

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



Agenda of:	January 28, 2010
Item No.:	8
Staff:	Jason R. Hade

REZONE/TENTATIVE MAP/SPECIAL USE PERMIT

FILE NUMBERS: Z07-0040/TM07-1454/S09-0012/Sundance Subdivision

APPLICANT: Christopher A. Beauchamp

AGENT: Carlton Engineering/Cesar Montes de Oca, P.E.

REQUEST: The project consists of the following requests.

1. Zone change from Exclusive Agricultural (AE) to Estate Residential Ten-Acre (RE-10).
2. Tentative map to create 28 lots ranging in size from 10 to 14.8 acres.
3. Special use permit to allow the gating of proposed Road "A" at the intersection with Pilot View Drive.
4. Design waiver requests to:
 - a. Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and
 - b. Permit a reduction in the shoulder width for proposed Road "B" from 10 feet as required in the Design and Improvement Standards Manual to two feet.

LOCATION: The subject property is located on the south side of Rattlesnake Bar Road, approximately 0.8 miles east of the intersection with Highway 49, in the Pilot Hill area, Supervisorial District IV. (Exhibit A)

APNs: 104-520-04, -05, and -06 (Exhibit B)

ACREAGE: 298.19 acres

GENERAL PLAN: Rural Residential – Important Biological Resources overlay (RR-IBC)
(Exhibit B)

ZONING: Exclusive Agricultural (AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

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

1. Adopt the Mitigated Negative Declaration based on the Initial Study 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 Z07-0040 based on the findings in Attachment 2;
4. Conditionally approve tentative map TM07-1454, subject to the conditions in Attachment 1, based on the findings in Attachment 2;
5. Deny special use permit S09-0012 based on the findings in Attachment 2; and
6. Approve the following design waiver requests since the appropriate findings have been made as noted in Attachment 2:
 - a. Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and
 - b. Permit a reduction in the shoulder width for proposed Road “B” from 10 feet as required in the Design and Improvement Standards Manual to two feet.

BACKGROUND

This project was first submitted on August 9, 2007 as a zone change request from AE to RE-10-PD as well as a development plan and tentative subdivision map application to create 40 lots ranging in size from five to 7.95 acres. The proposed lots were to be clustered around a 90-acre open space parcel to include an equestrian trail and staging area. As initially proposed, the project would utilize the density bonus provision in the General Plan. Public water was to be provided to the lots through an extension of service from the Georgetown Divide Public Utility District (GDPUD). The development plan application was subsequently withdrawn on April 17, 2009 and the current proposal was submitted. The revised plan proposes a total of 28 lots, no public water service or open space parcel, and does not utilize the General Plan’s density bonus provision.

STAFF ANALYSIS

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

Project Description: Zone change from AE to Estate Residential 10-Acre (RE-10) and a tentative subdivision map to create 28 lots ranging in size from 10 acres to 14.8 acres on a 298.19 acre site. A special use permit is also requested that would permit the gating of proposed Road “A” at the intersection with Pilot View Drive. The project would also include the off-site improvement of Rattlesnake Bar Road and Pilot View Drive to a width of 20 feet from proposed Road “A” to Salmon Falls Road. The following design waivers have been requested: (a) Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and (b) Permit a reduction in the shoulder width for proposed Road “B” from 10 feet as required in the Design and Improvement Standards Manual to two feet.

Site Description: The project site is bound by Rattlesnake Bar Road to the north and rural residential development to the east, west, and south. Elevation of the project site ranges from approximately 1,050 feet to 1,570 feet above sea level. Topography at the subject site ranges from gentle to steep slopes of varying aspect. The project site includes 270.84 acres of mixed oak woodland, 1.3 acres of gabbroic northern mixed chaparral, 23.83 acres of California annual grassland, and 2.22 acres of potential jurisdictional water features.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	AE	RR-IBC	Undeveloped
North	AE/RE-5	RR/LDR	Rural Residential/Single-Family Residences
South	RE-5/RE-10	RR/LDR	Rural Residential/Single-Family Residences
East	RE-5	LDR	Rural Residential/Single-Family Residences
West	AE/RE-10	RR	Rural Residential/Single-Family Residences

Access: Proposed project access to the north would be via Rattlesnake Bar Road, a County maintained road, while the connection of proposed Road “A” to Pilot View Drive, a Zone of Benefit road, would provide access to the south. CAL FIRE and the El Dorado County Fire Protection District reviewed the project proposal and concluded that the project would not expose people to a significant risk of loss, injury or death involving wildland fires or wildland fires adjacent to or located in an urbanized area with the implementation of the conditions of approval included in Attachment 1 of the staff report. Conditions include 20-foot wide roadways, unrestricted secondary access to the south, submittal of a fire safe plan, and the installation of sprinkler systems for each proposed residence. Unrestricted secondary access to the south would require that the special use

permit (SUP) application for the gating of this roadway be denied pursuant to recommendations from the respective fire jurisdictions mentioned above, Department of Transportation (DOT), and Planning Services.

Because of the additional traffic impacts from the proposed project on Pilot View Drive, the new development would need to provide a contribution toward ongoing road maintenance. This issue is further addressed within the project's recommended conditions of approval in Attachment 1.

Circulation: A traffic study was completed and reviewed by DOT which concluded that the project's impacts would be less than significant at all study intersections. A cumulative analysis is not required since the trip generation for the proposed project is below 2025 year thresholds assumed in the General Plan. Study recommendations are included as standard conditions of approval in Attachment 1 and include payment of traffic impact mitigation (TIM) fees, construction of onsite roadways to DOT standards, and the off-site improvement of Rattlesnake Bar Road and Pilot View Drive to a width of 20 feet from proposed Road "A" to Salmon Falls Road. (*Sundance – Beauchamp (Formerly Rattlesnake Bar) Draft Traffic Impact Study, PRISM Engineering, September 14, 2006*)

The 2004 General Plan Policies TC-Xe and TX-Xf (which reflect Measure Y) require that projects that "worsen" traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT has conditioned the project to address this General Plan consistency issue by requiring payment of traffic impact mitigation fees with each building permit.

Design Waivers: The following design waivers have been requested: (a) Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and (b) Permit a reduction in the shoulder width for proposed Road "B" from 10 feet as required in the Design and Improvement Standards Manual (DISM) to two feet.

Proposed lots 15 and 16 would have a depth to width ratio of 3.3 to 1 which slightly exceeds the 3 to 1 ratio requirement in the DISM. This slight modification in proposed lots 15 and 16 would permit home construction in the front portion of the lots while significantly reducing potential impacts to existing oak tree canopy and slopes in excess of 30 percent found on the rear portion of these lots. As such, staff supports this design waiver request.

The second design waiver request which would reduce the required minimum shoulder width for proposed Road "B" has been reviewed and recommended for approval by both the El Dorado County Fire Protection District and CAL FIRE. The Department of Transportation also recommends approval of this design waiver request.

Appropriate findings for approval of these design waiver requests are included for the Commission's consideration in Attachment 2.

Drainage/Grading: According to the submitted drainage report, “the effects of this proposed construction will not significantly increase runoff amounts, will not noticeably change the native time of concentration or affect natural drainage patterns. The proposed project only represents an increase of approximately less than 3 percent, and should be considered as having a minimal effect on the drainage leaving the site. In order to mitigate this increase in runoff, some mitigation methods may include grassy swales or level spreaders. These methods will decrease velocity and clean the water before it is released. Due to the minimal increase in storm water runoff, detention methods do not seem necessary for this project.” (*Preliminary Stormwater Drainage Study for Sundance Rattlesnake Bar Road El Dorado County, California, Carlton Engineering, Inc., September 2006*) All proposed grading for individual lot and road development, as shown on the preliminary grading and drainage plan (Exhibit F), must be in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce any potentially significant impact to a less than significant level. Conditions are included in Attachment 1 that address drainage issues identified by DOT.

Fire: CAL FIRE and the El Dorado County Fire Protection District reviewed the proposed project and have no significant concerns. Fire issues are addressed within the project’s conditions of approval. Conditions include 20-foot wide roadways, unrestricted secondary access to the south, submittal of a fire safe plan, and the installation of sprinkler systems for each proposed residence. However, as mentioned above, both fire jurisdictions recommend the denial of the requested SUP application that would authorize the metal gate at the intersection of proposed Road “A” and Pilot View Drive.

Land Use Compatibility: As proposed, the project is compatible with the surrounding rural residential and agricultural land uses and would not create land use conflicts with surrounding properties. The proposed project density of approximately one unit per 10 acres is less than that of surrounding properties which is one unit per five acres. Further, potential incompatibilities with existing agricultural land to the north would be addressed by compliance with applicable General Plan policies concerning 10-acre minimum buffer parcels and special 200-foot agricultural setbacks from the adjoining agricultural land.

Oak Tree Canopy: Estimated existing oak tree canopy on the subject site is 61.2 percent. (*Oak Canopy Analysis Update for the Sundance Project, El Dorado County, CA, Sycamore Environmental Consultants, Inc., April 2, 2009*) Under General Plan Policy 7.4.4.4, Option A, 70 percent of the existing canopy must be retained. After oak tree canopy removal for road construction and lot development, total estimated project oak tree canopy retention would be 92.4 percent, consistent with General Plan Policy 7.4.4.4, Option A. Future development of the proposed lots would have the option of complying with either Option A or Option B of Policy 7.4.4.4.

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

Project Site (acreage)	Oak Canopy Cover (acreage)	Oak Canopy Cover Percentage	Proposed Oak Canopy Removal (Acreage)	Proposed Retention Percentage	Required Retention Percentage
298.19	182.46	61.2%	13.93	92.4%	70%

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

Schools: The project site is located within the Black Oak Mine School District. The affected school district was contacted as part of the initial consultation process, but did not submit any comments.

Special Setbacks: General Plan Policy 7.3.3.4 requires development projects to be set back a minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. Mitigation Measure (MM BIO-3), included within Attachment 1, would require a 50-foot setback from all wetlands, stockponds, and intermittent channels to be shown on the final map consistent with Policy 7.3.3.4. The tentative subdivision map has been designed in a manner to avoid disturbances to the wetlands, stockponds, and ephemeral and intermittent channels. Mitigation Measure (MM BIO-2) would address potential impacts to wetlands and waters from on-site road construction.

As noted above, potential incompatibilities with existing agricultural land to the north would be addressed by compliance with applicable General Plan policies concerning 10-acre minimum buffer parcels and special 200-foot agricultural setbacks from the adjoining agricultural land.

Wastewater Disposal: Wastewater disposal is proposed to be provided by individual septic systems for the proposed lots. An on-site sewage disposal feasibility report was reviewed and approved by the Environmental Management Department on October 1, 2007.

Water: Water supply for the proposed project would be provided by domestic water wells on each proposed lot. According to a hydrogeologic investigations assessment report, “The Sundance Subdivision proposes only 29 lots which is about 58 percent of the number of lots that the long-term annual groundwater safe yield resources can support. The average minimum lot size relative to the 298.16 acre site would be about 10 acres per lot. Therefore, the proposed development has a safety factor of about 1.7 which includes multiple conservative water balance variables. The actual safety factor would be some unknown amount higher, if the conservatism in our water balance analyses are either eliminated or reduced.” (*Hydrogeologic Investigation Assessment Report Sundance Subdivision, Pilot Hills, California, Holdrege & Kull, October 20, 2008*) The report further concludes “H & K believes that the long-term annual groundwater safe yield of the Sundance Subdivision site is substantial enough to preclude any significant impacts on adjacent properties that also use the local groundwater resources.” (*Hydrogeologic Investigation Assessment Report Sundance Subdivision, Pilot Hills, California, Holdrege & Kull, October 20, 2008*) The

Environmental Management Department concluded “the applicant has submitted well water production and water quality data gather from test wells on the project site that demonstrate that adequate water is available for the proposed project.” (*Interoffice Memorandum, Environmental Management Department, June 10, 2009*)

GENERAL PLAN

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

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

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

Policy 2.2.1.2: states that the Rural Residential (RR) land use designation *establishes areas for residential and agricultural development. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.*

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

Policy 2.2.5.3 directs that 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;*
2. *Availability and capacity of public treated water system;*
3. *Availability and capacity of public waste water treatment system;*

Discussion: The proposed lots would be served by individual private wells and septic systems.

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

Discussion: Under Policy 5.8.1.1, school districts affected by a proposed development shall be relied on to assess any impacts on school facilities. The project site is located within the Black Oak Mine School District. The affected school district was contacted as part of the initial consultation process, but did not submit any comments.

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

Discussion: Two fire stations, one staffed by CAL FIRE and one staffed by the El Dorado County Fire Protection District, are located with approximately three miles from the subject site.

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

Discussion: The project parcel is located approximately two miles west of the Pilot Hill Rural Center.

7. *Erosion hazard;*

Discussion: Under Policy 7.3.2.2, projects requiring a grading permit shall have an erosion control program approved, where necessary. All proposed grading for individual lot and road development, as shown on the preliminary grading and drainage plan (Exhibit F), must be in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce any potentially significant impact to a less than significant level.

8. *Septic and leach field capability;*

Discussion: Wastewater disposal is proposed to be provided by individual septic systems for the proposed lots. An on-site sewage disposal feasibility report was reviewed and approved by the Environmental Management Department on October 1, 2007.

9. *Groundwater capability to support wells;*

Discussion: As discussed in detail above, water supply for the proposed project would be provided by domestic water wells on each proposed lot.

10. *Critical flora and fauna habitat areas;*

Discussion: The project site and Pilot View Drive are located within an Important Biological Corridor as designated in the General Plan. As such, General Plan Policy 7.4.2.9 includes provisions for increased minimum parcels sizes, higher oak tree canopy retention standards, lower thresholds for grading permits, higher retention standards for wetland/riparian habitat loss, increased riparian corridor and wetland setbacks, greater protection for rare plants, and no hindrances to wildlife movement. As proposed, the project includes retention of 92.4 percent of the oak tree canopy versus the 70 percent Option A minimum requirement and retention of at least 97.9 percent of the on-site wetlands and waters. No special status plants were found at the project site during botanical surveys conducted during the evident and identifiable period. The project site is bordered on the south and east by primarily five acre residential parcels which currently permit the movement of wildlife through the area. The proposed 10 to 14 acre lots would not hinder wildlife movement already occurring on the surrounding higher density parcels. Impacts would be less than significant.

11. *Important timber production areas;*

Discussion: The subject site is not located within an important timber production area.

12. *Important agricultural areas;*

Discussion: Review of the Important Farmland GIS map layer for El Dorado County developed under the Farmland Mapping and Monitoring Program indicates that no areas of Prime, Unique, or Farmland of Statewide Importance would be affected by the project. In addition, El Dorado County has established the Agricultural (-A) General Plan land use map for the project and included this overlay on the General Plan Land Use Maps. Review of the General Plan land use map for the project area indicates that there are no areas of “Prime Farmland” or properties designated as being within the Agricultural (-A) General Plan land use overlay district area adjacent to the project site. The parcels contain non-choice soils and are not within an Agricultural District. Although the County’s Agricultural Commission recommended denial of the requested zone change finding that the site has historically been used for grazing and is currently capable of supporting sustaining grazing land for livestock, the property owner does not believe the site can support grazing land for livestock. Further, the subject site was once part of the Garland Ranch and a letter (Exhibit N) was submitted by the Garland Ranch owner indicated that commercial grazing on the Garland Ranch has always occurred on the north side of Rattlesnake Bar Road and not on the property currently owned by Mr. Beauchamp. Commercial grazing did not occur south of Rattlesnake Bar Road because of the site’s lack of irrigation, steep terrain, and heavy brush.

Although both the project site and Garland Ranch property to the north are zoned AE, neither site is still under Williamson Act Contract. The subject site was zoned AE in 1968 upon entering into a Williamson Act Contract (Agricultural Preserve #45). The contract was later cancelled and rewritten in 1971. A notice of non-renewal was filed in 1987 and the property rolled out of the contract in 1996.

13. *Important mineral resource areas;*

Discussion: The subject site is not located within an important mineral resources area.

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

Discussion: As stated above, a traffic study was completed and reviewed by DOT which concluded that the project’s impacts would be less than significant at all study intersections.

15. *Existing land use pattern;*

Discussion: As proposed, the project is compatible with the surrounding rural residential and agricultural land uses and would not create land use conflicts with surrounding properties. The proposed project density of approximately one unit per 10 acres is less than that of surrounding properties which is one unit per five acres. Further, potential incompatibilities with existing agricultural land to the north would be addressed by compliance with applicable General Plan

policies concerning 10-acre minimum buffer parcels and special 200-foot agricultural setbacks from the adjoining agricultural land.

16. *Proximity to perennial water course;*

Discussion: The nearest perennial water course is Pilot Creek which is approximately two miles northwest of the subject site.

17. *Important historical/archeological sites.*

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

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

Discussion: None of these resources or constraints exists on the site. Therefore, the rezone would have no impact.

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

Discussion: As discussed above, the project is compatible with the surrounding rural residential and agricultural land uses and would not create land use conflicts with surrounding properties.

Policy 5.2.3.4 directs that *all applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review.*

Discussion: The project has demonstrated that the groundwater is adequate for the proposed use as outlined within the “Water” section above consistent with Policy 5.2.3.4. Further, average residential density is one dwelling unit per 10 acres consistent with Policy 5.2.3.5 concerning minimum residential densities in areas known to have groundwater supply limitations.

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

Discussion: The project would be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface and road width. The project would be required to meet the required minimum fire flow requirements of the El Dorado County Fire Protection District which would be reviewed and approved by them prior to filing the final map. Adherence to the conditions of approval within Attachment 1 would address all fire issues consistent with Policy 5.7.1.1.

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

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

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

Discussion: The proposal is consistent with Policy 7.4.4.4 as discussed above under the “Oak Tree Canopy” section.

Policy 8.1.2.1 directs that the *County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs to retain such lands as productive grazing units.*

Discussion: Identification of grazing lands as discussed in Policy 8.1.2.1 above has not yet occurred.

Policy 8.1.2.2 states that *some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and if they were not assigned urban or other nonagricultural uses in the Land Use map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses.*

Discussion: On July 8, 2009, the Agricultural Commission recommended that the project be denied as they believe the parcels should continue to be protected as historic grazing land pursuant to Policy 8.1.2.2. The Agricultural Commission’s memorandum of July 15, 2009 is attached as Exhibit M for Planning Commission review. The applicant’s position concerning Policy 8.1.2.2 and related grazing capability report is attached as Exhibit O.

Policy 8.1.3.1 directs that *agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands.*

Discussion: The proposed project would not conflict with existing agricultural zoning in the project vicinity and would not adversely impact any properties currently under a Williamson Act Contract because it would comply with General Plan Policy 8.1.3.1 regarding 10 acre buffer parcels adjacent to the agricultural land to the north of the subject site.

Policy 8.1.3.2 indicates that *agriculturally incompatible uses adjacent to agricultural zoned lands outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.*

Discussion: The map would include special 200-foot setbacks from the boundary of said agricultural lands in compliance with General Plan Policy 8.1.3.2 and the Agricultural Commission’s recommendation (Exhibit M).

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the applicable policies of the General Plan.

ZONING

The requested zone change is from AE to the RE-10 zone district which requires a minimum lot size of 10 acres, minimum lot width of 150 feet, and minimum yard setbacks of 30 feet from all property lines. The proposed lots range in size from 10 acres to 14.8 acres and exceed the 150 foot lot width requirement. As such, the lots would conform to the applicable RE-10 development standards in Section 17.70.110, as well as have the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

SPECIAL USE PERMIT

The requested gating of proposed Road "A" at the intersection with Pilot View Drive requires an approved Special Use Permit pursuant to Section 17.14.155.E of the Zoning Ordinance. In order to approve the use, the Planning Commission must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. As stated above, DOT, CAL FIRE, and the El Dorado County Fire Protection District are all opposed to the gate because of the secondary access and circulation limitations it would create as well as potentially delayed response times impacting public safety. Based on staff analysis and comments received from affected public agencies, staff recommends the Planning Commission find that the gate would be detrimental to the public health, safety and welfare and injurious to the neighborhood. Findings for denial of the Special Use Permit request are provided in Attachment 2.

ENVIRONMENTAL REVIEW

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

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,010.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 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, including reviewing environmental documents.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit ALocation Map
Exhibit BAssessor’s Parcel Map Page
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit ETentative Subdivision Map
Exhibit FPreliminary Grading and Drainage Map
Exhibit GSlope Map
Exhibit HGeology, Percolation Testing, Waste Water
Disposal Area Map
Exhibit IPhase Map
Exhibit JTopographic Survey
Exhibit KTree Canopy Plan
Exhibit LApplicant’s Design Waiver Request
Exhibit MAgricultural Commission Memorandum July 15,
2009
Exhibit NLetter from Garland Ranch Owner June 7, 2009
Exhibit OLetter from Robert Laurie November 16, 2009
Exhibit PEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL

TM07-1454/S09-0012/Sundance Subdivision
January 28, 2010 Planning Commission

I. PROJECT DESCRIPTION

1. This tentative subdivision map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A-P, 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:

Tentative subdivision map creating 28 residential lots ranging in size from 10 acres to 14.8 acres on a 298.19 acre site. Project will include the off-site improvement of Rattlesnake Bar Road and Pilot View Drive to a width of 20 feet from proposed Road "A" to Salmon Falls Road. Project access to the north will be via Rattlesnake Bar Road while the connection of proposed Road "A" to Pilot View Drive will provide access to the south. Lots will be served by private well and 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.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS

2. A pre-construction survey for California Horned Lizard shall be conducted not more than one hour prior to initial grading in gabbroic northern mixed chaparral. The pre-construction survey shall be conducted at a time of day when the lizard is most likely to be found (basking behavior during mid-morning), as determined by a qualified biologist, and most likely to result in detection and capture of California Horned Lizard, if present. California Horned Lizards, if found, shall be moved out of the path of construction. This mitigation measure shall be noted on the project's improvement plans.

Timing/Implementation: Prior to improvement plan approval

Enforcement/Monitoring: El Dorado County Planning Services

3. If road design uses closed-bottom culverts, such as pipes, where the road crosses channels, a Section 404 permit shall be obtained from the U.S. Army Corps of Engineers prior to grading permit issuance. If required, proof of said permit shall be provided to Planning Services prior to grading permit issuance.

Timing/Implementation: Prior to grading permit issuance

Enforcement/Monitoring: El Dorado County Planning Services

4. A 50-foot setback shall be shown on the final subdivision map from all wetlands, stockponds, and intermittent channels consistent with General Plan Policy 7.3.3.4.

Timing/Implementation: At time of final map submittal

Enforcement/Monitoring: El Dorado County Planning Services

5. If construction is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests at the construction site and within 250 feet of the construction site from publicly accessible areas within 30 days prior to construction. If no active nest of a bird of prey or MBTA bird is found, then no further mitigation measures are necessary.

If an active nest of a bird of prey or MBTA is found, the biologist shall flag a minimum of 250-foot environmentally sensitive area (ESA) around the nest if the nest is of a bird of prey, and a minimum 50-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.

The ESA shall be maintained until the nest is no longer active, that is, when the nest no longer contains eggs and young have fledged. No disturbance shall occur within the ESA until a qualified biologist determines that the nest is no longer active. This mitigation measure shall be noted on the project's improvement plans.

Timing/Implementation: Prior to improvement plan approval

Enforcement/Monitoring: El Dorado County Planning Services

III. PROJECT CONDITIONS

Planning Services

6. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
7. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
8. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.2352 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the Georgetown Divide Recreation District, and shall submit the receipt to El Dorado County Planning Services with the final map application.
9. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
10. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
11. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 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.
12. 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.

13. Prior to filing the final map, the applicant shall pay the mitigation fee to meet the requirements of General Plan Policy 7.4.4.4, Option B. However, the applicant may also elect to comply with Option A, in-lieu of Option B, prior to filing the final map.
14. 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.

Air Quality Management District

15. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
16. Prior to grading permit issuance, a fugitive dust plan and asbestos dust mitigation plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
17. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
18. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

19. The project construction will involve the application of architectural coating which shall adhere to District Rule 215, Architectural Coating.

Department of Forestry and Fire Protection (CAL FIRE)

20. A metal gate shall not be allowed at the end of Road A. Road A shall have unimpeded access and egress on both ends to provide for required emergency secondary access to subdivision prior to the filing of the final map.
21. A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed at the intersection preceding the traffic access limitation (Article 3. Signing and Building Numbering, Section 1274.06 of the Fire Safe Regulations) prior to final map filing.
22. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire District and CAL FIRE to Planning Services prior to filing the final map.

Department of Transportation

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

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY*	DESIGN SPEED	EXCEPTIONS/ NOTES
Road A (onsite)	Std Plan 101C	20 ft /1ft	50 ft	25 mph	-
Road B	Std Plan 101C	20 ft/2ft	50 ft	25 mph	-

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

** Non-exclusive road and public utility easements included

24. **Off-site Access Improvements:** The applicant shall construct and/or verify that the off-site portion of Rattlesnake Bar Road from Road A to Salmon Falls Road, meets the requirements of El Dorado County Standard Plan 101C, to a 20-foot roadway width with 1-foot wide

shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM, and Fire Safe Regulations. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows that Rattlesnake Bar Road complies with the DISM and Fire Safe Regulations as well as a secondary access road or acceptable alternative. 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 final map.

25. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Pilot View Drive from Road A to Salmon Falls Road, meets the requirements of El Dorado County Standard Plan 101C, to a 20-foot roadway width with 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM, and Fire Safe Regulations. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows that Pilot View Drive complies with the DISM and Fire Safe Regulations as well as a secondary access road or acceptable alternative. 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 final map.
26. **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 or an acceptable alternative. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101C and the 2007 CA Fire Code with a 20-foot wide roadway capable of supporting 75,000 pounds. 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 final map.
27. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:
 - parcels zoned for less than one acre-----800 feet
 - parcels zoned for 1 acre to 4.99 acres-----1320 feet
 - parcels zoned for 5 acres to 19.99 acres -----2640 feet
 - parcels zoned for 20 acres or larger -----5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

28. **Turnaround:** The applicant shall provide a turn around at the end of Road B to the provisions of County Standard Plan 114 or approved equivalent. Where parcels are zoned 5 acres or larger, turnouts shall be provided at a maximum of 1320 foot intervals (per Fire Safe Regs). 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.
29. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-foot tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100 feet on local roads provided the adjacent curves have a minimum radius of 200 feet or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the map.
30. **Roadway Slopes:** Pursuant to Design Std Plan 101C, Note 4: Roads with Average Daily Trips (ADT) of less than 601 may have slopes exceeding 12 percent not to exceed 15 percent for lengths up to 600 feet if they are paved with a minimum of 2.5" AC on 6" AB. The roadway slopes exceeding 12 percent shall be indicated as proposed to be paved on the improvement plans and/or proposed map prior to filing.
31. **Sight Distance:** (Road A and intersection with Rattlesnake Bar Road and Pilot View Drive)
The sight distance from a vehicle parked at the edge of traveled way of Road A with the driver's eye no more than 15 feet from the edge of pavement, shall be a minimum of 550 feet in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to approval of improvement plans.
32. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
33. **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 percent. Also, the centerline gradient of a street terminating at an intersection shall not exceed 5 percent at any point within the intersection and for a distance of 50 feet from the point of intersection. Finally, the gradient within turnarounds shall not exceed 8 percent 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.

34. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the Proposed Road A onto Rattlesnake Bar Road and Pilot View Drive to the provisions of County Design Std 103C, or as required by the approved traffic study. 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.
35. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate a total of 30 feet of right of way, along the on-site portion of Rattlesnake Bar Road, in fee, as required by the General Plan as determined by EDC DOT, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be accepted by the County.
36. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways *as* described in the table above, on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.
37. **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 "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office.
38. **Road Maintenance Entity:** Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
39. **Maintenance of Pilot View Drive:** The applicant shall provide for contribution to the continuing maintenance of Pilot View Drive, which is in County Service Ares #9, Zone of Benefit #98135. The cost of the contribution shall be supported by an engineer's report subject to review and approval by the Department of Transportation prior to filing of the final map.
40. **Drainage Maintenance Entity:** Prior to filing of the final map, the applicant shall join or form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
41. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
42. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained 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 California Manual Uniform Traffic Control Devices (MUTCD).

43. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
44. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
45. **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 within the County right of way. 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.
46. **Subdivision Improvement Agreement & Security:** The developer shall enter into a Subdivision Improvement Agreement (SIA) with the Department of Transportation for all onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the SIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the 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 offsite grading.
48. **Grading Permit / Plan:** A residential grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the DOT 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 fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
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 (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.
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 the applicant shall 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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal

of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. 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 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. 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. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
57. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right of Way Unit,

and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

58. **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.
59. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

El Dorado County Fire Protection District

60. A review fee of \$500 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) prior to improvement plan approval.
61. At time of final map filing, a notice of restriction shall be recorded requiring that each future proposed residence provide an NFPA 13 D sprinkler system in compliance with the Fire Prevention Officer's Standard "Water Supplies Residential without a Purveyor" to the satisfaction of the EDCFPD.

Environmental Management Department

62. Prior to final map filing, each lot shall have an adequate water supply from individual wells as determined by the Environmental Management Department.
63. The following statement shall be recorded on the final map:

Water testing conducted on the test wells in the proposed subdivision indicate that some of the wells exceed the maximum contaminant level (MCL) or "Consumer Acceptance Level"

for secondary standards, specifically iron and manganese. The California Department of Health Services and the Environmental Protection Agency have designated secondary standards as non-enforceable guidelines for taste, odor, and staining issues; and do not consider secondary standards to be a health risk to consumers. Consumers may want to install a treatment system to remove any constituents that exceed the MCL.

64. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA) prior to filing the final map. The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

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 Surveyors Office.
66. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's Office prior to filing the final map.

ATTACHMENT 2 **FINDINGS**

Z07-0040/TM07-1454/S09-0012/Sundance Subdivision
January 28, 2010 Planning Commission Hearing

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

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

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per 10 to 160 acres. The proposed project density conforms to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, infrastructure, 2.2.1.2, land use density, 2.2.5.3, rezoning, 2.2.5.21, land use compatibility, 5.2.3.4, groundwater, 5.7.1.1, fire protection, 6.2.3.2, emergency access, 7.1.2.1, slope disturbance, 7.3.3.4, wetland setbacks, 7.4.4.4, oak tree canopy retention, 8.1.3.1, agricultural land buffering, and 8.1.3.2, agricultural setbacks, because it will provide adequate roadways, utilities and other public services, appropriate land use density, compatibility with the surrounding neighborhood, sufficient groundwater supply, availability of emergency water, adequate emergency access, avoid disturbance of slopes in excess of 30

percent, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention. Sufficient agricultural land buffering will also be included in the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as septic and leach field capability, groundwater capability to support wells, capacity of the transportation system serving the area, important agricultural areas and existing land use pattern. There are no existing CC & R's. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance development standards because the proposed lots meet the development standards of the RE-10 zone district pursuant to section 17.70.110 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.*

As proposed, the tentative map conforms to the RR General Plan land use designation and applicable General Plan policies including adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention.

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

The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 0.09 units per acre.

- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.*

A mitigated negative declaration was prepared for the proposed tentative subdivision map. Based on the initial study, it was determined that the project would not have a significant effect on the environment with the incorporation of the mitigation measures and conditions of approval contained within Attachment 1 above.

- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.*

The project has been conditioned to comply with El Dorado County Department of Transportation, CAL FIRE and El Dorado County Fire Protection District requirements to assure adequate access.

- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.*

CAL FIRE and the El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

4.2 Special Use Permit (Findings for Denial)

- 4.2.1 *The issuance of the permit is consistent with the General Plan.*

Approval of the gate would effectively eliminate the project's required secondary access point in conflict with General Plan Policy 6.2.3.2 concerning adequate access for emergency vehicles and area residents.

- 4.2.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and*

As stated above, DOT, CAL FIRE, and the El Dorado County Fire Protection District are all opposed to the gate because of the secondary access and circulation limitations it would create as well as potentially delayed response times impacting public safety. Construction of the gate would create a dead end road which exceeds the permissible length of a dead end road in the DISM. Further, sufficient unimpeded through circulation is necessary. Based on staff analysis and comments received from affected public agencies, the County finds that the gate would be detrimental to the public health, safety and welfare and injurious to the neighborhood.

- 4.2.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is not specifically permitted by special use permit pursuant to the El Dorado County Zoning Ordinance.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

Proposed lots 15 and 16 will have a depth to width ratio of 3.3 to 1 which slightly exceeds the 3 to 1 ratio requirement in the DISM. This slight modification in proposed lots 15 and 16 will permit home construction in the front portion of the lots while significantly reducing potential impacts to existing oak tree canopy and slopes in excess of 30 percent found on the rear portion of these lots.

- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the design and improvement requirements will require additional grading and oak tree canopy removal. Because of the slopes on these lots, a slight modification to the lot depth to width ratio is justified to reduce grading and potential impacts to oak tree canopy.

- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as it will reduce grading and oak tree canopy removal impacts.

- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

- 5.2 Permit a reduction in the shoulder width for proposed Road "B" from 10 feet as required in the Design and Improvement Standards Manual to two feet.**

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

This waiver was reviewed by the Department of Transportation, CAL FIRE, and the El Dorado County Fire Protection District and found to be acceptable provided that an additional 10 feet be kept clear from the edge of the pavement as a fire safety zone. Further, a fire safe plan will be prepared for review by CAL FIRE and the El Dorado County Fire Protection District which will outline the requirements for this 10-foot fire safety zone.

- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

The reduced shoulder width will reduce potential grading and oak tree canopy removal impacts while still providing an adequate 10-foot wide fire safe buffer as outlined above.

- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

This waiver was reviewed by the Department of Transportation, CAL FIRE, and the El Dorado County Fire Protection District and found to be acceptable provided that an additional 10 feet be kept clear from the edge of the pavement as a fire safety zone. As such, approval of the waiver will not be injurious to the adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

- 5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.