

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



Agenda of: March 26, 2009
Item No.: 8
Staff: Jonathan Fong

REZONE/TENTATIVE SUBDIVISION MAP

FILE NUMBER: Z07-0043/TM07-1458/Miginella

PROPERTY OWNER: Shan Nejatian & Marie Mitchell

AGENT/ ENGINEER: Gene E. Thorne and Associates, Inc.

REQUEST: The project request includes a Rezone and Tentative Subdivision Map:

Rezone to amend the zoning from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A).

The Tentative Subdivision Map to create eight residential parcels, ranging in size from 3 to 3.5 acres (Exhibit B).

Two Design Waivers have been proposed to allow the following:

- 1) To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; and
- 2) To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way.

LOCATION: The project is located on the West side of Kaila Way, approximately 600 feet north of the intersection with Salmon Falls Road in the El Dorado Hills area, Supervisorial District I (Exhibit A).

APN: 110-020-30 & 110-020-32 (Exhibit B)

ACREAGE: 25.04-acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Rezone Z07-0043 based on the findings in Attachment 2;
4. Approve Tentative Subdivision Map Application TM07-1458, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - 1) To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way;
 - 2) To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way.

BACKGROUND: The project site is comprised of two parcels identified as Parcel 1 on Parcel Map PM-44-91. The Parcel Map application PM44-97 was approved on July 15, 1993. As a condition of approval, the subdivider was required to record a Vehicular Access Restriction (VAR) restricting access to Lakehills Court to the north and Wolf Creek Road to the south.

The VARs recorded as part of PM44-91 were required as part of Design Waivers that were requested for the Parcel Map to allow the parcel map to be approved with road improvement requirements on Lakehills Court and Wolf Creek Road. In-lieu of performing road improvements on Lakehills Court and Wolf Creek Road, the Parcel Map was required to construct Kaila Way which currently provides access to the project site.

In accordance with the Fire Safe Regulations and the County Design and Improvement Standards Manual, the project would be required to construct a secondary point of access. As shown on the Tentative Map, the project would obtain access through Wolf Creek Road to provide through secondary access for the project. Due to the VAR that was recorded as part of the previous Parcel

Map, the proposed Tentative Map includes a note that would remove this restriction to allow for the required access.

PROJECT DESCRIPTION: The project request includes a Rezone and Tentative Subdivision Map.

Rezone: The Rezone would change the zone district on the subject parcels from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A).

Tentative Subdivision Map: The Tentative Map would create eight (8) residential parcels ranging in size from two to six-acres. An account of gross and net acreages for each proposed lot is included in the table below:

Lot Number	Gross Area (acres)	Net Area (acres)
1	3.00	2.86
2	3.50	2.95
3	3.04	2.85
4	3.00	2.80
5	3.45	2.96
6	3.05	2.64
7	3.00	2.14
8	3.00	1.94

Road Improvements: The project would be required to construct two new cul-de-sacs extending for the existing Kaila Court. Due to the length of the proposed dead-end road, the project would be required to provide secondary access to the south from Wolf Creek Road to the project site. Two Design Waivers have been submitted to reduce the required road improvement widths from a 28 foot travel lane to 20 feet.

Utilities/ Infrastructure: The project would be required to connect to EID public water and construct private septic systems for wastewater disposal. The Facilities Improvement Letter included in the project submittal has determined that adequate services would be available for the project. A septic test report has been submitted and has been approved by Environmental Management.

The required road improvements would result in additional runoff in the project area. The Drainage Study prepared for the project recommended that a detention basin be constructed in the southeast corner of the project site to minimize the additional runoff that would result from the project.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Existing single-family residential
North	RE-10	MDR	Single Family Residential
South	RE-5	MDR	Single Family Residential
East	RF	OS	Folsom Lake State Recreational Area
West	R1/ R1A	HDR	Existing single-family residential

The project is bounded to the north, south, and west by existing single family residential development. The project would create eight (8) residential parcels consistent with the density of existing parcels in the area. The project would not result in land uses that would alter the residential character of the area.

Site Description: The project site is comprised of two partially developed parcels within the El Dorado Hills Community Region. The site is currently accessed via Kaila Way which is a cul-de-sac providing access from Salmon Falls Road. The 25-acre site abuts Lakehills Court to the north and abuts the terminus of Wolf Creek Road to the west.

Improvements on the site include an existing residence and vineyards. Vegetation on-site is comprised of native grasslands and oak canopy. Slopes on-site are generally mild with the majority of slope falling within a 0%-15% range. Slope is steeper to the east of the project site abutting Kaila Way.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the permit requests and issues for Planning Commission consideration are provided in the following sections.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR) which permits a parcel size range of one to five acres. The project would create 8 residential parcels ranging in from 3-acres to 3.5-acres. The project would result in a density range consistent within the MDR land use designation.

Pursuant to **General Plan Policy 2.2.5.3** future rezoning shall be evaluated based on the General Plan’s direction as to minimum parcel size or maximum density and to assess whether changes in conditions would support a higher density. 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;**

The project is located within the El Dorado Irrigation District boundaries. The project parcels were part of a LAFCO annexation Project #05-06 which annexed a total of 18.59-acres in the project area into the EID Boundaries. The application submittal included a Facilities Improvement Letter (FIL) from EID stating that adequate water service would be available to serve the project.

2. Availability and capacity of public treated water system;

See #1 above.

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

The project would construct private septic systems and would have no impact

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

The project is located within the Rescue Union School District. School impact fees would be collected at the time of building permit issuance.

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

The project site is located within the El Dorado Hills Fire Department boundaries. The Fire Department has determined upon completion of the recommended conditions of approval, adequate fire protection would be available to serve the project.

6. Distance to nearest Community Region or Rural Center;

The project site is located within the El Dorado Hills Community Region.

7. Erosion hazard;

General Plan Policy 2.3.2.1 prohibits development on slopes exceeding 30 percent. The Slope Study prepared for the project identified 5 percent of the site contains slopes which exceed 30 percent. Each of the proposed lots included conceptual driveway and building envelopes and septic repair areas which are located outside of 30 percent slope areas. The conceptual development areas demonstrate consistency with this General Plan Policy.

All grading activities are subject to the provisions of the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce potential erosion hazards to a less than significant level.

8. Septic and leach field capability;

The project would construct individual septic systems for each of the proposed lots. The initial project submittal included septic reports which determined that existing soil types would be capable of providing adequate wastewater disposal for the project.

The project site is located within the El Dorado Hills Community Region which pursuant to **General Plan Policy 5.3.1.7** would require connection to EID waste water services. The project has been designed with private septic systems based on the financial burden of extension of sewer services Lakehills Court to the project site. The project would be required to construct an approximately 2,000 foot sewer line from Lakehills Court to the southern boundary of the project site. The proposed septic systems have been reviewed and approved by Environmental Management and include adequate repair and replacement areas.

Based on the limited scope of the project and the length of required sewer line necessary to serve the proposed lots, Planning Services recommends approval of the project as designed. General Plan findings of approval have been included in Attachment 2 of the Staff Report.

9. Groundwater capability to support wells;

The residential development would be served by EID public water facilities. No well systems are proposed.

10. Critical flora and fauna habitat areas;

The Biological Resources Evaluation performed by Sycamore Environmental Consultants dated August 2007 for the project site determined that no special status species would be located onsite. The project site is located within Mitigation Area 2 which would require payment of Mitigation In-Lieu fees at the time of building permit issuance.

The Evaluation determined that the biological environment would be suitably habitat for animal species protected by State and Federal Regulations. The project would be conditioned with Mitigation Measures requiring pre-construction surveys to determine the presence of protected animal species prior to project construction.

11. Important timber production areas;

The project parcel is not located in or near important timber production areas, agricultural areas, or important mineral resource areas.

12. Important agricultural areas;

See #11 above.

13. Important mineral resource areas;

See #11 above.

14. Capacity of the transportation system serving the area;

The project would create eight residential lots within the El Dorado Hills Community Region. The project would not 'worsen' traffic in the County as by **General Plan Policy TC-Xe** and therefore a Traffic Study was not required.

The project would be required to perform road improvements including a new access road which would provide through access from Kaila Way to Wolf Creek Road.

The applicant has requested a Design Waiver to reduce on the road width improvement requirement from 28 to 20 feet. As discussed in the Design Waiver section below, the DOT and the Fire Department have determined that the reduced road width would provide for adequate access. Design Waiver Findings have been included in Attachment 2 of the staff report.

15. Existing land use pattern;

The project would allow residential development consistent with the Medium Density Residential Land Use Designation and Zoning in the project vicinity.

16. Proximity to perennial water course;

The Wetlands Delineation prepared for the project by Sycamore Environmental Consultants dated August 2007 determined that no jurisdictional wetlands or other riparian areas exist on the project site.

The proposed through access road to Wolf Creek Road would cross an ephemeral drainage off-site. The Wetlands Delineation prepared for the project determined that the drainage channel is not a jurisdictional riparian area subject to regulation by the US Army Corps of Engineers. DOT standard conditions of approval would require adherence to the El Dorado County Grading Ordinance which would require protected measures to limit discharge into the channel. Adherence to the protective measures would reduce potential impacts during project construction.

17. Important historical/ archeological sites;

The cultural resource study performed for the project site determined that no cultural or archeological features exist on the site.

18. Seismic hazards and present active faults.

The project site is not located in an area known to be exposed to seismic hazards or located near active faults.

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

Any new CC&Rs prepared for the project would be subject to review and approval by the El Dorado Hills CSD.

The project site contains oak canopy which pursuant to **General Plan Policy 7.4.4.4** would require retention and replacement provisions consistent with Option A of the policy. The applicant has provided an oak canopy analyses which determined the oak canopy impacts for the on-site and off-site road improvements and future residential development of the project site.

Tables of the overall oak canopy impacts and on per lot basis have been included below. The existing residence would be located on the proposed Lot 2 and would not have any anticipated oak canopy impacts as shown in the provided table.

Project Site (ac)	Oak Canopy (ac)	Percentage Oak Coverage	Required Retention	Proposed Oak Removal	Proposed Retention
25.04	15.39	60.3%	70%	3.78	75.4%

Proposed Feature	Building Footprint (ac)	Driveway (ac)	Defensible Space (ac)	Total (ac)
Lot 1	0.12	0.01	0.20	0.33
Lot 2	--	0.02	--	0.02
Lot 3	0.07	0.04	0.10	0.21
Lot 4	0.11	0.01	0.11	0.23
Lot 5	0.13	0.03	0.18	0.34
Lot 6	0.22	0.00	0.14	0.36
Lot 7	0.18	0.02	0.13	0.33
Lot 8	0.14	--	0.14	0.28
Road Improvements	--	--	--	1.44
Detention Basin	0.23	--	--	0.23
Total	1.20	0.14	1.00	3.78

Based on the estimated oak impacts included in the table above, the project would comply with the retention requirements of **Policy 7.4.4.4** and would be required to pay the Oak Canopy Mitigation In-Lieu fee at a 1:1 fee rate as established by the Oak Woodland Management Plan. The conditions of approval include a table which demonstrates the maximum allowable removal of oak canopy as a

result of future residential development of the proposed lots. Any oak canopy removal in excess of the maximum allowed would be required to pay the mitigation in-lieu fee at a 2:1 ratio consistent with the Oak Woodland Management Plan.

As discussed above, the project would be consistent with the applicable General Plan Policies.

Zoning: The project request includes a Rezone request which would amend the Zone district from RE-10 to R3A. The proposed lots would range in size from 3.00 to 3.5 acres which would meet the minimum lot size requirements of the R3A Zone District. No development is proposed in conjunction with the Tentative Map. All future residential development would be reviewed during the building permit submittal process to ensure compliance with the Development Standards of the R3A Zone District.

Design Waivers: Two Design Waivers have been submitted to allow the following:

- 1) To allow the on-site roads to be improved to a modified 101B Standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way.
- 2) To allow the off-site improvements to Wolf Creek Road to be improved to a modified 101B Standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way.

The Department of Transportation and the El Dorado Hills Fire Department reviewed the requested Design Waiver to reduce the road width for the on-site and off-site access roads. The project site is located within the El Dorado Hill Community Region, which pursuant to the El Dorado County Design and Improvement Standards Manual (DISM) would require all roads to be improved to a 101B Standard. Standard Plan 101B would require a 28-foot wide road. The project would create eight (8) parcels which would not substantially increase the traffic in the project area. The additional road width would be unnecessary as further subdivision in the project area is unlikely. The reduced road width would allow for residential and emergency access in the project site. The reduced road widths would provide adequate access while limiting the potential environmental impacts as a result of additional grading. DOT and the Fire Department have recommended approval and Design Waiver findings of approval have been included in Attachment 2 of the Staff Report.

Agency Comments: The following agencies have provided comments for the project. The comments have been incorporated into conditions of approval listed in Attachment 1 of the project.

El Dorado Hills Area Planning Advisory Committee (APAC): APAC reviewed the project and made the following recommendations: 1) Lakehills Court should be allowed to remain at its present width, 2) the septic systems of Lots 6 and 7 should be reviewed for potential impacts to the down slope residents to the south.

Department of Transportation: The Department has reviewed the traffic study prepared for the project and has determined that the on-site and off-site access roads would be requiring widening to provide for a 24-foot wide roadway pursuant to Standard Plan 101B. The project would be required

to conform to Standard Plan 101B because the project is located within the El Dorado Hills Community Region.

El Dorado Hills Fire Department: The Fire Department would require additional fire hydrants and would require the applicant demonstrate that adequate fire flow would be available to serve the project.

El Dorado Hills Community Services District (CSD): The CSD would collect park in-lieu fees at the time of filing the final map. The CSD provides advisory items regarding review of any new CC&Rs, solid waste collection and additional design criteria applicable to the project.

El Dorado Irrigation District: The project would be required to connect to EID services for public water and sewer services. The submitted Facilities Improvement Letter indicated that adequate water and sewer services are available for the project.

Air Quality Management District: The project would be required to obtain an Asbestos Dust Mitigation Plan for all construction activities relating to the project. The project would be required to adhere to all District rules during project construction.

Surveyor's Office: All survey monuments must be set prior to presentation of the final map to the Board of Supervisors. The proposed access road is to be named by filing a completed Road Name Petition with the Surveyor's Office prior to filing the Final Map.

ENVIRONMENTAL REVIEW

Based on the Initial Study prepared by Planning Services, staff finds that the project could have a significant effect on air quality, biological resources, air quality, and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which would reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared (Exhibit H).

NOTE:

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993 after approval, but prior to the County filing the Notice of Determination on the project. This fee, and a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Tentative Subdivision Map
Exhibit F	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL
REZONE & TENTATIVE MAP
FILE NUMBER Z07-0043/ TM07-1458
Miginella Subdivision
March 26, 2009

Planning Services:

1. This Tentative Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated March 26, 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:

A Rezone of the property zoning from Estate Residential Five-Acre (RE-10) to Three-Acre Residential (R3A).

A Tentative Map creating eight (8) residential lots. The lots would be served by EID public water and individual septic systems.

The gross and net acreages of the proposed lots shall correspond to the table below:

Lot Number	Gross Area (acres)	Net Area (acres)
1	3.00	2.86
2	3.50	2.95
3	3.04	2.85
4	3.00	2.80
5	3.45	2.96
6	3.05	2.64
7	3.00	2.14
8	3.00	1.94

The project shall connect to EID public water and construct private on-site septic systems.

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

exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. Prior to any construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit (MM BIO-1).

MONITORING: Planning Services shall verify that the above measure has been incorporated in the project plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

CONDITIONS OF APPROVAL

Planning Services

3. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
4. 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.
5. The developer shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (1.67-acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replacement plan prepared by a qualified professional to Planning Services prior to issuance of a grading permit.
6. The Final Subdivision Map shall include the following notes:

- (1.) All future oak canopy removal as a result of residential development of the subdivision shall correspond to the table below. Individual property owners shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of residential development. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a building permit.

Lot Number	Maximum Allowable Removal (ac)
Lot 1	0.43
Lot 2	0.12
Lot 3	0.31
Lot 4	0.33
Lot 5	0.44
Lot 6	0.46
Lot 7	0.43
Lot 8	0.38
Total	3.78

- (2.) Any oak canopy removal on any individual lot exceeding the maximum allowable removal indicated in the table above shall pay the mitigation fee at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee to Planning Services prior to issuance of a building permit.
7. 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
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County

may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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 applicant of any claim, action, or proceeding and County shall cooperate fully in the defense.

9. All Development Services fees shall be paid prior to filing of the Final Map.
10. The applicant shall submit to Planning Services the recording fee and the Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
11. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

The Department of Transportation:

Project Specific Conditions:

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

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS /NOTES
Road A (onsite)	Modified Std Plan 101B Std Plan 114 at cul-de-sacs	20ft / 2ft 3" AC over 8" AB	50ft	20 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP
Road B (onsite)	Modified Std Plan 101B	20ft / 2ft 3" AC over 8"	50ft	20 mph	No curb, gutter, or sidewalk, road width

	Std Plan 114 at cul-de-sacs	AB			is measured EP to EP.
Kaila Way (offsite)	Modified Std Plan 101B Std Plan 103C at Salmon Falls Road	20ft / 2ft	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Wolf Creek Road (Offsite)	Modified Std Plan 101B	20ft / 2ft 3" AC over 8" AB	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.

* 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.

** Non-exclusive road and public utility easements included

13. **Secondary Access:** The nearest County roadway having two means of access for this site is Salmon Falls Road. The DISM [Section 3 A. 9. & 12)] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101B with a 20 foot road width with 2 foot shoulders on each side of the roadway, as required in Section 3 A. 2. c. ii, of the DISM. These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map
14. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads 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 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 parcel map.
15. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Kaila Way onto Salmon Falls Road to the provisions of County Design Std 103C if necessary. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
16. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size

or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities.

17. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to filing of the map.
18. **Turnaround:** The applicant shall provide a turn around at the end of the northern roadway and at the end of the southern emergency access roadway connecting to Wolf Creek Road (if a gate is installed) to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
19. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
20. **Intersection / Turnaround Grades:** The DISM Section 3.B.3 requires the summation of the absolute values of the centerline gradients of proposed streets within an intersection shall not exceed 10%. Also, the centerline gradient of a street terminating at an intersection shall not exceed 5% at any point within the intersection and for a distance of 50-ft from the point of intersection. Finally, the gradient within turnarounds shall not exceed 8% or an acceptable alternative approved by the County Engineer. Road profiles indicating compliance with these standards shall be submitted and approved by DOT prior to approval of improvement plans.

DOT STANDARD CONDITIONS:

21. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
22. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the parcel map.
23. **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 parcel map.

24. **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).
25. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
26. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and holidays.
27. **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.
28. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
29. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
30. **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.
31. **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.

32. **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.
33. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
34. **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.

35. **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 State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
36. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider 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.
37. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider’s expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

38. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road, together with the legal right to improve such access. Said proof shall be provided by and through a “Parcel Map Guarantee” which shall be submitted to the County Surveyor’s Office with the first map check for the parcel map.
39. **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.
40. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado Hills Fire Department:

41. The project shall provide a potable water system that is capable of supplying the required fire flow as determined by the Department for the protection of lives and property within this development. The Department shall review and approve the fire flow prior to filing the final map.
42. The applicant shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specification for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The location of each hydrant shall be reviewed and approved by the Department prior to filing the final map.
43. The existing dwarf fed hydrant shall be dismantled. The Department shall verify the destruction of the hydrant prior to filing the final map.
44. All access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members. The Department shall verify compliance with this requirement prior to issuance of a building permit.
45. The driveways shall not exceed a 15% grade. Any driveways exceeding this requirement shall install fire sprinklers per NFPA 13D within any dwelling unit. The Department shall review and approve all driveways prior to issuance of a building permit.
46. The applicant shall prepare a Wildland Fire Safe Plan. The Department shall review and approve the plan prior to filing the final map.
47. The development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump section of roadway. The Department shall review and approve the improvement plans prior to issuance of a grading permit.

48. All lots shall conform to the 30-foot setback as required by the Fire Safe Regulations. The Department shall verify the setback prior to issuance of a building permit.
49. Wolf Creek Road shall be improved with an all weather asphalt surface to no less than 20 feet wide with a 15 foot vertical clearance, from the project site to Lakehills Drive. The road shall support 75,000 pounds. The Department shall verify the road improvements prior to issuance of a grading permit.
50. The road system within this development shall conform to the El Dorado County Design standards and Fire Department Regulations. The Department shall review and approve the road system prior to issuance of a grading permit.
51. The minimum water flow to provide fire protection to any home in this subdivision is 1,000 gallons per minute for a home less than 3,600 square feet. Any home greater than 3,600 square feet shall meet fire flow according to Appendix B in the 2007 California Fire Code. A 50% fire flow credit shall be given when fire sprinklers are installed. The Department shall verify the fire flow prior to filing the final map.
52. There shall be no gate installed between Wolf Creek Road and the project. This is due to the need for a secondary means of egress for both areas. The Department shall verify the unobstructed access prior to issuance of a grading permit.

El Dorado Hills Community Services District

53. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the El Dorado Hills CSD.
54. 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.
55. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the CSD.

Department of Environmental Health- Air Quality Management District

56. The applicant shall prepare a Fugitive Dust- Asbestos Hazard Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading plan.
57. The project shall adhere to all District rule during project construction.

Surveyor's Office:

58. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or

cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

59. 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 OF APPROVAL
REZONE & TENTATIVE MAP
FILE NUMBER Z07-0043/ TM07-1458
Miginella Subdivision

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received 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 category. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the 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 parcel sizes are consistent with the General Plan land use map and/or policies.**

The project will require a Rezone from RE-10 to R3A. The R3A Zone District will be consistent within the MDR General Plan Land Use Designation. The project will create eight (8) residential parcels within the El Dorado Hills Community Region which will be consistent within the MDR land use designation.

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

The subdivision will create 8 residential parcels on a 25.04-acre site. The proposed density will be consistent within the MDR land use designation. The proposed road improvements will be consistent with the requirements of the General Plan. The subdivision will be consistent with the retention and replacement provisions of Policy 7.4.4.4 and riparian areas will be protected consistent with Policy 7.3.3.4.

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

The project site contains adequate buildable areas for the eight (8) proposed lots. Adequate public utilities are available to serve the project and the proposed road improvements will be consistent with the County Design Manual and the General Plan.

2.4. The site is physically suitable for the proposed density of development.

The project will result in a residential density of approximately three dwelling units per acre (3 du/a). The proposed density is consistent within the MDR land use designation. The subdivision will be consistent with the oak canopy retention and replacement requirements and will not disturb slopes exceeding 30% or sensitive biological resources. The subdivision includes mitigation measures to protect oak canopy on-site and requires the applicant to obtain the necessary permits for any impacts to riparian areas.

2.5. 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 will not negatively impact rare or sensitive plant species. Mitigation measures have been included to require pre-construction surveys to protect animal and plant species during project construction, monitoring programs for replaced oak canopy and state and federal permits for impacts to riparian areas.

2.6. The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The project will construct road improvements to provide adequate emergency access to the project site. The Fire Department has reviewed the project and determined that installation of fire hydrants and implementation of a fire safe plan will provide adequate emergency protection for the project.

2.7. The design of the subdivision or the improvements are 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 proposed lots have been designed in accordance with the Development Standards of the R3A Zone District and the County Design Manual. The proposed buildable areas will provide for the required 30 foot setback as required by the Fire Safe Regulations.

2.8. 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 subdivision will create a through road system connecting Wolf Creek Road and Kaila Court. The project will not conflict with any easements for access through the subdivision.

3.0 Zoning Findings

3.1 The Zone Change is consistent with the General Plan.

The Rezone would amend the parcels zoning from Estate-Residential Ten Acre (RE-10) to Three-Acre Residential (R3A). The Rezone is consistent within the Medium Density Residential (MDR) land use designation. The Rezone has been evaluated against the specific criteria include in General Plan Policy 2.2.5.3 and it has been determined that the adequate site conditions exist to support the increase in density.

4.0 Design Waiver Findings

4.1 To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way;

4.1.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create eight (8) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement.

4.1.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

4.1.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for through vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.1.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.2 To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way;

4.2.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create 8 additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement.

4.2.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

4.2.3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for through vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.2.4. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.