

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



Agenda of:	October 23, 2008
Item No.:	10
Staff:	Jason R. Hade

**GENERAL PLAN AMENDMENT/ZONE CHANGE/PLANNED
DEVELOPMENT/TENTATIVE SUBDIVISION MAP**

FILE NUMBERS: A08-0007/Z08-0016/PD08-0011/TM08-1471/Placer Oaks Subdivision

APPLICANT: Carlton Engineering/Austin C. Roundtree, P.E.

PROPERTY OWNER: Said Karkouti

REQUEST: The project consists of the following requests.

1. General Plan amendment for APN 329-181-14 and 329-181-15 from Medium-Density Residential (MDR) to High-Density Residential (HDR).
2. Zone change from One-Half Acre Residential (R20,000) and Estate Residential Five-Acre (RE-5) to One-Half Acre Residential-Planned Development (R20,000-PD).
3. Planned development and tentative subdivision map to create 31 lots ranging in size from 12,000 square feet to 20,619 square feet in size on 20.01 acres. Five open space lots are also proposed.
4. Abandonment of the existing on-site East Road easement.
5. Design waiver requests to:
 - a. Allow the construction of roads labeled "C" and "D" on the proposed tentative subdivision map to a width of 24 feet with no sidewalks rather than 28-foot wide with sidewalks as required by Standard Plan 101B; and
 - b. Allow a reduced right of way width of 40 feet rather than 50 feet for roads labeled "A" and "B."

LOCATION: The subject property is located on the west side of Forni Road 500 feet south of the intersection with Lindberg Avenue in the Diamond Springs area., Supervisorial District III. (Exhibit A)

APN: 329-181-13, -14; and -15 (Exhibit E)

ACREAGE: 20.01 acres

GENERAL PLAN: Medium Density Residential (MDR)/High-Density Residential (HDR) (Exhibit B)

ZONING: One-Half Acre Residential (R20,000) & Estate Residential Five-Acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend conditional approval

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

General Plan amendment from MDR to HDR, zone change from R20K/RE-5 to R20K- Planned Development (PD), and a development plan and tentative subdivision map to create 31 residential lots ranging in size from 12,000 square feet to 20,619 square feet on a 20.01 acre site. Five open space lots are also proposed. The project would also include the abandonment of the on site existing East Road easement and the construction of proposed Road “A” off-site to the end of County maintained East Road to a width of 28 feet. Design waiver requests have been submitted to: (1) allow the construction of roads labeled “C” and “D” on the proposed tentative subdivision map to a width of 24 feet with no sidewalks rather than 28-foot wide with sidewalks as required by Standard Plan 101B; and (2) allow a reduced right of way width of 40 feet rather than 50 feet for roads labeled “A” and “B.” The project would be served by public sewer and water provided by the El Dorado Irrigation District.

Site Description

The project site is bound by residential housing to the north and south, Forni Road to the east, and oak forest to the west. Elevation of the project site ranges from approximately 1,680 feet to 1,776 feet above sea level. Topography at the subject site ranges from gentle to moderate slopes of a mostly northern aspect. The project site includes 13.975 acres of mixed oak forest, 4.327 acres of foothill pine – oak woodland, and 1.536 acres of valley oak forest. Indian Creek flows east to west along the northern boundary of the site. The subject site also includes two ephemeral channels, a seasonal wetland, and two existing residences.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	R20K/RE-5	MDR/HDR	Residential
North	R1	HDR	Single-Family Residences
South	R1A/RE-5	MDR/HDR	Single-Family Residences
East	R1A	MDR	Single-Family Residences
West	R20K	HDR	Undeveloped

Access

Proposed project access to the east would be via Forni Road while an extension of proposed Road “A” to East Road would provide access to the northwest and an extension of proposed Road “B” would provide a connection to Marci Lane to the southwest. The Diamond Springs/El Dorado Fire Protection District reviewed the project proposal and concluded that the project would result in adequate emergency access to any potential residential structure with the implementation of the conditions of approval included in Attachment 1 of the staff report.

Affordable Housing

El Dorado County Human Services Department submitted Technical Advisory Committee (TAC) comments encouraging the applicant to providing a percentage of the proposed units as affordable to low and lower income households. The comments were provided to the applicant and discussed at the TAC meeting, but the applicant has not expressed an interest in providing affordable housing as a part of this subdivision.

Circulation

A traffic study was completed and reviewed by the Department of Transportation (DOT) which concluded that the project’s impacts would be less than significant at all study intersections. A cumulative analysis is not required since the trip generation for the proposed project is below 2025 year thresholds assumed in the General Plan. Study recommendations are included as standard conditions of approval in Attachment 1 and include payment of traffic impact mitigation (TIM) fees and the construction of onsite roadways to DOT standards. (*Traffic Impact Analysis Placer Oaks El Dorado County, California, Kimley-Horn and Associates, Inc., April 18, 2008*)

The 2004 General Plan Policies TC-Xe and TX-Xf (which reflect Measure Y) require that projects that “worsen” traffic by 2%, 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 has conditioned the project to address this General Plan consistency issue by requiring payment of traffic impact mitigation fees with each building permit.

Design Waivers

Design waiver requests have been submitted to: (1) allow the construction of roads labeled “C” and “D” on the proposed tentative subdivision map to a width of 24 feet with no sidewalks rather than 28-foot wide with sidewalks as required by Standard Plan 101B; and (2) allow a reduced right of way width of 40 feet rather than 50 feet for roads labeled “A” and “B.” Design waiver justification submitted by the applicant is included as Exhibit L. DOT is supportive of the first design waiver request because Roads “C” and “D” are short interior roads with low average daily trips and are not intended to serve as through roads, but rather only those few lots fronting them. However, the Fire District had concerns about the reduced road width and requested that roads “C” and “D” still provide type 1 rolled curb, gutter, and a four-foot wide sidewalk on one side of the street. Correspondingly, DOT is supportive of a reduction in right of way width for these roadways to 30 feet. The Fire District had no concerns regarding the second design waiver request to allow a reduced right of way width of 40 feet rather than 50 feet for roads labeled “A” and “B.” However, DOT recommends that the right of way for Road “A” remain as 50-feet because it would connect to two County maintained roads. The compromise reached by DOT, the Fire District, and the applicant regarding the design waiver requests is reflected in Table 1 of condition of approval number 22 below. Necessary findings for partial approval of the request are listed in Attachment 2 of the staff report

Drainage/Grading

According to the submitted drainage report, “the effects of this proposed construction will moderately increase water runoff amounts, but will not change times of concentration, and will have only a minimal effect on the natural drainage patterns of the surrounding areas. The proposed project will increase the peak runoff for the project site, therefore, detention will be required to restore peak runoff to pre-development levels.” (*Preliminary Drainage Report for the Proposed Placer Oaks Subdivision Placerville, El Dorado County, CA, Carlton Engineering, Inc., April 2008*)

All proposed grading for individual lot and road development, as shown on the preliminary grading and drainage plan, must be in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce any potentially significant impact to a less than significant level. Conditions of approval are included in Attachment 1 that address drainage issues identified by DOT.

The preliminary grading and drainage plan (Exhibit H) indicates a total of 4.34 acres of the site would be disturbed for road construction and lot development. Estimated earthwork quantities are a cut of 11,380 cubic yards and a fill of 11,035 cubic yards for a net fill of approximately 345 cubic yards.

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 consistent with General Plan Policy 7.1.2.1.

Easement Abandonment

The proposed project would require the vacation of a portion of the existing East Road easement. This issue would need to be addressed prior to final map filing, as reflected within the conditions of approval in Attachment 1.

Fire

The Diamond Springs/El Dorado Fire Protection District reviewed the proposed project and would require new fire hydrants for the site as well as an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

Land Use Compatibility

As discussed above, the subject site is surrounded by residential uses. The existing lots to the north are approximately 10,890 square feet while the lots to the south are approximately one acre. The proposed project would create 28 additional residential lots from an existing three lots within a developed residential area. Proposed lot sizes for this project range from 12,000 square feet to 20,619 square feet. The average density for the 20 acre site would be 0.64 units per acre.

The HDR General Plan land use designation permits one to five units per acre while the MDR General Plan land use designation permits a maximum of one unit per acre. The current General Plan land use designations would permit a maximum density of 60 units at the subject site. However, in an effort to better match the surrounding residential densities, the applicant has proposed 31 residential units. Therefore, this infill project would provide an appropriate residential density between existing development, near accessible transportation, medical services, and shopping centers and is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Oak Tree Canopy

Existing project oak tree canopy coverage is estimated at 86.5 percent. (*Oak Canopy Retention Analysis for the Placer Oaks Subdivision Project, El Dorado County, CA, Sycamore Environmental Consultants, Inc., March 17, 2008*) Under General Plan Policy 7.4.4.4, Option A, 60 percent of the existing canopy must be retained. After road and driveway construction and lot development (4,650 square foot lot and driveway building envelope), the project would retain 62.5 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Future development of the proposed lots would have the option of complying with either Option A or Option B of 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 project site is located within the Mother Lode Union School District. The affected school district was contacted as part of the initial consultation process and expressed concern about a lack of sidewalks and school bus drop-off areas in the project area. As part of the project's standard conditions of approval, the main proposed roads within the subdivision, Roads "A" and "B," would be required to install a four-foot wide sidewalk on one side of the street.

Sewer/Water

Public water and sewer service would be provided to the project site by the El Dorado Irrigation District (EID). EID provided a letter dated March 28, 2008 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.

Special Setbacks

General Plan Policy 7.3.3.4 requires development projects to be set back a 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 tentative subdivision map has been designed in a manner to avoid disturbances to the wetlands and Indian Creek by incorporating these water features into the project's open space areas. One crossing is proposed for Indian Creek.

Proposed typical lot setbacks under the development plan are discussed in the Planned Development section below.

GENERAL PLAN

This project is consistent with the policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

Policy 2.1.1.7 directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated.*

Discussion: As discussed above, the existing and proposed improvements would be adequate to serve the proposed subdivision.

Policy 2.2.1.2: states that the high-density residential land use designation *identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre.*

Discussion: The proposed project density is consistent with the density permitted under the HDR land use designation.

Policy 2.2.3.1 states that *the major components of a Planned Development in residential projects is to include commonly owned or publicly dedicated open space lands of at least 30 percent of the total site as well as clustered housing units or lots designed to conform to the natural topography.*

Discussion: As proposed, the project would include approximately 35 percent total open space and would be clustered to avoid areas with wetlands and slopes in excess of 30 percent.

Policy 2.2.5.3 includes 19 specific criteria to be considered in evaluating zone change requests.

Discussion: 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.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: This infill project would provide an appropriate residential density between existing residential development of similar lot sizes near accessible transportation, medical services, and shopping centers. Therefore, the proposed project is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Policy 5.2.1.4 directs that subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.

Discussion: As discussed above, public water service would be provided to the project site by EID. EID provided a letter dated March 28, 2008 indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with General Plan Policy 5.2.1.4 regarding availability of reliable water supply.

Policy 5.3.1.1 directs that high-density and multi-family residential, commercial, and industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval except in Rural Centers and areas designated as Platted Lands (-PL).

Discussion: As discussed above, EID provided a letter dated March 28, 2008 indicating that it has adequate sewer capacity to serve the project.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The project would be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface and road width. The project would be required to meet the required minimum fire flow requirements of the Diamond Springs/El Dorado Fire Protection District which would be reviewed and approved by them prior to filing the final map and all the water conveyance facilities would further need to meet the approval of EID.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: As conditioned, and discussed under Access section above, the project would meet the intent of this policy. Fire issues are addressed within the project's conditions of approval.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Discussion: Existing project oak tree canopy coverage is estimated at 86.5 percent. (*Oak Canopy Retention Analysis for the Placer Oaks Subdivision Project, El Dorado County, CA, Sycamore Environmental Consultants, Inc., March 17, 2008*) Under General Plan Policy 7.4.4.4, Option A, 60 percent of the existing canopy must be retained. After road and driveway construction and lot development (4,650 square foot lot and driveway building envelope), the project would retain 62.5 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Future development of the proposed lots would have the option of complying with either Option A or Option B of Policy 7.4.4.4.

ZONING

The subject site is currently zoned R20K which permits a minimum lot area of 20,000 square feet, minimum lot width of 100 feet, and minimum yard setbacks of front, thirty feet, sides, ten feet, and rear, thirty feet. The proposed lots range in size from 12,000 square feet to 20,619 square feet with a minimum lot width ranging from 78 feet to 111 feet. With the exception of the development standard deviations concerning minimum lot area, minimum lot width, and setbacks discussed in the Planned Development section below, the project would conform to existing zoning and the development standards in Section 17.28.390, as well as have the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060. The existing residential structures and uses at the subject site are permitted by right under Section 17.28.370, but would be razed as part of project implementation.

PLANNED DEVELOPMENT

The applicant has requested several modifications from the R20K development standards for the proposed development plan. The modifications include a minimum lot area of 12,000 square feet and reduced minimum lot width. Exhibit J would represent the minimum setbacks to be utilized for a typical corner lot and non-corner lot within the subdivision. All other development standards not specifically outlined within the development plan would revert back to the R20K development standards in the Zoning Ordinance.

Staff reviewed the typical lot setbacks shown in Exhibit J and found them to be appropriate for this planned development because the minimum home setback of 15 feet is only five feet less than the R1 minimum front-yard setback of 20 feet which is typical for the proposed lot sizes. Additionally, the requested reduced right of way is only for those streets which would have low average daily trips. Staff notes that the increased minimum garage setback of 20 feet versus the minimum home setback of 15 feet should provide architectural variety to the neighborhood and reduce the appearance of the garage as the focal point of each lot. Overall, the reduced lot sizes, widths, and minimum setbacks allow the development plan to utilize clustering to achieve a desirable density while avoiding impacts to Indian Creek, wetlands, and areas of slope in excess of 30 percent. Findings for conditional approval of the development plan are included in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit M) to assess project-related environmental impacts. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment. Therefore, a Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve A08-0007 based on the findings in Attachment 2;
3. Approved Z08-0016 based on the findings in Attachment 2;
4. Conditionally approve planned development application PD08-0011 and tentative subdivision map application TM08-1471, adopting the development plan as the official development plan, subject to the conditions in Attachment 1, based on the findings in Attachment 2;
5. Find that the abandonment of the existing on-site East Road easement is consistent with the General Plan pursuant to California Government Code Section 65402 based on the findings in Attachment 2; and
6. Approve in part the following design waiver requests, consistent with condition of approval number 22 in Attachment 1, since the appropriate findings have been made as noted in Attachment 2:
 - a. Allow the construction of roads labeled "C" and "D" on the proposed tentative subdivision map to a width of 24 feet with no sidewalks rather than 28-foot wide with sidewalks as required by Standard Plan 101B; and
 - b. Allow a reduced right of way width of 40 feet rather than 50 feet for roads labeled "A" and "B."

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	Tentative Subdivision Map
Exhibit G	Slope Analysis
Exhibit H	Preliminary Grading and Drainage Plan
Exhibit I	Water and Sewer Plan
Exhibit J	Typical Lot Setbacks
Exhibit K	Building Envelopes
Exhibit L	Applicant's Design Waiver Request
Exhibit M	Environmental Checklist & Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER PD08-0011/TM08-1471

I. PROJECT DESCRIPTION

1. This development plan and tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M, approved August 28, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Development plan and tentative subdivision map creating 31 residential lots ranging in size from 12,000 square feet to 20,619 square feet on a 20.01 acre site. Five open space lots will also be created. The project includes the abandonment of the on site existing East Road easement and the construction of proposed Road "A" off-site to the end of County maintained East Road to a width of 28 feet. The project will be served by public sewer and water provided by the El Dorado Irrigation District. Proposed project access to the east would be via Forni Road while an extension of proposed Road "A" to East Road would provide access to the northwest and an extension of proposed Road "B" would provide a connection to Marci Lane to the southwest.

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. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. Prior to filing the final map, an oak tree canopy replacement plan shall be submitted by the applicant to meet the requirements of General Plan Policy 7.4.4.4, Option A. Should

identified on-site replacement area not be sufficient, applicant shall comply with Option B prior to filing the final map.

3. 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.
4. 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).
5. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
6. 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.

The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment from the Facilities and Fleet Services Department, Parks Recreation Division of parkland dedication in-lieu fees to Planning Services prior to filing the final map.
7. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
8. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
10. 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.

11. 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. Propane tanks may be located within open space lots A, B, D, and E.
12. If the project is phased, a phasing plan must be approved by the Planning Commission. All open space lots shall be dedicated at the time of recording of the first phase of the map.
13. Setbacks for all lots shall be consistent with those shown on Exhibit J, "Typical Lot Setbacks." At time of map recording, setback notes consistent with this condition shall be recorded on the map.
14. At time of map recording, CC & R's shall be submitted and reviewed by County Counsel.
15. Prior to final map filing, the two existing structures on proposed lots three and four shall be razed or relocated to conform with the minimum development plan setbacks in Exhibit J.
16. Appropriate signage and curb striping shall be installed prior to occupancy noting that no parking shall be permitted on either side of Roads "C" or "D."

Air Quality Management District

17. 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
18. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
 19. 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.
 20. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
 21. The project construction will involve the application of architectural coating which shall adhere to District Rule 215, Architectural Coating.
 22. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors.

Department of Transportation

23. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map: (the requirements outlined in Table 1 are minimums)

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH *	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Road A (onsite and offsite to end County maintained East Road)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft	50ft IOD required	35 mph	Type 2 vertical curb along the north side, type 1 rolled curb along the south side, gutters, 4-ft sidewalk on one side.
Road B (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft	40ft IOD required	35 mph	Type 1 rolled curb, gutter, 4-ft sidewalk on one side.
Road C & D (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	24ft	30ft	25 mph	Type 1 rolled curb, gutter, 4-ft sidewalk on one side.

	Std Plan 114 or equivalent				
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* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6” from the back of the curb.

** Non-exclusive road and public utility easements included

24. **Encroachment Permits:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachments from Proposed Road A, onto Forni Road and onto East Road to the provisions of County Design Std 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.

25. **Offer of Dedication:** As indicated in Table 1, the applicant shall irrevocably offer to dedicate a 50 ft, 40 ft, and 30 ft Road and Public Utilities Easements for all onsite roadways, prior to the filing of the map. These offers will be rejected by the County.

26. **East Road On-site Easement:** The portion of the existing East Road easement on-site shall be vacated as part of the project. This vacation shall be clearly stated on the tentative map and finalized prior to filing of the final map. A note shall appear on the final map referencing the vacation of this easement.

27. **Turnaround:** The proposed turnarounds shall be built to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.

28. **Cut Slopes:** Per the El Dorado County Grading Design Manual, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for required interceptor drains. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

29. **Fill Slopes:** Per the El Dorado County Grading Design Manual, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

30. **Offsite Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
31. **Secondary Access:** The applicant shall be required to verify and/or provide a secondary access to this site or an acceptable alternative. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101C with an 18 foot road width with 1 foot shoulders on each side of the roadway, as required in Section 3 A. 2. c. ii, of the DISM. These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
32. **Driveway Cuts:** 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. Attention should be given to the minimum required sight distance at all driveway encroachments. 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.
33. **Vehicular Access Restrictions:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Forni Road excluding the locations of the approved access encroachment. The existing driveway encroachment on proposed Lot 2 shall be removed and made unusable for vehicular access.
34. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
35. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide and 30 foot wide non-exclusive road and public utility easements for the on-site access roadways as indicated in Table 1 above prior to the filing of the map.
36. **Signage:** 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 prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
37. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.

38. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
39. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
40. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
41. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
42. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
43. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
44. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
45. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
46. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of

California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

47. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
48. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
49. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
50. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

- The site can be adequately drained;

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

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

51. **Drainage, Cross-Lot:** 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. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
52. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
53. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
54. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

55. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the 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, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

56. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
57. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Diamond Springs – El Dorado Fire Protection District

58. Prior to final map filing, the developer shall meet with the Fire District and determine where the proper fire lanes shall be installed and identified at the site so as to provide for easy access by fire and emergency apparatus during incidents that occur at the complex.
59. Building and Fire Codes will also have to be adhered to but cannot be determined until a full set of building and site plans are received by this district.
60. Sprinkler system may be installed as per Fire District requirements. Set of sprinkler plans shall be approved by the Fire District prior to building permit issuance.

61. Minimum fire flow is 1,500 GPM for duration of 2 hours at 20 p.s.i. and may be higher, based on future development plans.
62. Prior to final occupancy, Knox Box shall be installed per District Requirements, if necessary, and be monitored.
63. Fire hydrant placement shall be approved by the Fire District prior to improvement plan approval.
64. Fire apparatus access road shall be provided within 150 feet to all portions of the project prior to final occupancy.
65. Additional requirements may be necessary once a full set of plans are submitted to the Fire District for review.
66. Fire Flow: 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Over 3,600 square feet is 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i.
67. Fire Hydrants: Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503, and fire hydrant placement shall be approved by this Fire District prior to improvement plan approval.
68. All roadways shall meet El Dorado County DOT and CA Fire Code requirements.
69. Prior to final map filing, a Fire Safe Plan shall be prepared for this subdivision by a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations and submitted to the Fire District for review and approval.
70. Prior to map recordation, the subdivision shall be annexed into the Community Facilities District established by the Fire District for the provision of public services.

Surveyor's Office

71. 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 surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
72. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's Office prior to filing the final map.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER A08-00007/Z087-0016/PD08-0011/TM08-1471

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one to five dwelling units per acre. The proposed project density conforms to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, 2.2.1.2, 2.2.3.1, 2.2.5.3, 2.2.5.21, 5.2.1.4, 5.3.1.1, 5.7.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, and 7.4.4.4, concerning, adequate roadways, utilities and other public services, land use density, development plan requirements, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, disturbance of slopes in excess of 30 percent, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention. 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. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.
- 2.3 The proposed General Plan Amendment from MDR to HDR is consistent with all other applicable policies of the General Plan including 2.2.1.2 and 2.2.5.21 concerning the project's location within an established Community Region boundary, land use compatibility

with adjacent residential development lot sizes, and overall project density. The General Plan Amendment will change 10 acres at the subject site from MDR to HDR. The HDR General Plan land use designation permits one to five units per acre while the MDR General Plan land use designation permits a maximum of one unit per acre. The current General Plan land use designations will permit a maximum density of 60 units at the subject site. A 20 acre site with an HDR General Plan land use designation permits a maximum density of 100 units. However, in an effort to better match the surrounding residential densities, the applicant has proposed 31 residential units.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards and the proposed development plan because the proposed lots meet the development standards of the R20K zone district pursuant to section 17.28.390 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.
- 3.2 The existing residential structures at the subject site are permitted by right under Section 17.28.370. Proposed deviations from the development standards regarding minimum lot area, minimum lot width, and 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 Road Easement Abandonment

- 4.1.1 Pursuant to California Government Code Section 65402, the abandonment of the existing on-site East Road easement from any implied public use is found to be consistent with the General Plan.

4.2 Planned Development

- 4.2.1 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the development plan is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and conservation.
- 4.2.2 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 6.8 acres of open space as well as appropriate intermittent stream and wetland setbacks. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.2.3 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* Exceptions to the R20K development standards include

reduced minimum lot area, minimum lot width, and setbacks. The increased minimum garage setback of 20 feet versus the minimum home setback of 15 feet will provide architectural variety to the neighborhood and reduce the appearance of the garage as the focal point of each lot. Overall, the reduced lot sizes, widths, and minimum setbacks allow the development plan to utilize clustering to achieve a desirable density while avoiding impacts to Indian Creek, wetlands, and areas of slope in excess of 30 percent.

- 4.2.4 *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 1.55 units per acre.
- 4.2.5 *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 28, 2008 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 and off-site roads consistent with Table 1 in condition of approval number 22 above.
- 4.2.6 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 6.8 acres of open space, sufficient setbacks from on-site sensitive resources, such as an intermittent stream and wetlands, and the retention of 62.5 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A.

4.3 Tentative Subdivision Map

- 4.3.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the HDR General Plan land use designation and applicable General Plan policies including adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention.
- 4.3.2 *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 0.64 units per acre.
- 4.3.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A negative declaration was prepared for the proposed tentative subdivision map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.

- 4.3.4 *The subdivision shall have adequate access to accommodate the proposed density.* The project has been conditioned to comply with El Dorado County Department of Transportation and Diamond Springs/El Dorado Fire Protection District requirements to assure adequate access.
- 4.3.5 *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 tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Allow the construction of roads labeled “C” and “D” on the proposed tentative subdivision map to a width of 24 feet with no sidewalks rather than 28-foot wide with sidewalks as required by 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.* Roads “C” and “D” are not located on the project’s main circulatory route through the subdivision and are considered to be very-low volume with daily trips well below 300 average daily trips. The design speed for Roads “C” and “D” will be posted at 25 miles per hour. Both DOT and the responsible Fire District are supportive of the design waiver request with the installation of type 1 rolled curb, gutter, and a four-foot wide sidewalk on one side of the roadways.
- 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 will require additional grading and oak tree canopy removal. Because of the steep cross slope on this site, narrower road widths will help to minimize cuts and fills reducing the overall project impact on oak tree canopy.
- 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 Fire District has determined that the reduced road width will still provide adequate emergency vehicle access, connection to adjoining residences, and on site circulation. No parking will be allowed on either side of Roads “C” or “D.”
- 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 Allow a reduced right of way width of 40 feet rather than 50 feet for roads labeled “A” and “B.”

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Because of the steep cross slopes at this site, narrower road and right of way widths will allow owners to build closer to the road, reducing the amount of grading required for driveways and buildings pads and minimizing the project’s overall impact on oak tree canopy. DOT is supportive of a 40-foot right of way for Road “B” and a 50-foot right of way for Road “A,” as reflected in table 1 of the condition of approval number 22. The Fire District has no objections to reduced road right of way widths.
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road right of way widths will reduce potential project grading and oak tree canopy removal 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.* Reduced right of way widths will allow all lots to remain at 0.25 of an acre or greater providing a density which is compatible with surrounding residential land use densities. Additionally, the subject roadways are considered to be very-low volume with daily trips well below 300 average daily trips and the design speed for Roads “C” and “D” will be posted at 25 miles per hour. The Fire District has no objections to reduced road right of way widths.
- 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.