

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



Agenda of: October 11, 2007
Item No.: 8.
Staff: Jason Hade

**GENERAL PLAN AMENDMENT/REZONE/PLANNED
DEVELOPMENT/TENTATIVE SUBDIVISION MAP**

FILE NUMBERS: A07-0007/Z07-0016/PD07-0012/TM07-1441/Shinn Ranch

APPLICANT: Rancho Cortina Properties/Camille Courtney

ENGINEER: TSD Engineering Inc./Casey Feickert

REQUEST: The project consists of the following requests:

1. General Plan amendment amending the general plan land use designation for parcel number 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); 331-070-01 from MDR to HDR; a portion of 331-620-23 from Rural Residential (RR) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to MDR/HDR (Medium Density Residential/High Density Residential); 331-620-10 from HDR to Low Density Residential (LDR); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR;
2. A modification to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road;
3. Rezone for parcels numbered: 319-260-89 from Estate Residential Ten-Acre (RE-10) to Single Family Two-Acre Residential (R2A); 331-070-01 from Estate Residential Five-Acre (RE-5) to Single Family Residence-Planned Development (R1-PD); 331-620-23 from Single Family (R1), RE-10 and Residential Agricultural Twenty Acres (RA-20) to R1-PD; 331-620-05 from R2A, RE-5 and RE-10 to R1A-PD and R1-PD; 331-620-13 from R1, RE-5, RE-10 and RA-20 to R1A-PD and R1-PD; and 331-620-18 from R2A and RE-10 to RE-5;
4. Planned development and vesting tentative subdivision map, with building envelopes for all lots, to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres

with approximately 70 acres of open space including a pond, Slate Creek and walking trails; and

5. Design waiver requests for the following (a) Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduce the right-of-way for proposed on-site "Road A" to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.

LOCATION: South side of Mother Lode Drive, east of the intersection with Kingvale Road in the El Dorado area, Supervisorial District III. (Exhibit A)

APN: 319-260-89; 331-070-01; 331-620-04 -05 -10 -13 -18; and -23. (Exhibit E)

ACREAGE: 177.7 acres

GENERAL PLAN: APN: 319-260-89, 331-620-10 HDR
APN: 331-070-01 MDR
APN: 331-620-23, 331-620-04, 331-620-05, 331-620-13, 331-620-18 RR
(Exhibit B)

ZONING: APN: 319-260-89 RE-10
APN: 331-620-10, 331-070-01 RE-5
APN: 331-620-23, 331-620-04 R1/RE-10/RA-20
APN: 331-620-05 R2A/RE-5/RE-10,
APN: 331-620-13 R1/RE-5/RE-10/RA-20
APN: 331-620-18 R2A/RE-10 (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Recommend conditional approval

BACKGROUND

Tentative subdivision map application TM97-1335, creating 38 lots ranging in size from 14,005 square feet to 50,118 square feet on a 22.9 acre parcel, was approved by the Planning Commission on February 26, 1998. A time extension application was filed on June 12, 2001, but could not be processed because of the General Plan writ of mandate. The time extension was formally withdrawn by the applicant on May 30, 2007 so that the current proposal for the site could be considered.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description

The project consists of the following:

1. General Plan amendment amending the general plan land use designation for parcel number 319-260-89 from HDR (High Density Residential) to MDR (Medium Density Residential); 331-070-01 from MDR to HDR; a portion of 331-620-23 from RR (Rural Residential) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to MDR/HDR (Medium Density Residential/High Density Residential); 331-620-10 from HDR to LDR (Low Density Residential); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR;
2. A modification to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road;
3. Rezone for parcels numbered: 319-260-89 from RE-10 (Estate Residential Ten-Acre) to R2A (Single Family Two-Acre Residential); 331-070-01 from RE-5 (Estate Residential Five-Acre) to R1-PD (Single Family Residence-Planned Development); 331-620-23 from R1 (Single Family), RE-10 and RA-20 (Residential Agricultural Twenty Acres) to R1-PD; 331-620-05 from R2A, RE-5 and RE-10 to R1A-PD and R1-PD; 331-620-13 from R1, RE-5, RE-10 and RA-20 to R1A-PD and R1-PD; and 331-620-18 from R2A and RE-10 to RE-5;
4. Planned development and vesting tentative subdivision map, with building envelopes for all lots, to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres with approximately 70 acres of open space including a pond, Slate Creek and walking trails. Primary access would be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road; and
5. Design waiver requests for the following (a) Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduce the right-of-way for proposed on-site "Road A" to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.

Site Description

The project site is currently used for rural residential and grazing uses. The site is almost entirely undeveloped and is characterized by low rolling foothills with a non-native grassland oak woodland vegetation. The western portion of the site contains a late-Victorian ranch style single-story residence and shed in poor condition and a seasonal strawberry patch. A large stock pond is present in the center of the project site. A small, cultivated agricultural area is present on the western portion of the project site near Kingvale Road. Slate Creek, an intermittent drainage, crosses the northern portion of the site in an east-west direction. Dirt roads cross the site in various places. Elevations on-site range from approximately 1,516 to 1,652 feet above mean sea level. The site generally slopes from east to west.

The project site is located in the unincorporated community of Kingsville in central El Dorado County. The community is centered around the intersection of Mother Lode Drive and Pleasant Valley Road. This intersection contains a cluster of heavy commercial land uses. North and south of the community are rural residential properties ranging from one to 10 acres in size. The larger unincorporated of El Dorado is located east of Kingsville.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	R1/R2A/RE-5/RE-10/RA-20	RR/MDR/HDR	Rural residential/grazing uses
North	CG	C/PF	Commercial uses and future El Dorado County Animal Shelter
South	RE-10	RR	Single-Family Residences
East	RE-5	MDR	Undeveloped
West	R2A/RE-10	RR/MDR	Single-Family Residences

Access

Primary site access would be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road. On-site circulation includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and “A” Drive to a road width of 40 feet. Proposed off-site road improvements are discussed in the circulation section below. Proposed access to all lots would be consistent with fire safe standards. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the Diamond Springs – El Dorado Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

Air Quality

The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and determined that the project would have a less than significant impact on the air quality with the implementation of the mitigation measures identified within the prepared Mitigated Negative Declaration (Exhibit M). Standard Air Quality Management District conditions of approval are included in Attachment 1.

Circulation

According to the project traffic analysis, “the proposed project would generate a net total of 1,369 daily vehicle trips, including 107 trips during the morning (AM) peak hour and 144 trips during the afternoon (PM) peak hour”. (*Draft Mitigated Negative Declaration Shinn Ranch Planned Residential Community Kingsville, El Dorado County, California*, Michael Brandman Associates, July 11, 2007) Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and “A” Drive to a road width of 40 feet. Along the project frontage, Kingvale Road would be improved to a road width of 40 feet. Additionally, the applicant has agreed to mitigation measures requiring fair-share contribution payments to the County for improvements to the intersection of Pleasant Valley Road and State 49 and the intersection of Pleasant Valley Road and Forni Road. Improvements to the intersection of Pleasant Valley Road and State 49 consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound direction or equivalent measures approved by Caltrans and El Dorado County DOT. Improvements to the intersection of Pleasant Valley Road and Forni Road consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound and westbound directions or equivalent measures approved by Caltrans and El Dorado County DOT. Caltrans submitted project comments expressing concern that signalizing these two intersections may not be the best solution and requested that alternative solutions be considered. For this reason, the mitigation measures allow the flexibility of considering other transportation solutions.

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT reviewed the proposed project and determined that it is consistent with this General Plan requirement.

Design Waivers

The applicant has requested the following design waivers (supporting info attached as Exhibit K): (a) Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduce the right-of-way for proposed on-site “Road A” to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan

101B. DOT and Planning staff reviewed the requested design waivers and have no objections. The necessary findings for approval of these requests are listed in Attachment 2 of the staff report.

Drainage/Grading

Drainage/grading issues are addressed within the prepared environment document and were determined to result in a less than significant impact with the implementation of Best Management Practices (BMP) to control erosion and sedimentation. The project's Land Capability Report concluded that "the site represents only approximately 0.6 percent of the Slate Creek Watershed area, so the increased runoff from the site is unmeasurable and is considered insignificant." (*Land Capability Report for Tentative Subdivision Map Shinn Ranch*, TSD Engineering, Inc., March 29, 2007) Conditions of approval are included in Attachment 1 that address drainage issues identified by DOT.

A review of the project's slope map indicates that none of the proposed lots have slopes in excess of 30 percent that comprise the majority of the lot. As such, all proposed lots appear to have sufficient buildable area. Although the applicant has designed the project to include sufficient buildable area for each proposed lot, mass pad grading will be required to develop all of the proposed lots with the exception of the larger estate lots. Accordingly, avoiding disturbances to those areas within the proposed lots which include slopes in excess of 30 percent would be critical to achieving compliance with General Plan Policy 7.1.2.1. Grading limit lines are defined in the preliminary grading/drainage plan (Exhibit G).

Building envelopes are shown for each lot on the submitted preliminary site plan, Exhibit L, as required for vesting map submittal requirements. These building envelopes shall be recorded at time of map recordation.

Fire

The Diamond Springs – El Dorado Fire Protection District reviewed the proposed vesting tentative subdivision map and would require new fire hydrants for the site as well as road improvements as shown on the vesting tentative map and an approved fire safe plan. Project annexation into the Diamond Springs – El Dorado Fire Protection District Community Facilities District for the provision of fire suppression and emergency medical services would also be required prior to final map recordation. The gating of Shinn Ranch Road was previously approved by the Planning Commission on April 12, 2007, under special use permit application S06-0013. No additional gates are proposed as part of this project. Fire issues are addressed within the project's conditions of approval.

Land Use Compatibility

As discussed above, the subject site is surrounded by rural residential uses and the planned El Dorado County animal shelter. Appropriate noise mitigation measures have been included within the environmental document which address any potential land use incompatibility issues with adjoining and future commercial uses. Therefore, the proposed subdivision will fit within the context of these surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Local Agency Formation Commission (LAFCO)

LAFCO submitted project comments stating that annexation into the El Dorado Irrigation District (EID) for public water and sewer service would be required for APN 331-070-01. However, this parcel would be dedicated as permanent open space through a conservation easement and would not require potable water or sewer service. As such, it will not be annexed into EID. All other LAFCO comments are addressed within the project's environmental document.

Oak Tree Canopy

The site contains approximately 75 acres of oak woodland canopy. General Plan Policy 7.4.4.4 requires the retention of 49.75 acres of the existing oak woodland canopy for a parcel of this size with its oak coverage as outlined under Option A. As proposed, project implementation would result in the loss of 25 acres of oak canopy and retention of 50 acres of canopy consistent with Policy 7.4.4.4.

Public Transit

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

Schools

The Mother Lode Union School District reviewed the project and expressed concerns about the project's impact on the school district. School impact fees collected at time of building permit issuance would help reduce such school enrollment impacts.

Water Resources

General Plan Policy 7.3.3.4 requires development projects to be set back at minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. The project site plan identifies these setbacks and the proposed project is consistent with this policy. The vesting tentative subdivision map has been designed in a manner to avoid disturbances to the on-site pond, wetlands and Slate Creek by incorporating these water features into the project's open space areas. One crossing is proposed for Slate Creek. Mitigation Measure BIO-3 in the environmental document addresses potential impacts on 0.41 acre of jurisdictional features as a result of Road "A" crossing the earthen dam of the stock pond and impacts to the seasonal wetlands around the edge of the stock pond.

Water/Sewer

Public water and sewer service will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed project. Therefore, no new or expanded offsite water or wastewater facilities would be necessary to serve the proposed project. Based on this information, the project would be consistent with General Plan Policies 5.2.1.3, 5.2.1.4 and 5.3.1.1 regarding connection to public water, availability of reliable water supply and wastewater capacity.

GENERAL PLAN

The project has been reviewed in accordance with the applicable El Dorado County 2004 General Plan policies identified below and it has been determined that the project is consistent with the General Plan. While many of these topics have already been addressed in the previous section of the staff report, further discussion of those general plan issues not already discussed above is provided below.

Land Use:

Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, 2.2.5.4, 2.2.5.21, 2.9.1.2, and 2.9.1.4 concerning land use designations, planned developments, rezoning, land use compatibility and community region boundary amendment modification have been reviewed as follows.

Overall project density would be approximately one dwelling unit per acre and 0.85 dwelling units per acre with the inclusion of the larger estate lots. This is consistent with the proposed General Plan land use designations of HDR for the productions lots and MDR for the estate lots as shown on Exhibit D.

Sufficient open space and clustering of housing units to conform to the natural topography is provided for the project consistent with policy 2.2.3.1.

Staff has reviewed the zone change request against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern.

The subject site is surrounded by rural residential uses and the planned El Dorado County animal shelter. Appropriate noise mitigation measures have been included within the environmental document which address any potential land use incompatibility issues with adjoining and future commercial uses. Therefore, the proposed subdivision will fit within the context of these surrounding land uses pursuant to General Plan Policy 2.2.5.21.

As shown on Attachment F, the existing Community Region boundary line bisects the project site. As part of the General Plan amendment, the applicant has proposed shifting the Community Region boundary line to be co-terminus with Shinn Ranch Road. Based on County records, it is not known whether the existing Community Region boundary line was drafted in error or not. However, there are currently parcels to the south of the boundary line with HDR and MDR

General Plan land use designations. As such, the applicant believes “Shinn Ranch Road provides a physical and logical boundary separating more rural land uses to the south from higher density land uses to the north, west and east.” Additional background information submitted by the applicant is attached as Exhibit K. In order to amend the General Plan land use designations for the proposed project, the Community Region boundary must be amended pursuant to General Plan Policies 2.1.1.6, 2.9.1.2 and 2.9.1.4. General Plan Policy 2.9.1.4 states that “the boundaries of Community Regions and Rural Centers may be changed and/or expanded every five years through the General Plan review process as specified in Policy 2.9.1.2.” Policy 2.9.1.2 specifies “two years following the adoption of the General Plan and thereafter every five years, the County shall examine the results of the monitoring process for the previous period. If the results of this monitoring process indicate that the distribution of growth varies significantly from the major assumptions of this Plan, the County shall make appropriate adjustments to the Plan’s development potential by General Plan amendment. Five year adjustments in the development potential may include either additions to or subtractions from this land supply and may result in policy changes.” As proposed, staff supports the requested modification to the existing Community Region boundary line because of the past mapping error and physical land use density buffering opportunity provided by Shinn Ranch Road.

Transportation and Circulation:

The project is consistent with policies TC-Xe and TX-Xf concerning traffic impacts as discussed above.

Public Services and Utilities:

As proposed, the project complies with policies 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, and 5.8.1.1 regarding connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement and school capacity. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, Diamond Springs – El Dorado Fire Protection District and the Mother Lode Union School District, as outlined above.

Public Health, Safety, and Noise:

With the implementation of noise mitigation measures, the project is consistent with policies 6.2.3.2 and 6.5.1.3 concerning fire safe access and noise mitigation. Adequate fire safe access would be provided, as detailed above. Additionally, mitigation measures are included within the environmental document that would reduce any potential noise impacts to a level of less than significance.

Conservation and Open Space:

As proposed, the project complies with policies 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, 7.4.5.1, and 7.5.1.3 grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention and replacement and cultural resource protection. These issues are addressed above as well as the prepared environmental document.

Parks and Recreation:

Policies 9.2.2.1 and 9.2.2.2 regarding the Quimby Act and park maintenance mechanisms were reviewed and staff believes the proposal is consistent with these policies.

Pursuant to policy 9.2.2.1, the El Dorado County Parks and Recreation Commission reviewed the project on July 19, 2007 and recommended that Quimby Act in-lieu fees would be the most appropriate provision of recreation services for the site with no more than a 50 percent credit for the on-site passive open space proposed by the applicant. No Quimby Act land dedication was recommended as the project will provide approximately 70 acres of open space with a trail system (Exhibit I), gazebo and boat dock at the pond and passive open space. The trails would be four-feet wide and constructed of decomposed granite. These facilities would be maintained by the Home Owner's Association. Covenant, Codes and Restrictions (CC & R's) would be developed and submitted prior to final map recordation.

Findings of consistency with the General Plan are provided in Attachment 2.

ZONING

The proposed subdivision contains 143 lots which are consistent with the development standards identified within each respective proposed zoning district including R1-PD, R1A-PD, R2A and RE-5 outlined in Sections 17.28.040, 17.28.080, 17.28.340 and 17.28.210 of the Zoning Ordinance, including a minimum lot area of 6,000 square feet, one acre, two acres and five acres, respectively. Proposed lot sizes range from 13,500 to 10 acres. The existing residential uses at the subject site are permitted by right under Section 17.28.190. Proposed deviations from the development standards are discussed in the planned development section below.

PLANNED DEVELOPMENT

The applicant has requested several minor modifications from the R1 development standards for this planned development. Exhibit J would represent the setbacks, maximum building height and lot coverage to be utilized for a typical 13,500 square foot lot. While the maximum building height of 40 feet and maximum lot coverage of 35 percent are identical to the R1 development standards, the submitted exhibit depicts front and rear yard setbacks of 25 and 20 feet respectively. These are five feet greater than those setbacks which are currently required under the R1 zoning district. The side setbacks are shown as five feet which match those in the Zoning Ordinance with the exception that a corner lot would have a setback of 10 feet, not 20 currently required as a front yard setback under the R1 development standards. Other planned development issues have been discussed above under the General Plan consistency section. Staff reviewed the typical lot setbacks shown in Exhibit J and feel they would be appropriate for this planned development. Findings for conditional approval of the development plan are included in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has reviewed a Mitigated Negative Declaration (Exhibit M) prepared by Michael Brandman Associates under direction of the applicant to assess project-related environmental impacts. Based on the Initial Study, staff finds that the project could have a significant effect on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation.

However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 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.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve A07-0007 and Z07-0016 based on the findings in Attachment 2;
4. Conditionally approve planned development application PD07-0012 and vesting tentative subdivision map application TM07-1441, adopting the development plan as the official development plan, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - (1) Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B;
 - (2) Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and

(3) Reduce the right-of-way for proposed on-site “Road A” to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Proposed General Plan/Zoning Map
Exhibit E	Assessor’s Parcel Map Page
Exhibit F	Vesting Tentative Map
Exhibit G	Preliminary Grading/Drainage Plan
Exhibit H	Preliminary Sewer & Water Plan
Exhibit I	Trail Exhibit
Exhibit J	Site Design Guidelines
Exhibit K	Supporting Design Waiver Request/Community Region Boundary Amendment Information Submitted by Applicant
Exhibit L	Preliminary Site Plan
Exhibit M	Environmental Checklist & Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER PD07-0012/TM07-1441

I. PROJECT DESCRIPTION

1. This planned development and vesting tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit F “Vesting tentative map,” dated September 27, 2007 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:

PD07-0012/TM07-1441 consists of a planned development and vesting tentative subdivision map to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres with approximately 70 acres of open space including a pond, Slate Creek and walking trails. Water and sewer service will be provided to the lots by the El Dorado Irrigation District. Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road.

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

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles

- Restricting vehicle speeds on unpaved roads to 15 miles per hour
- Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust

3. If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or if there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species--birds of prey such as hawks and owls--this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

4. Prior to the commencement of grading activities, the applicant shall obtain a 1602 Streambed Alteration Agreement from CDFG. Loss of riparian habitat within the project boundaries shall be mitigated by the applicant's purchase of credits at an agency-approved mitigation bank within the region. Lost riparian habitat shall be mitigated at a ratio of no less than 1:1. The requirements of the 1602 permit shall be incorporated into the project.

Monitoring: The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

5. Prior to the commencement of grading activities, the applicant shall obtain a 404 permit from the USACE. Loss of wetland habitat within the project boundaries shall be mitigated by the applicant's purchase of credits at an agency-approved mitigation bank within the region. Lost wetlands shall be mitigated at a ratio of no less than 1:1. The requirements of the 404 permit shall be incorporated into the project.

Monitoring: The applicant shall provide a copy of the 404 permit to Planning Services prior to issuance of the grading permit.

6. The applicant shall replant the required number of oaks per General Plan Option A, or if available and desired, pay the established offsite mitigation fee under General Plan Option B.
Monitoring: The applicant shall either have an oak replanting plan submitted with the final map and reviewed and approved by staff prior to recordation, or payment of Option B fees at the time designated under that plan.

7. In accordance with El Dorado County General Plan Policy 7.4.5.2, the applicant shall submit the following documents to the County of El Dorado:
- A written statement by the applicant or an arborist stating the justification for the development activity, identifying how trees in the vicinity of the project or construction site will be protected and stating that all construction activity will follow approved preservation methods;
 - A site map plan that identifies all native oaks on the project site; and
 - A report by a certified arborist that provides specific information for all native oak trees on the project site.

8. Prior to any ground disturbing activity within 50 feet of the site, drip-line fencing should be placed around each of the features, and monitoring by a qualified archaeologist should occur during all grading or excavation activities near the feature.

Monitoring: Development Services staff shall verify in the field that fencing is in place prior to commencement of grading activities.

9. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

10. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

11. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be

notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

12. In accordance with by El Dorado County General Plan Policy 6.2.2.2, the applicant shall retain a Registered Professional Forrester to prepare a Fire Safe Plan that identifies “defensible space” requirements, emergency access routes, signage, emergency water standards, annual fuel modification maintenance plans, and other measures to address wildland fire hazards. The plan shall be submitted to the Diamond Springs/El Dorado Fire Protection District for approval. The Fire Safe Plan measures shall be incorporated into the Final Tract Map.

Monitoring: Prior to approval of the final map, the fire protection district shall notify Planning Services that the Fire Safe Plan is acceptable to them.

13. Prior to the issuance of building permits, the applicant shall provide plans to the County of El Dorado identifying a barrier of 6 feet in height at the property lines of the residences located nearest to Mother Lode Drive, in accordance with Figure of the Acoustical Assessment prepared by Ballard Acoustical Consultants.

Monitoring: The wall shall be installed prior to occupancy of any adjoining residence.

14. Mechanical ventilation (air conditioning) shall be provided for all residences in this project to allow the occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria.

Monitoring: Air conditioning units shall be shown on mechanical sheets of the building plans.

15. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

Monitoring: Development Services shall spot check construction hours and respond to any complaints from the public.

16. Prior to the issuance of building permits, the applicant shall contribute fair-share payments to the County of El Dorado for improvements to the intersection of Pleasant Valley Road and SR-49. The improvements shall consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound direction or

equivalent measures approved by Caltrans and El Dorado County Department of Transportation.

17. Prior to the issuance of building permits, the applicant shall contribute fair-share payments to the County of El Dorado for improvements to intersection of Pleasant Valley Road and Forni Road. The improvements shall consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound and westbound directions or equivalent measures approved by Caltrans and El Dorado County Department of Transportation.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

18. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
19. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
20. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
21. 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. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should 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 fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
22. At time of map recording, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with appropriate maintenance program.
23. At time of map recording, CC & R's shall be submitted and reviewed by County Counsel.
24. Setbacks for those lots zoned R1-PD and R1A-PD shall be consistent with those shown on Exhibit J for typical lots consisting of 25-foot front-yard setbacks, 20-foot rear-yard setbacks and five-foot side-yard setbacks. Setbacks for corner lots shall be applied as shown on

Exhibit J. At time of map recording, setback notes consistent with this condition shall be recorded on the map.

25. At time of final map recordation, building envelopes shall be shown and recorded for each lot consistent with Exhibit L, Preliminary Site Plan.
26. The map shall be recorded and constructed in phases consistent with the phasing plan included within the vesting tentative map, Exhibit F. All open space lots shall be dedicated at the time of recording of the first phase of the map.
27. The final map shall include a 100-foot non-building setback from all ponds and a 50-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F.
28. This vesting tentative map shall expire within 24 months from date of approval unless a timely extension has been filed.
29. All fees associated with the vesting tentative subdivision map shall be paid prior to recording the final subdivision map.
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 Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

Air Quality Management District

31. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
32. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.

- 33. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
- 34. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

California Department of Transportation (Caltrans)

- 35. Prior to conducting any work within the State right-of-way, an encroachment permit shall be obtained from Caltrans.

Department of Transportation

- 36. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual and the following table. 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:

ROAD NAME	ROAD WIDTH	DISM REFERENCE	GENERAL PLAN REFERENCE
On -site roads (cul-de-sacs)	36ft (50ft R/W)	Std Plan 101B	Table TC-1
“A” Drive	40ft(50ft R/W)	Std Plan 101B	Table TC-1
Kingvale Road	40ft (50ft R/W)	Std Plan 101B	Table TC-1

All roads shall be paved per recommendations of geotechnical engineer.

- 37. The applicant shall construct a cul-de-sac at the end of the on-site roadway, as specified in Standard Plan 114. 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.
- 38. The applicant shall construct the proposed roadway approach for “A” Drive to the provisions of county Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. 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.
- 39. The applicant shall construct the proposed roadway encroachment for “A” Drive onto Pleasant Valley Road to the provisions of county Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. 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. The applicant and El Dorado County shall enter into a reimbursement

agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.

40. The applicant shall design and construct left hand turn lanes at the intersection of Kingvale Road and Motherlode Drive and at the intersection of "A" Drive and Pleasant Valley Road. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.
41. The applicant shall design and construct a left hand turn lane at the intersection of Kingvale Road and Motherlode Drive. 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.
42. The applicant shall design and construct a left hand turn lane at the intersection of "A" Drive and Pleasant Valley Road. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
43. The applicant shall design and construct acceleration and deceleration lanes at the intersection of Kingvale Road and Motherlode Drive. 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.
44. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements along the western and southern boundaries of this project.
45. Prior to recordation of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
46. Prior to recordation of the final map, the applicant shall form drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
47. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
48. Drainage Ditches and swales shall be designed per Sections 3.3.4 and Section 6 of the County of El Dorado Drainage manual.

49. Include an energy dissipator at the outlet of the culverts per Sections 6.4.1 and 7.3.3 of the County of El Dorado Drainage manual.
50. Per Section 3.B) (6) of the County of El Dorado Design Standards, a tangent at least one hundred feet long shall be introduced between reversed curves. A line and curve table should be introduced to demonstrate that street alignments meet County design criteria prior to the recordation of the final map.
51. Cross lot drainage will not be allowed without the proper drainage easements and/or drainage structures. Drainage easements shall be provided where deemed necessary prior to the recordation of the final map.
52. Prior to recordation of the final map, the applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation.
53. Per Section 3.B) (4) of the County of El Dorado Design Standards, all streets and intersections shall have a minimum sight distance based on the design speeds. Verify that Kingvale Rd, Court D and Shinn Ranch onto Road "A" meet sight distance criteria prior to the recordation of the final map.
54. 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 commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a twenty-percent (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 subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel;

55. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
56. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
57. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
58. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
59. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
60. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
61. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
62. 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.

63. 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.
64. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
65. 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.
66. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
67. 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).
68. Cross lot drainage shall be avoided. When cross lot drainage does occur, 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. 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.
69. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage

report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

70. This project disturbs more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Diamond Springs – El Dorado Fire Protection District

71. Prior to improvement plan approval, the applicant shall submit the appropriate review fee to the Diamond Springs – El Dorado Fire Protection District (DSED FPD), as determined by DSED FPD.
72. At time of final map filing, documentation from the El Dorado Irrigation District shall be submitted to the DSED FPD confirming that the fire protection system will meet the required fire flow for this project consisting of 1,500 gallons per minute at 20 pounds per square inch for two hours for residential units larger than 3,600 square feet and 1,000 gallons per minute at 20 pounds per square inch for two hours for residential units smaller than 3,600 square feet
73. All additional required fire hydrants shall be shown on the improvement plans and installed throughout the subdivision subject to DSED FPD approval.
74. All driveways shall provide a minimum of 10-foot wide traffic lane with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet and be capable of supporting a 40,000 pound load.
75. Any driveway which exceeds a 16 percent slope shall be constructed of an all weather surface. Those driveways which exceed a 20 percent slope shall require review and approval by the DSED FPD prior to building permit issuance.
76. Any driveway exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet in length, turnouts shall be provided no more than 400 feet apart.

77. Parking on both sides of on-site roadways shall only be permitted if the roadway is a minimum of 40 feet wide. Parking on one side of the road shall be permitted for roads which are a minimum of 30 feet wide. CC & R's shall be submitted for review and approval by County Counsel which incorporate these standards at time of map recording.
78. A fire safe turnaround shall be provided prior to occupancy of any building sites with driveways exceeding 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road.
79. Any future proposed gates are subject to review and approval by the DSED FPD.
80. At time of final map filing, a fire safe plan shall be submitted to the DSED FPD for review and approval.
81. Prior to map recordation, the subdivision shall be annexed into the Community Facilities District established by the DSED FPD for the provision of public services.

Environmental Management Department – Environmental Health

82. For newly created parcels less than five acres, all existing abandoned and active wells shall be properly destroyed, under permit, by a license well driller, prior to map recordation.
83. If any existing structures on septic systems will be demolished or connected to public water, a septic system abandonment permit is required, prior to map recordation.

Surveyor's Office

84. 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. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
85. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER A07-00007/Z07-0016/PD07-0012/TM07-1441

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 Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately one dwelling unit per acre and 0.85 dwelling units per acre with the inclusion of the larger estate lots. This is consistent with the General Plan land use designations of HDR for the productions lots and MDR for the estate lots as defined within General Plan Policy 2.2.1.2 because the HDR land use designation permits one to five units per acre while the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, 2.2.5.4, 2.2.5.21, 2.9.1.2 and 2.9.1.4 concerning land use designations, planned developments, rezoning, land use compatibility and community region boundary amendment modification because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. Adequate justification has been submitted to justify the amendment of the Community

Region boundary because of the past mapping error and physical land use density buffering opportunity provided by Shinn Ranch Road. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 6.5.1.3, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, 7.4.5.1, 7.5.1.3, 9.2.2.1 and 9.2.2.2 regarding traffic impacts, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, noise mitigation, grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention and replacement, cultural resource protection, Quimby Act and park maintenance mechanisms. Sufficient transportation mitigation measures are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, Diamond Springs – El Dorado Fire Protection District and the Mother Lode Union School District. Adequate fire safe access is provided and mitigation measures are included within the environmental document that will reduce any potential noise impacts to a level of less than significance. Pursuant to policy 9.2.2.1, the El Dorado County Parks and Recreation Commission reviewed the project on July 19, 2007 and recommended that Quimby Act in-lieu fees would be the most appropriate provision of recreation services for the site with no more than a 50 percent credit for the on-site passive open space proposed by the applicant.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains 143 lots which are consistent with the development standards identified within each respective proposed zoning district including R1-PD, R1A-PD, R2A and RE-5 outlined in Sections 17.28.040, 17.28.080, 17.28.340 and 17.28.210 of the Zoning Ordinance, including a minimum lot area of 6,000 square feet, one acre, two acres and five acres, respectively. Proposed lot sizes range from 13,500 to 10 acres and consistent with the minimum parcel sizes permitted under the Zoning Ordinance.
- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.190. Proposed deviations from the development standards regarding setbacks are identified within the staff report discussion above and appropriate findings for such deviations can be found below.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.

- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 70 acres of open space including a pond with floating dock, gazebo, Slate Creek and walking trails. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The only exception to the standard requirements of the zone regulations is an increased setback of five-feet for the front and rear yards of a typical 13,500 square foot lot. The increased setbacks represent an enhancement to the zoning development standards.
- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.
- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water and sewer service will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed project. Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and "A" Drive to a road width of 40 feet. Along the project frontage, Kingvale Road would be improved to a road width of 40 feet while Shinn Ranch Road would be improved to a road width of 36 feet. Additionally, the applicant has agreed to mitigation measures requiring fair-share contribution payments to the County for improvements to the intersection of Pleasant Valley Road and State 49 and the intersection of Pleasant Valley Road and Forni Road.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 70 acres of open space, walking trails, sufficient setbacks from on-site sensitive resources, such as wetlands and a pond, and the retention of 50 of the 75 acres of oak tree canopy found at the site.

4.2 Vesting Tentative Subdivision Map

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the vesting tentative map conforms to the HDR and MDR General Plan land use designations and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.
- 4.2.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and

proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.

- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit M) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road. On-site circulation includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and “A” Drive to a road width of 40 feet. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the Diamond Springs – El Dorado Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.
- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs – El Dorado Fire Protection District reviewed the proposed vesting tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the vesting tentative map and an approved fire safe plan. Project annexation into the Diamond Springs – El Dorado Fire Protection District Community Facilities District for the provision of fire suppression and emergency medical services would also be required prior to final map recordation. Fire issues are addressed within the project’s conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.

- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements would require a wider right-of-way resulting in the need to relocate existing physical improvements. The project's traffic analysis demonstrated that the proposed improvement of Kingvale Road is sufficient to handle the traffic impacts that will be generated by the project.
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the reduced right-of-way width will allow the subdivision to better fit within the context of the surrounding rural residential uses.
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.
- 5.2 Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B.**
- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Shinn Ranch road will serve 13 new residences upon build-out and provide emergency access to the proposed subdivision. It is a gated roadway and is only intended to serve a maximum of 13 residences upon build-out. As such, the proposed reduced road right-of-way and reduced roadway width will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road easement and width will avoid the need to acquire additional easements from adjacent property owners and also reduce potential project grading impacts.
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement and width will not require neighboring properties to dedicate additional easements and will minimize project grading impacts. A reduced easement and road width is also consistent with the rural character of the surrounding

community. The construction of sidewalks on this roadway is unnecessary to serve 13 additional parcels and is inconsistent with the rural surroundings of the area.

5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.3 Reduce the right-of-way for proposed on-site "Road A" to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.

5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate on-site circulation and fire protection to the subdivision. Four-foot sidewalks are sufficient to serve the subdivision within a rural community.

5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* A 60-foot wide right-of-way would result in the loss of five feet of front-yard landscaping as well as impacts to the lake and wetland areas. The requested reduction in right-of-way would reduce potential impacts to these natural resources while still providing adequate on-site circulation.

5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement will not require the loss of five feet of front-yard landscaping and will minimize project grading impacts to the lake and wetland areas. A reduced easement width is also consistent with the rural character of the surrounding community.

5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.