 proposal.
- 1.2 This project is located within or adjacent to an area which has wildlife resources, 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 \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,850.⁰⁰ 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.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with 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.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 General Plan Findings

- 2.1 The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy and the natural resources on site will be protected pursuant to related policies in the General Plan.

2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

2.3 The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

3.0 Administrative Findings for Tract Map

3.1 **The site is physically suitable for the proposed type and density of development after rezone.**

As shown on the Tree Preservation Map (Exhibit F), adequate building areas for each lot are available considering the required septic replacement area, wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

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

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified as Conditions in Attachment 1.

3.3 **The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.**

As proposed, the tentative map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

3.4 **The proposed Tentative Map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.**

As proposed and with the approval of the requested design waivers, the tentative map conforms with the development standards within the One-acre Residential (R1A) and R20,000 Zone Districts and the Major Land Division Ordinance.

4.0 Design Waiver Findings for Tract Map

Design Waivers Requested

- a. Construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk required under Standard Plan 101B.
 - 1) Special conditions peculiar to the property proposed to be divided would justify the adjustment or waiver because the adjusted sidewalk width will better conform to the surrounding landforms, resulting in reduced grading and impact on the natural resources. In addition, the narrower sidewalk is consistent with the existing road cross section of Beasley and Voltaire Drive.
 - 2) Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because the increased sidewalk width could require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance.
 - 3) The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the construction of a four-foot wide sidewalk in lieu of the six-foot wide sidewalk would not change or increase any of the above mentioned issues.
 - 4) This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division as the construction of a four-foot wide sidewalk in lieu of a six-foot wide sidewalk would not directly conflict with any objective contained within Article II of Chapter 16.
- b. Reduce right-of-way for Voltaire Drive, C Drive, and D Drive to 44 feet, rather than the 50 feet required under Standard Plan 101B, and reduce the right-of-way for Beasley Drive to 50 feet, rather than the 60 feet required under Standard Plan 101B.
 - 1) Special conditions peculiar to the property proposed to be divided would justify the adjustment or waiver because a 44 feet right of way will be more consistent with a right of way of the existing portion of Voltaire Drive and a 50 feet right of way will be more consistent with a right of way of the existing portion of Beasley Drive.
 - 2) Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because the increased sidewalk width could require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance.

- 3) The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because the construction of a 44 feet roadway, rather than the 50 feet roadway, and the construction of a 50 feet roadway, rather than the 60 feet roadway, would not change or increase any of the above mentioned issues.
- 4) This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division because the construction of a 44 feet roadway for Voltaire Drive, C Drive, and D Drive, and 50 feet roadway for Beasley Drive, would not conflict with any objectives stated in Article II of Chapter 16.