

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT  
PLANNING COMMISSION**



**Agenda of:** January 22, 2009  
**Item No.:** 10  
**Staff:** Pat Kelly

**REZONE/PLANNED DEVELOPMENT/  
TENTATIVE SUBDIVISION MAP**

**FILE NUMBER:** Z07-0010/PD07-0006/TM07-1438

**OWNER:** Gregory Porter

**APPLICANT:** Porter Property

**AGENT:** CTA Engineering and Surveying, Inc.

**REQUEST:** Request for a Zone change, Planned Development and Tentative Map to create 54 residential lots including lots designed for open space and landscaping. The residential lots would range in size from 7,965 to 72,208 square feet. Seven lots are proposed for open space, landscaping, lift station and future right-of-way. The open space lots would consist of 9.84 acres and 0.79-acres would be used for a lift station and future right-of-way. The project would be accessed from Beasley Drive and Marble Valley Road. Six design waivers have been requested.

A Zone change from Estate Residential Ten-acre (RE-10) to One-family Residential-Planned Development (R1-PD).

The Planned Development application includes modification to the Development Standards of the One-Family Residential (R1) Zone District. Approximately 30% of the site would be set aside within a dedicated open space lots.

Design Waiver(s) have been requested for the following:

- a. Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum.

- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
- d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1.
- e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
- f. Request for a 100-foot radius at secondary entrance on A Drive.

**LOCATION:** On the south side of Marble Valley Road one (1) mile west of the intersection with Flying C Road in the Cameron Park Area, Supervisorial District II. (Exhibit A)

**APN:** 119-020-35

**ACREAGE:** 32.82 acres

**GENERAL PLAN:** High Density Residential (HDR) (Exhibit B)

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

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The project was submitted to Planning Services on February 26, 2007. The original submittal included a request to create 54 residential lots on the project site. Planning Services sent the applicant a letter on March 21, 2007 deeming the project incomplete for processing and requested additional information. A Technical Advisory Committee (TAC) Meeting was held on May 7, 2007 with Planning Services and other concerned agencies. The primary project concerns were inadequate information provided on submitted grading plans pertaining to building envelopes and driveways; lot slope calculations; and compliance with General Plan Policy 7.4.4.4 and 7.4.5.2 pertaining to oak tree preservation.

The applicant submitted the requested information and the project was deemed complete on December 7, 2007. The project engineer submitted a revised tentative map, grading plan, tree preservation plan and slope plan which included the additional information requested in the incomplete letter dated March 21, 2007.

## STAFF ANALYSIS

**Project Description:** The project request includes a Zone Change from Estate Residential Ten-acre (RE-10) to One-family Residential-Planned Development (R1-PD) and a Planned Development and Tentative Map to create 54 residential lots including two open space lots on an existing 32.82-acre parcel. The residential lots would range in size from 7,965 to 72,208 square feet. The project includes seven open space lots, landscaping, lift station and future right-of-way. The open space lots would consist of 9.84 acres. The project site would be accessed from Beasley Drive and Marble Valley Road. The Planned Development request includes modification to the Development Standards of the One-Family Residential (R1) Zone District. Approximately 30% of the site would be set aside within a dedicated open space lots.

Design Waiver(s) have been requested for the following:

- a. Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.
- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
- d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1.
- e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
- f. Request for a 100-foot radius at secondary entrance on A Drive.

The project would include two new Marble Valley Road segments, one between the project site and Beasley Road and the other between Voltaire Drive and Flying C Road. The extension of Marble Valley Road from Voltaire Drive to Flying C Road provides primary access for the project to Highway 50 and Cambridge Road (Exhibit X). These improvements have been included as part of the Capital Improvements Project (CIP) for the Department of Transportation. These improvements have been included as conditions of approval listed in Attachment 1 of the staff report.

**Site Description:** The project site is an undeveloped parcel within the Cameron Park Community Region. The site lies within an elevation range of 900-1080 feet above sea level. Slopes on-site are moderate with portions exceeding 30 percent. Vegetation communities on the project site include mixed oak woodland and riparian woodland with wetland features within the oak woodland community. Approximately .5 acre of jurisdictional wetlands is present on-site.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	HDR	Undeveloped
<b>North</b>	R20K	HDR	Undeveloped
<b>South</b>	MV-TM (Marble Valley-Tentative Map)	LDR	Undeveloped
<b>East</b>	RE-10	HD R	Undeveloped
<b>West</b>	MV-TM (Marble Valley-Tentative Map)	LDR	Undeveloped

**General Plan:** The General Plan designated the subject site as High Density Residential (HDR), which allows a residential density of one to five dwelling units per acre (1-5 du/a). The project would create 54 residential units on 33.8 acres site which would yield a density of .6 du/a. Therefore the project would be consistent within the HDR land use designation. Additionally, the following General Plan policies are application to the project.

**Policy 2.2.3.1(a):** Requires the provision of at least 30 percent (30%) open space for project requests including a Planned Development application. Included below in Table 1 is the required and proposed open space for the project:

Planned Development Required Open Space

<b>Table 1: Required Open Space</b>	
<b>Parcel Size</b>	32.82 acres
<b>Required Open Space</b>	9.84 acres
<b>Proposed Open Space</b>	9.84 acres
<b>Percent Open Space Required</b>	30% open space
<b>Percent Open Space Proposed</b>	30% open space

Discussion: The project would dedicate 30 percent (30%) of the site as open space which complies with the requirements of the General Plan.

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

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated November 15, 2006, states that adequate water facilities are available to serve the proposed project upon annexation into the EID service area. The project would be required to construct a water line extension connecting under Highway 50, connecting the 8-inch water line in Country Club Drive to the 12-inch water line in Beasley Drive.

The proposed Marble Valley Subdivision to the south would be required to build infrastructure from the existing Bass Lake Tanks water line in Bass Lake Road to the existing water line in Flying C Road. If this infrastructure is installed before the proposed subdivision is developed, connections to these water lines may be utilized instead of the connection to Country Club Drive.

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

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

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated November 15, 2006, states that adequate wastewater facilities are available to serve the proposed project upon annexation into the EID service area. The site would be served by an existing twelve-inch line in Beasley Drive and eight-inch line in Country Club Drive.

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

Discussion: The project site would be located within Buckeye Union School District and the El Dorado Union High School District. The distance to the closest high school would be approximately 4.5 miles. The affected school district was contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

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

Discussion: The El Dorado County Fire Protection District would be responsible for providing fire protection to the subject site. The Fire District has determined that adequate fire protection services exist to serve the project.

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

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

**7. Erosion hazard;**

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

**8. Septic and leach field capability;**

Discussion: The proposed lots would be served by municipal sewage disposal systems of the El Dorado Irrigation District. An FIL letter, dated November 15, 2006, indicates that the site can be served adequately by existing facilities. No septic systems or leach fields are proposed.

**9. Groundwater capability to support wells;**

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

**10. Critical flora and fauna habitat areas:**

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

Discussed in the Biological Section of the Staff Report, there is limited suitable habitat on the project site for special-status fauna and flora, which could be affected by construction activity. Mitigation Measures contained within the Mitigated Negative Declaration, included as Attachment 1 in the Conditions of Approval, would reduce potential impacts to critical fauna habitat and flora areas.

**11. Important timber production areas:**

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

**12. Important agricultural areas;**

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

**13. Important mineral resource areas;**

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

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

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

**15. Existing land use patterns;**

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

**16. Proximity to perennial water course;**

Discussion: The Biological Resources Assessment prepared for the project identified potential jurisdictional waters of the U.S. comprised of an excavated ditch, depression seasonal wetland, ephemeral drainage, riverine seasonal wetland, and sloped seep. These findings were confirmed in the Jurisdictional Delineation Report performed on the project site by Sycamore Environmental Consultants, Inc., January, 2008. Three (3) channels, two (2) seeps and one (1) wetland seasonal swale totaling 0.1955-acres were identified as being jurisdictional waters to be potentially regulated by the U.S. Army Corps of Engineers and subject to Section 404 of the Clean Water Act. **General Plan Policy 7.3.3.4** requires a minimum setback of 100-feet from all perennial streams, rivers and lakes, and 50-foot from intermittent streams and wetlands. The seasonal wetlands and intermittent drainages on the site are protected through the incorporation of 50-foot setbacks, as shown on the Tentative Map.

**17. Important historical/archeological sites;**

Discussion: The applicant submitted a Cultural Resources Study of the Proposed Porter Subdivision, prepared by Historic Resource Associates, with the application in February 2007. The report indicated numerous historic and prehistoric resources known to exist on the site. Three of those properties lie within the project site. Investigation was performed on the site, documenting the history and cultural significance of on site resources. The Cultural Resource Study concluded that adequate documentation of known resources has occurred and recommends that a building setback

of 10 meters be established along the southern boundary of the site identified as PA88-80, in order to help its long term preservation. It is also recommended that PA88-32 be incorporated into the project design either as part of the open space or a landscape feature. A drip-line fence should be placed along the southern boundary of PA88-80 during construction of the project and around PA88-32, as necessary, to avoid inadvertent damage to either site or feature. In addition, a plaque or monument should be placed in a conspicuous location with a brief description of the site's original owner. These requirements have been added as mitigation measures to the MND, to ensure that cultural resources are appropriately mitigated and to ensure consistency with General Plan Policy 2.2.5.3.

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

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

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

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

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

Discussion: The project would be required to receive the discretionary approval of the El Dorado Local Agency Formation Commission (LAFCO) for annexation into the EID in order to receive public water and wastewater. The Regional Water Quality Control Board sets treatment requirements for the collection, processing, and disposal of waste, which must be complied with by EID. Upon annexation, the El Dorado Irrigation District would provide water to the subject site. According to the Facility Improvement Letter prepared by the El Dorado Irrigation District, dated November 15, 2006, "in terms of water supply" as of January 1, 2006, there were 2285 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. The project, as proposed would require 58 EDUs of water supply." A 12-inch water line exists on Beasley Drive. The applicant must construct a water line extension under Highway 50, connecting the 8-inch water line in Country Club Drive to the 12-inch water line in Beasley Drive, with an 8-inch line under Voltaire Drive, adjacent to the site. Various options are available to extend water service from these existing lines to the subdivision, depending on construction of improvements planned in other nearby areas. There would be sufficient water supply for all uses available to serve the project.

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

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

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

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

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

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

Discussion: Pursuant to the General Plan Policy above, a 50-foot setback would be required from the intermittent-stream and wetlands located parallel to the westerly boundary line and a 50-foot setback would be required along the seeps as shown on the Tentative Subdivision Map (Exhibit D).

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

**Option A**

The County shall apply the following tree canopy retention standards:

<b>Percent Existing Canopy Cover</b>	<b>Canopy Cover to be Retained</b>
<i>80-100</i>	<i>60% of existing canopy</i>
<i>60-79</i>	<i>70% of existing canopy</i>
<i>40-59</i>	<i>80% of existing canopy</i>
<i>20-39</i>	<i>85% of existing canopy</i>
<i>10-19</i>	<i>90% of existing canopy</i>
<i>1-9 for parcels &gt; 1 acre</i>	<i>90% of existing canopy</i>

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

**Option B**

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

In lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts of oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan (OWMP), adopted by the Board of Supervisors on May 6, 2008, if an application for a permit for the improvements required by this map is filed after the effective date of the plan and its implementing ordinance.

Discussion: As determined by the arborist report prepared by Sierra Nevada Arborists dated August, 2006, the proposed project would impact oak woodland habitat. The project would remove 5.9-acres of oak woodland habitat from the project site for mass grading, roads, and infrastructure. The canopy removal for mass grading, roads and infrastructure would be subject to mitigation under Option A. The project site contains approximately 19.71-acres of oak canopy which would require seventy percent (70%) retention (Table 1). The canopy removal for custom lot development for Lots 41-54 would be subject to mitigation under Option B. The oak canopy to be removed for mass grading, roads, infrastructure and custom lot development would require to either be replaced by the applicant or payment into a into the conservation fund as required by the OWMP. The fee would be established by the County Board of Supervisors. The Tree Preservation Plan (Exhibit H) prepared

by CTA Engineering, confirms that the project would be consistent with General Plan tree canopy retention and replacement policies.

<b>Table 1: Oak Tree Canopy Summary</b>				
<b>Project Site (acreage)</b>	<b>Oak Canopy Coverage (acreage)</b>	<b>Percentage of Required Retention</b>	<b>Proposed Oak Removal for mass pad grading, roads &amp; infrastructure (acreage)</b>	<b>Percentage Retention Proposed</b>
<b>32.82</b>	<b>19.71</b>	<b>70%</b>	<b>5.9</b>	<b>70%</b>
<b>Note: The canopy removal for custom lot development for Lots 41-54 is subject to mitigation under Option B.</b>				

As shown on the Tree Preservation Plan (Exhibit H), the project would require the removal of 5.9-acres of the on-site canopy. Development envelopes with potential driveway locations were required in order to determine the extent of oak canopy impacts as a result of infrastructure improvements and due to future residential development of the project. The applicant would be required to participate in an on-site replacement monitoring plan at a 1:1 canopy surface area ratio; or payment of the mitigation fee under Option A of the OWMP; or acquire an off-site conservation easement of oak woodlands at a 1:1 ratio or a combination of the three requirements for the removal of 30 percent of the oak canopy for mass pad grading, roads, and infrastructure. Removal of oak canopy exceeding 30 percent which would be for custom lot development for Lots 41 through 54 would not comply with Policy 7.4.4.4 percentage canopy retention requirements. The individual lot developer would be required to participate in an on-site replacement monitoring plan at a 2:1 canopy surface area ratio, or payment of the mitigation fee under Option B of the OWMP, or acquire an off-site conservation easement of oak woodlands at a 2:1 ratio or a combination of the three requirements.

A condition has been included in Attachment 1 of the Conditions of Approval requiring the applicant to participate in on-site replacement or provide an off-site conservation easement or payment of the mitigation fee required under Option A and Option B of the OWMP.

**Other Issues:**

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

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must

construct (or ensure funding and programming) any improvements required to comply with Level of Service standards in the General Plan Transportation and Circulation Element. This project is located in the Cameron Park Community Region (Figure LU-1: Land Use Diagram of the General Plan), so Level of Service E is allowable (General Plan Policy TC-Xd). Intersections affected by this project would be at Level of Service F for the year 2011. The DOT requires the applicant to improve the Cambridge Road and the US 50 EB Ramps by providing an all way stop. In addition, the Department of Transportation would require the applicant to obtain an approved encroachment permit from CalTrans for the required improvement. The Department of Transportation would require, as a condition of approval, to extend Marble Valley Road between Voltaire Drive and Flying C Road and between the project site and Beasley Road. The addition of these two roadway segments improves access to the site from US-50 and Cambridge Road. These conditions would be included in the conditions of approval within Attachment 1 of the staff report.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis, performed by Rimpco and Associates, and determined that the project could create air quality impacts which may contribute to an existing or projected air quality violation during construction. Construction activities associated with the project include grading and site improvements, for roadway expansion, utilities, driveway, home, and building pad construction, and associated on-site activities. Construction related activities would generate PM<sub>10</sub> dust emissions that could exceed the state or federal ambient air quality standards for PM<sub>10</sub>. This would be a temporary but potentially significant effect. The applicant must comply with the existing requirements of the El Dorado AQMD, Rule 223-1 and 223-2, designed to reduce overall impacts to air quality by controlling emissions and dust generation associated with construction activities. Existing regulations require the applicant to submit and obtain an approved Fugitive Dust Plan Application from the El Dorado Air Quality Management District.

Biological Resources: A Biological Resource Assessment was performed by Foothill Associates dated August 2006. The biological assessment identified the oak woodland community on the site to represent potential habitat for special-status plant species and recommended a soils analysis be conducted on the site to determine the presence of gabbroic soils which would further determine the potential for such plant species to occur on the project site. A subsequent soil survey review was prepared by Youngdahl Consulting Group, Inc. to determine the potential of gabbroic soils occurring on the site; this survey concluded there was no potential for gabbro-derived soils. The special-status plant species endemic to El Dorado County and gabbroic soils do not have the potential to occur within the site. The Biological resource Assessment did conclude that the on-site oak woodland habitat may provide suitable nesting areas for birds protected by the Migratory Bird Treaty Act and determined that the project site would be suitable bat roosting habitat. Mitigation Measures have been included as part of the project to require on-site surveys prior to construction activities to avoid disturbance of any protected species (Mitigation Measure **BIO-1** and **BIO-2**). The Mitigation Measure would be included in the conditions of approval within Attachment 1 of the staff report.

The project site is characterized by oak woodland habitat and wetland and drainage channels. The biological assessment of the project site indicated preliminary wetlands delineation must be prepared for the proposed project. The Jurisdictional Delineation Report identified 0.5071-acres of water features comprised of five (5) seeps on the project site, totaling 0.1104-acres; eight (8) channels on

the project site totaling 0.3564-acres; and one (1) seasonal wetland swale on the project site totaling 0.1104-acre. As part of the project, portions of the on-site wetlands would be filled to accommodate the development. Three (3) of the channels, two (2) of the seeps and one (1) wetland seasonal swale totaling 0.1955-acres were identified as being jurisdictional waters to be potentially regulated by the U.S. Army Corps of Engineers and subject to Section 404 of the Clean Water Act. As required by **General Plan Policy 7.3.3.4** and in accordance with the Clean Water Act, a 404 permit, Water Quality Certification and Streambed Alteration Agreement would be required for filling any jurisdictional wetlands. Mitigation Measures requiring these permits have been included as conditions of approval (Mitigation Measures **BIO-3** and **BIO-4**). The Mitigation Measure would be included in the conditions of approval within Attachment 1 of the staff report. Those water features that would not be disturbed by the project construction activities must be, in order to ensure compliance with the General Plan Policy 7.3.3.4, shown on the Tentative Subdivision Map (Exhibit D) with a fifty (50) foot buffer on each side of the riparian woodland and stream.

The proposed project would impact oak woodland habitat, which, pursuant to General Plan Policy 7.4.4.4 requires retention and replacement of the affected habitat. As discussed previously in this staff report the project would remove 8.8 acres of oak woodland habitat, of which 8.2 acres would be removed for lot development and .6 acres would be removed for road improvements. A condition has been included in Attachment 1 of the Conditions of Approval requiring the applicant to participate in on-site replacement or provide an off-site conservation easement or payment of the mitigation fee required under Option A and Option B of the OWMP.

Cultural Resources: A Cultural Resource Study was performed on the project site by Historic resources Associates, November, 2005, which identified three archaeological properties recorded by Peak & Associates, Inc. on the site, PA-88-80, PA-88-81 and PA-88-32. The features were recorded with the California Department of Parks and Recreation as part of the Cultural Resources Study. Site PA-88-80 reflects a homestead believed to have been established in the 1860s. The superstructure of a modest sized ranch house is long gone, but the field stone foundation and cellar remain largely intact, as does the foundation for an outbuilding of the main house and several dry laid rock walls. Site PA-88-32 consists of a dry laid fieldstone wall. The wall runs east to west along a moderately steep slope that seems to once have delineated an old property boundary. The fieldstone wall likely dates to the late 1850s or 1960s, when the property was being homestead and boundaries were being determined, as well as livestock grazing. The wall is likely associated with the Smith homestead and appears to be a contributing element to the homestead's historic content and land use history. Mitigation Measures have been included as part of the project to require on-site surveys prior to construction activities to avoid disturbance of any cultural resources (Mitigation Measure CULT-1, CULT-2, CULT-3, and CULT-4). The Mitigation Measures would be included in the conditions of approval within Attachment 1 of the staff report.

EID Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive water services. LAFCO recommended the applicant contact LAFCO "near the end of the Tentative Subdivision Map process to inquire about annexation into EID." **General Plan Policy 5.2.1.9** requires the applicant demonstrate a guaranteed supply of water is available at the time final subdivision and parcel maps are approved before building permits are issued. In addition, EID

service to the proposed project would be contingent upon the future availability of water supply, approval of the Facility Plan Report, construction of all water facilities, and acceptance of the facilities by EID. These procedures would provide assurances that expansion of water supply to the project site is sufficient and reliable.

Emergency Access and Protection: The project would be located within the El Dorado County FPD service area. The Department was distributed the project during the initial review period and recommended conditions of approval. **General Plan Policies 6.2.3.1** and **6.2.3.2** require new development to demonstrate that adequate emergency access, water flow, and personnel are available to serve the project. As discussed above, the FIL prepared for the project has demonstrated that adequate fire flow would be available to serve the project. The District has recommended that the non-conforming access roads serving the project would comply with at a minimum Fire Safety Standards for width, surface, gradient, radius, turnarounds, and turnouts, one-way and dead-end roads.

Fire: The El Dorado County FPD and the Cameron Park CSD would jointly provide fire protection services to the site. Fire issues are addressed within the project's conditions of approval within Attachment 1 of the staff report.

Noise: The project, during construction and earthwork, may generate excessive noise. There are residential units north of the project site. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays to minimize affects on nearby residences.

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

Public Water and Wastewater: General Plan Policy 5.2.1.3 requires all new development within the HDR land use designation to connect to public water when located within a Community Region. The project site is designated HDR and is located within the El Dorado Hills Community Region. General Plan Policy 5.3.1.7 requires all new development within the HDR land use designation to connect to public wastewater facilities. The project has been designed to connect to both EID public water and wastewater services. The Facility Improvement Letter (FIL) for the project dated November 15, 2006 indicated that the project site would be located within the EID service boundaries and that adequate water and wastewater services are available to serve the project. However, a letter from CTA Engineering to EID dated September 6, 2007 (Exhibit L) supersedes the project FIL letter regarding the source of water supply to the project site. The September 6, 2007 letter is agreed to and signed by EID's Co-Manager of Customer Services. The September 6, 2007 letter indicates that two alternatives exist for providing water service to the project site. The first alternative would allow for jack and boring under US Highway 50 and the installation of a water line extension connecting an existing 8-inch water line in Country Club Drive to the existing 12-inch water line in Beasley Drive. The second alternative would allow the installation of a water line extension from the existing 12-inch water line in Beasley Drive to the existing 8-inch water line in Flying C Road. The second alternative would be the preferred alternative. It is understood that installation of the preferred alternative would benefit several tentative map applications in the

vicinity of the project site that are pending approval by the County (including, but not limited to the Protzel Subdivision (TM05-1403) and the Marble Valley Ridge Estates Subdivision (TM06-1412) and as such, any tentative map application in the vicinity would install and/or contribute their proportionate fair share of the cost to install the preferred second alternative.

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

Traffic and Circulation: The applicant was required to prepare a traffic study for the project to determine project related impacts to the road system in the area. The traffic study, prepared by Kimley-Horn and Associates dated November, 2006 provides analysis and conclusions relative to traffic impacts generated by the project. According to the report, the project would cause an increase in traffic on area roadways and intersections. The traffic study concluded that the project would be expected to generate fifty-nine (59) AM and seventy-eight (78) PM peak hour trips, with 749 total average daily trips (ADT). The addition of the proposed project to the existing road network would not result in substandard operations at study intersections. The intersection at Cambridge Road and the U.S. 50 WB Ramps/Merrychase Drive currently operates at LOS F and E, respectively, during peak hours. This intersection would be proposed to be signalized in the near future, with funding to be provided through the County's Capital Improvements Program (CIP). Signalization of the intersections would improve the operation of the intersection to LOS A. Payment of Traffic Impact Mitigation (TIM) fees required would ensure that the project contributes to the improvements called out in the CIP.

The Department of Transportation (DOT) was distributed the project during the 30-day review period and recommended conditions of approval for the project. The Porter Property Traffic Impact Analysis indicated that the project would cumulatively impact the level of service at the intersection at Cambridge Road and the US 50 EB Ramps. The Cambridge Road intersection with the US 50 EB Ramps is projected to operate at LOS E during the PM peak-hour without the proposed project and at LOS F with the proposed project. As defined by **General Plan Policy TC-Xd**, because the intersection satisfies County standards without the proposed project (LOS E) and the proposed project results in unacceptable operation (LOS F), the proposed project would be considered to significantly worsen the conditions at this intersection. The DOT would require the applicant to improve the Cambridge Road and the US 50 EB Ramps by providing an all way stop. In addition, the DOT would require the applicant to obtain an approved encroachment permit from CalTrans for the required improvement. The DOT would require, as a condition of approval, to extend Marble Valley Road between Voltaire Drive and Flying C Road and between the project site and Beasley road. The addition of these two roadway segments improves access to the site from US-50 and Cambridge Road. These conditions would be included in the conditions of approval within Attachment 1 of the staff report.

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

Wastewater: The site would be provided with domestic sanitary sewer service by the El Dorado Irrigation District. The Facilities Improvement Letter for the project indicates that there would be an existing eight-inch sewer line in Voltaire Drive which would provide service to the site. Various

service connection alternatives are available to the applicant for connection, depending on timing of improvements associated with nearby developments. Provision of adequate wastewater service would be dependent on successful annexation to EID.

**Conclusion:** The project would be consistent with the High Density Residential Land Use Designation. As discussed above, Mitigation Measures have been included as part of the project in order to comply with General Plan Policies. Staff finds that with the conditions of approval and implementation of Mitigation Measures that project would be consistent with the General Plan.

**Zoning:** The project request includes a Planned Development (PD) Application. The PD would allow flexibility in the Development Standards of the One-Family Residential Zone District (R1). As discussed below, Planning Services staff has determined the modifications to the Development Standards are acceptable and Findings of Approval have been included in Attachment 2 of the Staff Report.

**Development Standards:** Section 17.28.040 A-E of the Zoning Ordinance establishes the requirements for development within the R1 Zone District:

- A. Minimum lot area, six thousand square feet when the lot is served with public water supply and sewage system.**

The project includes 54 residential units which would be served by EID public water and waste water services. The lots would range from 7,965 to 72,208 square feet. The proposed lots would not be less than the minimum lot area established for the R1 zone.

- B. Maximum lot coverage, thirty-five percent (including accessory buildings).**

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with these requirements.

- C. Minimum Lot Width, sixty feet.**

The minimum lot width for the proposed parcels would be 61.1 feet which would be consistent with this requirement.

- D. Minimum yards, front twenty feet, sides five feet, except that the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet, rear fifteen feet.**

The project includes development envelopes, as shown on the Tentative Subdivision Map (Exhibit E) which have been designed to be consistent with the setback requirements

- E. Maximum height, forty feet.**

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

**Parking:** Section 17.18.060 of the Zoning Ordinance requires two spaces not in tandem for single family residential development. The project would create 54 residential units which would require a minimum of 108 spaces. No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

**Conclusion:** As discussed above, staff finds the project complies with the requirements of the Planned Development planning concept and Planning Services finds the project would be consistent with the Zoning Ordinance.

**Tentative Map:** A Tentative Map to create fifty-four (54) residential lots including lots designed for open space and landscaping as well as on-site and off-site road improvements. The residential lots would range in size from 7,965 to 72,208 square feet. Seven (7) lots are proposed for open space, landscaping, lift station and future right-of-way. The open space lots would consist of 9.84 acres which includes existing wetlands and water features. A total of 0.79–acres would be used for a lift station and future right-of-way. The proposed lots would conform to Table 4 listed below:

<b>Table 4: Gross and Net Lot Area</b>		
<b>Lot Number</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
1	13,063	8,835
2	13,537	7,935
3	10,643	6,853
4	10,114	6,539
5	10,182	6,598
6	10,066	6,508
7	11,104	7,301
8	11,202	7,399
9	10,656	6,913
10	10,797	7,032
11	11,558	7,574
12	11,839	7,881
13	10,677	6,925
14	9,868	6,344
15	10,120	6,578
16	10,012	6,484
17	9,278	5,844
18	10,046	5,129
19	12,083	6,704
20	7,965	4,809

21	8,096	4,924
22	8,186	5,002
23	8,136	4,960
24	8,140	4,885
25	9,059	5,698
26	8,418	5,196
27	8,841	5,498
28	9,892	6,419
29	10,254	6,753
30	9,961	6,500
31	9,317	5,937
32	8,365	5,189
33	8,047	4,930
34	8,849	5,503
35	9,400	5,984
36	9,594	6,046
37	8,072	3,990
38	11,919	7,013
39	15,993	10,775
40	24,591	16,404
41	13,094	8,257
42	13,353	6,696
43	19,366	6,669
44	18,354	6,966
45	21,517	8,998
46	22,607	10,183
47	32,021	16,550
48	18,450	8,882
49	19,273	11,976
50	18,655	13,226
51	17,896	8,780
52	19,116	8,018
53	60,164	13,078
54	72,208	19,979
A Open Space	221,304	
B Open Space	190,184	
C Lift Station	10,707	
D Landscaping	2,798	

E Landscaping	11,454	
F On-site ROW-	24,106	
G Open Space	3,256	

Listed below are the design waivers requested for the project. The Department of Transportation has reviewed the Design Waivers and has recommended approval. Findings are included in Attachment 2 of the Staff Report.

**Design Waiver(s) Discussion:** Six Design Waivers have been requested as part of the project:

- a. Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum.
- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
- d. Allow a driveway within the 25-feet of a curb return, a minimum standard required by DISM Standard Plan 103A-1.
- e. To reduce the minimum 16-foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
- f. Request for a 100-foot radius at secondary entrance on A Drive.

**a. Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.**

The Design Waiver request to reduce the right-of-way width along A and B Drive would better conform to the allocated open space (intermittent drainage and steep hillside with oak woodlands). Increased right-of-way would require more extensive grading and would increase oak tree removal and would decrease an effective lot area by increasing setbacks from the roadway. The proposed road width reductions would be consistent with the County Hillside Land Use Standards. Because of the Hillside Land Use Standards application the Department of Transportation can support this waiver assuming all roadway, utilities, sidewalks, and drainage infrastructure can be accommodated within the Right-of-Way.

**b. Request for a 50 foot radius at the knuckle of A Drive.**

The 50-foot radius would allow minimize landfill disturbance at this location, prevent removal of oak trees canopy and allow the project to comply with General Plan Policy 7.4.4.4. The DOT

recommends approval of the Design Waiver request for a 50-foot radius at the knuckle if approved by the Fire District. The District has recommended that the non-conforming access roads serving the project would comply with at a minimum Fire Safety Standards for width, surface, grad, radius, turnarounds, and turnouts, one-way and dead-end roads. The Department of Transportation recommends approval of this design waiver if approved by the Fire District.

**c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet**

The Design Waiver has been request to allow a 260-foot flag-shaped lot along a portion of the proposed Lot 53 pursuant to Volume II, Section 2.B.7 of the El Dorado County Design Improvement Standards Manual (DISM). The flag-shaped lot would provide access to Lot 53 that would be created as a “no grade” lot to minimize landform disturbance, prevent impacts to large groups of oak trees and allow the project to comply to General Plan Policy 7.4.4.4.

The Planning Services and the Department of Transportation has recommended approval of the proposed Design Waivers. Findings of Approval have been included in Attachment 2 of the Staff Report.

**d. Allow a driveway within the 25-feet of a radius return a minimum standard, required by DISM Standard Plan 103A-1**

As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site. Application of the Design Waiver request would provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.

**e. To reduce the minimum 16-foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for sixteen (16) foot driveway width for a double car garage.**

The Department of Transportation recommends approval of a 12-foot wide driveway for a single car garage and a 16-foot wide driveway for a two car garage from the garage to top back of rolled curb. As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site. The Design Waiver would provide access to a lot created as a “no grade” lot to minimize landform disturbance and preserve oak woodlands. Application of the Design Waiver request would provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.

**f. Request for a 100-foot radius at the secondary entrance on A Drive.**

The County DISM calls for a 100-foot minimum radius (150-foot in Hillside Standards). The road design will be graded and constructed with compliance to the County DISM- Hillside Standards. The Department of Transportation recommends approval of this Design Waiver.

**Agency and Public Comments:** Appropriate Conditions from each reviewing agency are included the Conditions of Approval listed in Attachment 1. The following agencies provided comments and/or conditions for this project:

El Dorado County Planning Services  
El Dorado Hills County Fire Protection District  
El Dorado Hills Community Services District  
El Dorado County Department of Transportation  
Office of the County Surveyor  
El Dorado Irrigation District  
Air Quality Management District

Staff received a letter dated April 16, 2007 from Christine and Wilhelm Derksen (Exhibit K1) and another letter date September 26, 2008 from Christine Derksen (Exhibit K2). The Derksen's own the property adjacent and east of the project site. As shown on the Porter Tentative Subdivision Map, a portion of the northwest corner of the Derksen's approximately 33-acre property would be developed for B Drive and C Drive road improvements needed as access onto the project site. The Derksen's have not granted a road easement and/or a slope easement for the benefit the Porter Subdivision. Christine Derksen describes in both letters her family's concern with the County allowing the Porter Subdivision road design to encroach onto their property without compensation.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, potentially significant impacts to Biological Resources, and Cultural Resources would occur and Mitigation Measures have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that the implementation of the Mitigation Measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration has been prepared.

**NOTE:** This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or 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 \$2043.00 after approval, but prior to filing the Notice of Determination on the project. The fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to defray the cost of managing and protecting the State fish and wildlife resources.

## **RECOMMENDATION**

Planning Services staff recommends the Planning Commission take the following action:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;

2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Z07-0010/PD07-0006 and TM07-1438 based on the Findings noted in Attachment 2 and subject to the conditions in Attachment 1; and
4. Approve the six following Design Waivers addressed in the staff report since appropriate findings have been made in Attachment 2.
  - a. Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum.
  - b. Request for a 50-foot radius at the knuckle of A Drive.
  - c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
  - d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1.
  - e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
  - f. Request for a 100-foot radius at secondary entrance on A Drive.

## 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 .....	Parent Parcel Map
Exhibit E .....	Tentative Subdivision Map
Exhibit F .....	Assessor's Map

Exhibit G.....Preliminary Grading Plan  
Exhibit H.....Slope Map  
Exhibit I.....Tree Preservation Plan  
Exhibit J.....Site Plan  
Exhibit K1.....Christine and Wilhelm Derksen letter, dated April 16,  
2007  
Exhibit K-2.....Christine Derksen letter, dated September 26, 2008  
Exhibit L.....CTA Engineering & Surveying letter, dated  
September 6, 2007  
Exhibit M.....Environmental Checklist and Discussion of Impact

# ATTACHMENT 1 CONDITIONS OF APPROVAL

**FILE NUMBER Z07-0010/PD07-0006/ TM07-1438**

## **Project Description**

1. This Planned Development and Tentative Map are based upon and limited to compliance with the Project Description, the Planning Commission hearing exhibits marked Exhibits A-M dated January 22, 2009 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project request includes a Zone Change from Estate Residential Ten-acre (RE-10) to One-family Residential-Planned Development (R1-PD) and a Planned Development and Tentative Map to create 54 residential lots an existing 32.82-acre parcel. The residential lots will range in size from 7,965 to 72,208 square feet. The project includes seven open space lots, landscaping, lift station and future right-of-way. The open space lots shall consist of 9.84 acres. The project site shall be accessed from Beasley Drive and Marble Valley Road. The Planned Development request includes modification to the Development Standards of the One-Family Residential (R1) Zone District. Approximately 30% of the site shall be set aside within a dedicated open space lots.

Design Waiver(s) shall include the following:

- a. Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.
- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet
- d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1
- e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow a for sixteen (16) foot driveway width for a double car garage.

- f. Request for a 100-foot radius at secondary entrance on A Drive.

The project shall include two new Marble Valley Road segments, one between the project site and Beasley Road and the other between Voltaire Drive and Flying C Road. The extension of Marble Valley Road from Voltaire Drive to Flying C Road shall provide primary access for the project to Highway 50 and Cambridge Road (Exhibit D).

The proposed lots would conform to Table 4 listed below:

<b>Lot Number</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
1	13,063	8,835
2	13,537	7,935
3	10,643	6,853
4	10,114	6,539
5	10,182	6,598
6	10,066	6,508
7	11,104	7,301
8	11,202	7,399
9	10,656	6,913
10	10,797	7,032
11	11,558	7,574
12	11,839	7,881
13	10,677	6,925
14	9,868	6,344
15	10,120	6,578
16	10,012	6,484
17	9,278	5,844
18	10,046	5,129
19	12,083	6,704
20	7,965	4,809
21	8,096	4,924
22	8,186	5,002
23	8,136	4,960
24	8,140	4,885
25	9,059	5,698
26	8,418	5,196
27	8,841	5,498
28	9,892	6,419

<b>Lot Number</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
29	10,254	6,753
30	9,961	6,500
31	9,317	5,937
32	8,365	5,189
33	8,047	4,930
34	8,849	5,503
35	9,400	5,984
36	9,594	6,046
37	8,072	3,990
38	11,919	7,013
39	15,993	10,775
40	24,591	16,404
41	13,094	8,257
42	13,353	6,696
43	19,366	6,669
44	18,354	6,966
45	21,517	8,998
46	22,607	10,183
47	32,021	16,550
48	18,450	8,882
49	19,273	11,976
50	18,655	13,226
51	17,896	8,780
52	19,116	8,018
53	60,164	13,078
54	72,208	19,979
A Open Space	221,304	
B Open Space	190,184	
C Lift Station	10,707	
D Landscaping	2,798	
E Landscaping	11,454	
F On-site ROW-	24,106	
G Open Space	3,256	

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 1 below:

<b>Table 1: Oak Tree Canopy Summary</b>				
<b>Project Site (acreage)</b>	<b>Oak Canopy Coverage (acreage)</b>	<b>Percentage of Required Retention</b>	<b>Proposed Oak Removal for mass pad grading, roads &amp; infrastructure (acreage)</b>	<b>Percentage Retention Proposed</b>
<b>32.82</b>	<b>19.71</b>	<b>70%</b>	<b>5.9</b>	<b>70%</b>
<b>Note: The canopy removal for custom lot development for Lots 41-54 is subject to mitigation under Option B.</b>				

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

**CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:**

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

2. If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services (MM BIO-1).

**MONITORING:** Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. Development Services shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

3. Prior to any project grading or tree removal or structure removal occurs, an on-site pre-construction surveys for bat roost signs shall be conducted no more than 30 days prior to initiation of the proposed development activities. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of bat species and bat roost signs. If roosting bats are found during the pre-construction survey CDFG or USFWS should be consulted regarding measures to minimize impacts to roosting bats during construction. No trees or structures should be removed that are utilized by roosting bats. If bats are not found during the pre-construction survey, no mitigation measures will be necessary for special-status bats. CD The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services (MM BIO-2).

MONITORING: Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. Development Services shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

4. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each stream crossing or any activities affecting the on-site riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit (MM BIO-3).

MONITORING: Planning Services shall verify the agreement has been obtained and necessary mitigation measures are incorporated on the plans prior to issuance of a grading permit.

5. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the U.S. Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project (MM BIO-4).

MONITORING: Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

6. The applicant shall provide a building setback of ten (10) meters to be established along the southern boundary of Site PA88-80 which shall be shown on the final subdivision map. A qualified archaeologist shall accurately locate PA-88--80 so as to precisely represent the building setback (MM CULT-1).

**MONITORING:** Planning Services shall verify that the applicant has provided a building setback of ten (10) meters along the southern boundary of Site PA88-80 prior filing the final subdivision map.

7. The rock wall identified as Site PA-88-32 shall be shown as open space or landscape feature on the final subdivision map prior to filing by the applicant. A qualified archaeologist and Licensed Land Surveyor shall accurately locate PA-88-32 so as to precisely represent the building setback (MM CULT-2).

**MONITORING:** Planning Services shall verify that the above measure has been incorporated on the final subdivision map prior to filing.

8. The applicant shall protect Site PA-88-80 and Site PA-88-32 from all construction activities by installing a drip-line fence along the southern boundary of Site PA88-80 and around Site PA-88-32 to avoid inadvertent damage to either site or feature. A qualified archaeologist and Licensed Land Surveyor shall accurately locate PA-88-80 PA-88-32 to assure the protection of the sites or features (MM CULT-3).

**MONITORING:** Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a building and/or grading permit. Development Services shall coordinate with the applicant and/or archaeologist, assess the pertinent surveys, and conduct on-site verification for conformance with this measure.

9. A plaque or monument should be placed in a conspicuous location with a brief description of the site's original owner (MM CULT-4).

**MONITORING:** Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a building and/or grading permit.

## **CONDITIONS OF APPROVAL**

### **Planning Services**

10. The following shall be noted on the Final map:

A total of 30 percent of oak canopy shall be available within the subdivision for removal during mass pad grading, development of roads and infrastructure. The applicant shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

Any oak canopy removal for custom lot development of Lots 41 through 54 within the subdivision shall pay the mitigation fee or provide a replacement plan. The individual lot owner shall pay the mitigation fee or provide a replacement plan. The replacement plan shall

be prepared by a licensed arborist at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

11. A water meter award letter or similar assurance form the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted at the time of filing the Final Map.
12. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
13. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
14. Prior to filing of the Final Map, Development Services shall verify the payment of all Development Services fees.
15. 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. Development Services shall verify the payment of the fee at the time of filing the Final Map.
16. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. Development Services shall verify the payment of the fees prior to the time of filing the Final Map.
17. The developer shall enter into an agreement with the School District to pay the sum of \$8,288.00 per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. The increase is calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant shall contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The owner of record shall pay the fee at the time the building permit is issued. The owner of record shall record on the property the agreement or a notice of restriction to alert subsequent owners of this obligation.

18. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program. Planning Services shall verify the dedication of open space lots to a Homeowner's Association or similar entity at the time of filing the Final Map.
19. At the time of filing the Final Map CC & R's shall be submitted and reviewed by Planning Services.
20. This Tentative Map shall expire 36 months from the date of approval unless a timely extension has been filed.
21. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
22. 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.

**Department of Transportation**

***PROJECT SPECIFIC CONDITIONS***

23. The applicant shall construct the following roadways as specified in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map:

<b>TABLE 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH **</b>	<b>RIGHT-OF-WAY</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS/NOTES</b>

Marble Valley Road ( <i>on-site</i> ) Segment 1-2	Modified Std Plan 101B	40-ft	50 ft ROW along frontage for a total of 100 feet of ROW ( <i>IOD required, Slope easements included As necessary</i> )	35 mph	Std Plan Type 2 vertical curb and gutter (no sidewalk), with Class 1 Bike Path. 40 ft roadway with four (4) foot wide paved shoulder along frontage and 6 foot wide native shoulder on both sides of roadway. Required On-site improvements of Marble Valley Road are reimbursable through the “Area of Benefit for the Construction of Marble Valley Road-Resolution 118-2000”
Marble Valley Road ( <i>off-site</i> ) Segment 2-3	Modified Std Plan 101B	40-ft	60 ft existing	35 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000”.
Marble Valley Road ( <i>off-site</i> ) Segment 3-4	Modified Std. Plan 101B	40 ft.	60 ft. Additional ROW not required of this project but will be obtained by demand of the County pursuant to Exhibit F of the Marble Valley Development Agreement	35 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of marble Valley Road are reimbursable through the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000”
Marble Valley Road ( <i>off-site</i> ) Segment 4-5	Modified Std. Plan 101B	40-ft.	60 ft. Additional ROW required of this project.	35 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000.”

Flying C Road (off-site) Segment 6-7	Modified Std. Plan 101B	22.5 ft.	50 ft.	25 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000.”
A Drive (40 ft ROW)	Modified Std Plan 101B and Hillside Standards	30 ft	40 ft * (IOD required)	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks on both sides of roadway. “No Parking” signs or red curb painting required on side without parking.
A Drive (35 ft ROW)	Modified Std Plan 101B and Hillside Standards	30 ft	35 ft * (IOD required)	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalk on one side of roadway. “No Parking” signs or red curb painting required on side without parking.
B Drive (from C Drive to A Drive)	Modified Std Plan 101B and Hillside Standards	30 ft	35 ft * (IOD required)	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks on one side, and Type 3 vertical curb and gutter on one side.
B Drive Court (from A Drive to end)	Modified Std Plan 101B and Hillside Standards	36 ft	40 ft * (IOD required)	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks. End of roadway shall be per DISM 114 or approved equivalent.
C Drive	Modified Std Plan 101B and hillside standards	30 ft	40 ft * (IOD required Slope easements as necessary.	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks on both sides. End of roadway shall be per DISM 114 or approved equivalent.
Lot F Right-of-Way Dedication Only	Modified Std Plan 101B and hillside standards	30 ft *	35 ft* (IOD required) Slope easements included As necessary t	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks. End of roadway shall be per DISM 114 or approved equivalent.

\*With approved waiver.

Notes for Condition 1 table:\*\*Road widths in the preceding table are measured from curb face to curb face. Curb face for rolled curb and gutter is 6” from the back of the curb .Right-of-way includes non-exclusive road and public utility easements.

24. **Off-site Improvements (Cambridge Rd & US 50):** The approved traffic study requires that the applicant shall improve the Cambridge Road/ US 50 eastbound on-off ramps, providing an all way stop. Specific required improvements are limited to signage and striping only as identified in the approved traffic study. 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 filing of the Final Map. In addition, the applicant shall obtain an approved encroachment permit from Caltrans for the required improvements.
25. **Marble Valley Road Improvements:** The required off-site improvements to Marble Valley Road, as specified in Table 1 of DOT conditions, shall adhere to the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000” and shall be consistent with the MacKay & Soms “Conceptual Plans for the Improvements of Marble Valley”, which were approved by DOT on 9-3-99. The applicant shall update these Improvement Plans and the associated Area of Benefit Engineer’s report to adhere to current County Design Standards and the improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Final Map.
26. **Off-site Easements (Acquisition):** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to filing of the Final Map.
27. **Common Access Driveway:** Pursuant to Vol. II, Section 12.D of the DISM, a common access driveway is allowed for proposed Lots 51 & 52. The driveway must conform to the following standards:
- a. The access drive shall not exceed 100-ft
  - b. The driveway must be paved to a minimum of 16-ft in width.
  - c. The driveway shall not exceed 16%
  - d. The access strip shall not be less than 25-ft in width.
  - e. An access easement for the benefit of both parcels shall be recorded

This common access easement shall be indicated on the final map and the common driveway shall be shown on the preliminary and final grading plans.

28. **Offer of Dedication (Marble Valley Rd on-site):** The applicant shall irrevocably offer to dedicate (IOD), in fee, 50 feet of right-of-way along the entire on-site frontage of Marble Valley Road, with the appropriate slope easements. This offer will be accepted by the County.
29. **Offer of Dedication (Marble Valley Rd off-site):** Segment 4-5 and Flying C Road Segment 6-7: The applicant shall irrevocably offer to dedicate (IOD), in fee, 60 feet of right-of-way from the eastern boundary of APN 108-010-44, to Flying ‘C’ Road at the transition

to the existing County Right-of-way. The applicant shall also irrevocably offer to dedicate (IOD), in fee, adequate right-of-way and a 50 foot right-of-way (Segment 6-7) to realign Flying 'C' Road to intersect with Marble Valley Road, with the appropriate slope easements, as depicted on the MacKay & Soms Conceptual Plans for the Improvements of Marble Valley, which were approved by DOT on 9-3-99. These offers will be accepted by the County.

30. **Offer of Dedication (A Drive):** The applicant shall irrevocably offer to dedicate (IOD) a 40-foot nonexclusive road and public utility easement for A Drive, and a 35-foot nonexclusive road and public utility easement, prior to filing the Final Map. This offer will be rejected by the County.
31. **Offer of Dedication (B Drive):** The applicant shall irrevocably offer to dedicate (IOD) a 35-foot road and public utility easement for B Drive (from C Drive to A Drive), prior to filing the Final Map. This offer will be rejected by the County.
32. **Offer of Dedication (B Court):** The applicant shall irrevocably offer to dedicate (IOD) a 48-foot road and public utility easement on B Court (from A Drive to end), prior to filing the Final Map. This offer will be rejected by the County.
33. **Offer of Dedication (C Drive):** The applicant shall irrevocably offer to dedicate (IOD) a 35-foot road and public utility easement for C Drive, prior to filing the Final Map. This offer will be rejected by the County .
34. **Offer of Dedication (Lot F):** The applicant shall irrevocably offer to dedicate (IOD) a 35-foot road and public utility easement for Lot F, prior to filing the Final Map. This offer will be rejected by the County.
35. **Vehicular Access Restriction:** A vehicular access restriction shall be established along the entire on-site frontage of Marble Valley Road except for the proposed access locations, prior to filing the Final Map. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established along the entire frontage on the major roadway.
36. **Secondary Access:** A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied.
37. **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 Final Map.

38. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

**PROJECT STANDARD CONDITIONS**

39. **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 Final 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.
40. **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.
41. **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.
42. **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).
43. **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.
44. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00a.m. and 7:00p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
45. **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.

46. **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 Final Map.
47. **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 off-site grading.
48. **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.
49. **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.
50. **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.
51. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (complying with 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.

52. **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

53. **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.
54. **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.
55. **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.

56. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
57. **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 off-site 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.
58. **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 off-site 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 off-site 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.

59. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a “Map Guarantee” which shall be submitted to the County Surveyor’s Office with the first map check for the map.
60. **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.
61. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

#### **Local Agency Formation Commission (LAFCO)**

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

#### **El Dorado County Fire Protection District**

63. The applicant shall be required to comply with the Fire District requirements prior to filing of the Final Map, which includes but are not limited to the following:
  - a. The applicant shall submit a review fee of \$560.00 prior to filing a Final Map.
  - b. Installation of a hydrant within 500-feet (by the road) of all parcels to provide a 1500 gpm @ 20 psi for two (2) hours. The specific location of the fire department connections will be determined during the building permit review phase. The fire flow may be adjusted up or down when actual building permit plans are submitted during the building permit review phase.
  - c. A deed restriction for an El Dorado County Fire Protection District and California Department of Forestry approved Fire Safe Plan is required for the Tentative Subdivision Map.
  - d. Existing non-conforming access roads serving the Tentative Subdivision Map will be required to be at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads.
  - e. Any emergency access roads to be upgraded to a minimum Fire Safe Standards and

will not be gated.

- f. El Dorado County Department of Transportation standards may be more stringent and will supersede these requirements.

**Department of Environmental Health – Air Quality Management District:**

64. The applicant shall adhere to all district rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

**Surveyor's Office:**

65. 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's Surveyor's Office.
66. The roads serving the development shall be named by filing a completed Road name Petition with the County Surveyors Office prior to filing the Final Map.

## **ATTACHMENT 2 FINDINGS**

**FILE NUMBER Z07-0010/PD07-0006/ TM07-1438**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources, and Cultural Resources. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department- Planning Services 2850 Fairlane Court Placerville, CA 95667.

#### **2.0 TENTATIVE MAP FINDINGS**

- 2.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.**

The project is designated as High Density Residential (HDR). The proposed 54-lot subdivision will be consistent with the allowed density HDR land use designation. The project will be consistent with General Plan policies relating to public utilities, traffic, noise, air quality, cultural resources, riparian impacts, and oak woodland habitat. The Mitigation

Measures included as part of the project will minimize environmental and cultural impacts associated with the project.

**2.2 The design or improvements of the proposed division are consistent with the General Plan.**

The subdivision includes the Planned Development planning concept which is designed to minimize impacts to the natural resources on the project site. The proposed open space will be used to avoid additional impacts to the oak woodland habitat and wetlands on-site.

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

The project has been designed to utilize the developable areas of the site. The project site contains adequate buildable areas for each of the proposed residential lots. The new on-site access road will be designed to comply with the requirements of the General Plan, County Design and Improvement Standard Manual, and Fire Safe Regulations.

**2.4 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.**

The project includes a Planned Development application which will allow the design to minimize the impacts to the natural resources on the project site. The project site contains adequate buildable areas for each of the proposed residential lots. Slopes exceeding 30% have been avoided and the project will minimize the impacts to the existing wetlands. All oak woodland habitat impacts will be consistent with the General Plan and Interim Interpretative Guidelines. Any natural resources that will not be impacted will be included in the required 30% open space areas. In order to ensure compliance with the General Plan Policy 7.3.3.4, a 50-foot buffer on each side of the riparian woodland and stream has been shown on the tentative subdivision map.

**2.5 The design of the subdivision or the improvements are not likely to cause suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).**

The El Dorado County Fire Protection District has reviewed the project and determined that the installation of fire hydrants and implementation of a Fire Safe Plan will be acceptable for fire protection. The public water system servicing the project will provide adequate fire flow for the project.

**2.6 The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.**

The project will not result in conflicts with existing easements. No access through the project site for public use currently exists. The project will not conflict with existing access to the adjacent properties and will not conflict with any existing easements.

### **3.0 PLANNED DEVELOPMENT FINDINGS**

#### **3.1 That the PD zone request is consistent with the general plan;**

The Planned Development (PD) will be consistent within the HDR land use designation. The proposed use and density is allowed within the HDR land use designation.

#### **3.2 That the proposed development is so designed to provide a desirable environment within its own boundaries;**

The development will include 9.84-acres of open space and landscaping to preserve the oak woodland habitat and wetlands. The decorative planters and landscaping will provide a desirable environment on the site.

#### **3.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;**

With the addition of the Planned Development Overlay, due to the number of residential lots, and the design of the proposed subdivision, the project will be found to be in compliance with all County Code requirements.

#### **3.4 That the site is physically suited for the proposed uses;**

The project has been designed to utilize the developable areas to the greatest extent possible. The design of the development will minimize the potential impacts to the site.

#### **3.5 That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;**

All required utilities are available for the residential uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.

#### **3.6 That the proposed uses do not significantly detract from the natural land and scenic values of the site.**

The project will preserve the oak woodland habitat not impacted as part of the project in an open space lot. The project has been designed to be more compatible with the existing features of the site.

#### **4.0 DESIGN WAIVER APPROVAL FINDINGS**

##### **4.1 Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.**

- 4.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced right-of-way, will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Increased right-of-way could require more extensive grading and increase tree removal.
- 4.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of road widths will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.
- 4.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The roadway width is 28-feet, face of curb to face of curb as suggested by County Design and Improvement Standards Manual (DISM), Standard Plan 101B and appropriate ADT count. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 4.1.4 *The waivers will 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 approval of this Design Waivers will not nullify the additional requirements contained in the Chapter 16 of County Code.

##### **4.2 Request for a 50-foot radius at the knuckle of A Drive.**

- 4.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which will justify the adjustment or waiver.* The proposed reduced road radius will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Increased road radius design could require more extensive grading and increase tree removal.
- 4.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of road design will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.

4.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The road will be graded with compliance to the DISM - Hillside Standards and the road design shall be approved by the Fire District. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4.2.4 *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.

**4.3 Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.**

4.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site. The 260-foot long access portion of the lot will provide access to the lot that is created as a "no grade" lot to minimize landform disturbance and preserve oak woodlands.

4.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Different layout of the lots in the vicinity is not feasible or appropriate due to the natural topography and features of the site, constraints restricting the access to the lot.

4.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As the project has been reviewed by the responsible fire agency and the Department of Transportation, it is unlikely that increased length of the access portion of the lot will be detrimental to health, safety, and welfare of the public. Access portions for both lots will be graded with compliance to Hillside Standards.

4.3.4 *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.

**4.4 Allow a driveway within twenty-five (25) feet of a radius return, a minimum standard as required by DISM Standard Plan 103A-1.**

- 4.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The Design Waiver request to allow a driveway within twenty-five (25) feet of a radius return will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Application of the Design Waiver will provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.
- 4.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of setbacks to driveways and driveway widths will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.
- 4.4.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The road and driveway design will be graded and constructed with compliance to the County Design and Improvement Standards Manual- Hillside Standards and fire safety regulations. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 4.4.4 *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.
- 4.5 To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.**
- 4.5.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The Design Waiver would provide access to a lot created as a "no grade" lot to minimize landform disturbance and preserve oak woodlands. Application of the Design Waiver request would provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.
- 4.5.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site.

4.5.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The road and driveway design will be graded and constructed with compliance to the County Design and Improvement Standards Manual- Hillside Standards and fire safety regulations. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4.5.4 *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.

#### **4.6 A 100-foot radius at secondary entrance on A Drive.**

4.6.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The County DISM calls for a 100-foot minimum radius (150-foot in Hillside Standards). The proposed reduced road radius will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Increased right-of-way could require more extensive grading and increase tree removal.

4.6.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of the road radius will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.

4.6.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The County DISM calls for a 100-foot minimum radius (150-foot in Hillside Standards). The road design will be graded and constructed with compliance to the County DISM- Hillside Standards. The approval of the Design Waivers will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4.6.4 *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.