

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



Agenda of: July 8, 2010

Item No.: 10

Staff: Gina Paolini

**GENERAL PLAN
AMENDMENT/REZONE/TENTATIVE MAP**

FILE NUMBER: A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road
Subdivision

APPLICANT: Christine Brown

AGENT: Carlton Engineering, Inc.

REQUEST:

1. General Plan Amendment to amend the land use from Medium-Density Residential (MDR) to Low-Density Residential (LDR).
2. Zone Change from Residential Agricultural-40 (RA-40) to Estate Residential Five-Acre (RE-5), and
3. Tentative Map (Exhibit E) to create 12 residential lots ranging in size from 5 acres to 12 acres.

LOCATION: On the east side of Parkside Drive approximately 165 feet south of the intersection with Winding Way and Winding Way Court, in the Grizzly Flat area, Supervisorial District II (Exhibit A).

APN: 041-040-15 (Exhibit B)

ACREAGE: 75.7 acres

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

ZONING: Residential Agricultural-40 (RA-40) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION

Staff recommends the Planning Commission forward the following recommendations 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) incorporated as Conditions of Approval in Attachment 1;
3. Approve General Plan Amendment A10-0001 based on the Findings listed in Attachment 2;
4. Approve Rezone Z09-0003 based on the Findings listed in Attachment 2; and
5. Approve Tentative Map TM09-1488 based on the Findings listed in Attachment 2, and subject to the Conditions of Approval listed in Attachment 1.

BACKGROUND: An application for a Zone Change and Tentative Subdivision Map was submitted on April 20, 2009. A Technical Advisory Committee (TAC) meeting was held on June 8, 2009. As a result of agency comments and issues discussed at the TAC meeting, additional information was required to be submitted. Cal Fire raised concern with the previously approved Timber Harvest Plan, stating that the applicant did not disclose the intent to convert the property from timberland to a subdivision. They also raised concern with the roads. The applicant was able to clarify these issues with Cal Fire in September 2009. Issues were raised during the pre-application process, and again during the formal application process with the use of well water within the Grizzly Flats Community Service District. Due to General Plan Policy conflicts, the applicant was advised to submit a General Plan Amendment application.

STAFF ANALYSIS

Project Description: The project request includes a General Plan Amendment to amend the land use from Medium-Density Residential (MDR) to Low -Density Residential (LDR), a Zone Change from Residential Agricultural-40 (RA-40) to Estate Residential Five-Acre (RE-5) and a Tentative Map to create 12 lots ranging in size from 5 acres to 12 acres. Each parcel would be served by private wells and private septic systems. No Design Waivers from the Design and Improvement Standards Manual have been requested.

Site Description: The project site is located within the Grizzly Flat Rural Center at an elevation of 3,800 feet. The site was cleared under a Timber Harvest Plan. A 1,700 foot long seasonal road was provided along the east side of the property to maintain access during site clearance. Two (2) permanent culverts to drain a class III water course were installed during this process. A 500-foot long seasonal road was constructed to provide access to the southeast side of the property. Access throughout the site is currently provided. Slopes on the site range from 5.7 percent on the ridge running from the northeast corner to the southwest corner of the site. Maximum slopes are found at the northwest and southeast corners of the site which range from 21.5 to 25.2 percent slope.

Vegetation on the site consists of the Sierran mixed conifer. The tree canopy contains a mixture of incense cedar, ponderosa pine, white fir, sugar pine, Douglas-fir, California black oak, canyon live oak and western dogwood.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|--------|--------------|---------------------------------------|
| Site | RA-40 | MDR | Undeveloped |
| North | R1 | HDR | Single Family Residential/Residential |
| South | RA-40 | MDR/NR | Bureau of Land Management/Undeveloped |
| East | A | NR | Bureau of Land Management/Undeveloped |
| West | R1 | HDR | Single Family Residential/Residential |

The project would subdivide the property for future residential development. The site is bordered by residential development to the north and west. The project development would be consistent with the surrounding land use.

General Plan: The following General Plan policies apply to this project:

The General Plan designates the subject site as Medium-Density Residential (MDR), where **Policy 2.2.1.2** permits a maximum density of one dwelling unit per 1 acre, with parcel sizes ranging from 1 to 5 acres. The project would amend the land use to Low-Density Residential (LDR). The maximum allowable density shall be one dwelling unit per 5 acres. Parcel sizes shall range from 5 to 10 acres. The project would be for 12 lots ranging in size from 5 acres to 12 acres on a 75.7 acre site, with a zoning of Residential Five-Acre (RE-5), resulting in a net density of one unit per 6.3 acres. Therefore, the proposed parcels would conform to the General Plan land use designation of Low-Density Residential with approval of the amendment.

General Plan **Policy 2.2.5.3** requires the County to 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 changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

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

Discussion: The proposed project would not be served by public water. The applicant has provided a letter from the Grizzly Flats Community Services District dated September 18, 2009, which states that the Board is unable to supply water at this time due to the current state of the District’s water supply. The project would be served by individual wells.

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

Discussion: The project would not have a public treated water system.

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

Discussion: The project would not have a public waste water treatment system. The project would be served by individual sewage disposal areas.

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

Discussion: The project site is located within the Pioneer Union School District and the El Dorado Union High School District. The distance to the closest elementary school, Grizzly Pines School is 0.5 miles, in Grizzly Flat. The project is within the boundaries of the Union Mine High School which is located in Placerville. Bus service would be provided for students. The affected school districts were contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

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

Discussion: The Pioneer Fire Protection District would be responsible for providing fire protection to the subject site. The project is located within Zone # 4- Grizzly Flats Area which would be served by Station-35. The response time would be from 5 to 14 minutes, depending on the event and resources available. The District was contacted as part of the initial consultation process. As such, the District has reviewed the proposal and indicated that adherence to the applicable building and fire codes, as well as Conditions of Approval regarding the installation of the hydrants, development standards, fire safe plan, and construction of road improvements shown on the Tentative Subdivision Map, would satisfactorily address all fire related safety issues.

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

Discussion: The project site is located within the Grizzly Flat Rural Center. The project would be residential and adjacent to compatible residential land uses.

7. *Erosion hazard;*

Discussion: The site is located at an elevation of 3,800 feet above mean sea level. Grading is proposed to complete the development, resulting in potential for soil erosion at the site. A preliminary grading and drainage plan has been provided (Exhibit F). All grading activities would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. The project is conditioned, to require review and submittal of an erosion control plan to limit impacts resulting from grading activities and perform revegetation of disturbed soils. The California Regional Water Quality Control Board would require the use of Best Management Practices during construction, including the use of swales and filters to reduce soil runoff and preserve topsoil on the site.

8. *Septic and leach field capability;*

Discussion: The project would be served by individual sewage disposal areas (Exhibit G). Each home would be served by individual septic facilities. Soil test trench evaluations were conducted on the proposed lots throughout the project in 2008. Neither groundwater nor gleyed soil conditions were observed in the profiles of the soil test trenches excavated in and near the identified disposal areas. The soil within the identified disposal areas would be considered to be appropriate for wastewater disposal based on the conditions observed in the soil test trenches. Disposal areas of 12,000 square feet are required for lots greater than 5 acres. Disposal areas have been identified for long-term onsite wastewater disposal for each lot. The sewage disposal feasibility report has been reviewed and approved by the El Dorado County Department of Environmental Management

9. *Groundwater capability to support wells;*

Discussion: The project would be served by individual domestic water wells. Ground water recharge at the site occurs from rainfall, and aquifer conditions underlying the site are characterized as a fractured igneous/metamorphic bedrock system. Groundwater flow is considered to be governed by topography, subsurface geologic conditions (rock units/aquifers), and geologic contracts. Water wells would be constructed to intersect fracture zones that provide sufficient quantities of water for domestic/residential supply design needs. There would be no known problem areas for water availability at the project site.

10. *Critical flora and fauna habitat areas:*

Discussion: A biological assessment was prepared for the project site. Potential habitat was found for fifteen species of concern; however, no special status species were identified. No raptor nest sites were found at the project site during three (3) site visits conducted on January 20 and February 28, 2009, and March 7, 2010. The biologist has recommended Mitigation Measures, included within Attachment 1, Conditions of Approval, to reduce potential impacts on species of concern with potential habitat on the project site. The project is not within an area designated by the County's General Plan as a Rare Plant Mitigation Area, and no critical flora was identified within the biological assessment.

11. *Important timber production areas:*

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

12. *Important agricultural areas;*

Discussion: The Medium Density General Plan Land Use Designation allows for single-family residential development of the project area. The site is presently zoned Residential Agricultural-40 (RA-40). However, the site is not within an active agricultural area, and there are no current agricultural uses. Thus, the site is not considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project is not within a Mineral Resource Zone and would not impact any important mineral resources.

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

Discussion: The El Dorado County Department of Transportation (DOT) reviewed the project and determined that the project would not exceed the General Plan thresholds requiring a traffic study. DOT has recommended Conditions of Approval, including improvements to existing roadways that would address project impacts to ensure that the transportation system would be adequate to serve the area.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing residential land uses and by open space. It has been determined that the proposed project would be consistent with existing land use patterns within the immediate project area.

16. *Proximity to perennial water course;*

Discussion: The biological assessment prepared for the project did not identify potential jurisdictional wetlands and other waters of the U.S. at the subject site.

17. *Important historical/archeological sites;*

Discussion: A Cultural Resource Study was prepared for the site. The report identified a potentially significant irrigation ditch at the site; however it was determined to lack integrity. In conclusion, the ditch segment does not appear to be a significant resource for listing on the California Register of Historic Resources. The presence of historical or archeological resources would be remote.

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

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. Ground rupture associated with earthquake activity on the Foothills Fault System would be possible but considered very unlikely for the subject site. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform

Building Code. All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone.

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

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

General Plan **Policy 2.2.5.21** requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed.

Discussion: The project site is surrounded by both existing and proposed residential land uses, which would be compatible with the proposed development.

General Plan **Policy 5.2.1.2** requires that adequate quantity and quality of water for all uses, including fire protection be provided with proposed development.

Discussion: The Grizzly Flats Community Services District serves the subdivision adjacent to the project; however, due to the District's water supply issues, they would not be providing service to the project. There are fire hydrants along Winding Way. New fire hydrants/standpipes would be required at each residence, along with residential fire sprinklers. All fire sprinklers would meet NPFA 13-D standards and be approved by the Pioneer Fire Protection District. Each parcel would be required to store a minimum of 7,500 gallons of water. Five thousand gallons for fire protection connected to a standpipe, 1,500 gallons dedicated to a fire sprinkler system, with the remaining 1,000 gallons for domestic use. A generator, with battery back-up would be required as part of the fire protection system.

General Plan **Policy 5.2.1.3** requires that all Medium-Density Residential projects be required to connect to either a public water system or to an approved private water system in Rural Centers.

Discussion: The project site has a land use designation of Medium-Density Residential and is located within the Grizzly Flat Rural Center. The project is within the Grizzly Flats Community Services District, a public water service provider. This provider is unable to provide water to the subject site due to lack of resources. The project proposes a General Plan Amendment to amend the land use to Low-Density Residential in order to allow the use of individual wells within a single piece of property. The project would be in compliance with the General Plan upon approval of the proposed amendment.

General Plan **Policy 5.2.3.4** requires all applications for divisions of land which rely on groundwater for domestic use demonstrate that groundwater is adequate as part of the review and approval process and that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question.

Discussion: Water wells are required to be constructed to the standards specified in "Water Well Standards", State of California, Department of Water Resources, Bulletin 74-81 (and supplements); and must be capable of providing to each connection a minimum of five (5) gallons per minute, either from the well itself or a combination of well and storage, at a minimum of fifteen (15) pounds per square inch pressure. Two water wells constructed to domestic supply well specifications exist on the property, and during March of 2009 the wells were pump-tested to verify production over a 24-hour period. The reported stabilized water level pumping rates at the end of the 24-hour pumping period were 6.06 and 12.03 gallons per minute. The property owner would be required to demonstrate to the satisfaction of the Environmental Management Department that a safe and reliable water source could be provide to each parcel prior to filing Final Map.

As required by General Plan **Policy 5.7.1.1**, the applicant would be required to 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 Pioneer Fire Protection District would provide fire protection service to the project site. A Fire Safe Plan has been prepared for the project, which requires water storage, fire hydrant placement, and fire sprinklers to ensure adequate fire protection infrastructure.

Pursuant to General Plan **Policy 7.3.3.4**, a 50-foot setback is required from intermittent streams and wetlands and a minimum setback of 100 feet is required from all perennial streams, rivers and lakes.

Discussion: Grizzly Creek, identified as an ephemeral stream has been identified off the northwest corner of the project site. A 50-foot setback would be required for development from the creek.

As required by General Plan **Policy 7.4.4.4**, the applicant shall demonstrate that adequate development area exists on each of the proposed parcels where a single family dwelling and related improvements could be built without the removal of oak trees or without project mitigation.

Discussion: The project site is 75.7 acres. The tree canopy analysis determined oak canopy to be 7.3 percent of the project site. The El Dorado County Oak Woodland Management Plan requires 90 percent retention of existing canopy cover for parcels over one acre having 1-9 percent oak canopy cover. Twelve black oaks would be removed for road construction for this project, which would be 0.05 percent of the calculated oak canopy. Fourteen oak trees were found within the proposed septic leach areas, which would be 0.07 percent of the calculated oak canopy. The proposed project estimates tree removal for lot development and roadways to be 0.7 acres. The estimated tree canopy retention after road improvements and lot development would be 87 percent, which would be below the 90 percent retention requirement. The applicant would be required to pay into the conservation fund under "Option B" of Policy 7.4.4.4.

Table 1: Oak Canopy Summary

| Project Site (Acreage) | Oak Canopy Coverage (Acreage) | Percentage of Required Retention | Proposed Oak Removal | Percentage Retention Proposed |
|------------------------|-------------------------------|----------------------------------|----------------------|-------------------------------|
| 75.7 | 5.7 | 90 % | 0.7 | 87 % |

As shown on the Tree Exhibit (Exhibit H), the project would require the removal of 0.7 acres of the onsite canopy. Exhibit H shows both the impacts as a result of infrastructure as well as potential impacts of leach field development. The applicant has indicated that they would want to participate in a payment of the mitigation fee established by Option B. Chapter 17.72 of the Zoning Ordinance establishes requirements for the implementation of General Plan Policy 7.4.4.4. Section 17.72.100 of the Ordinance allows payment of the mitigation in-lieu fee prior to issuance of a grading permit for road and infrastructure improvements and prior to issuance of any building permits for future development of the project site. A breakdown of the oak canopy impacts have been included in the following table.

Table 2: Oak Canopy Removal Summary

| Total Oak Canopy to Be Removed (acres) | Canopy Removed for Road Improvements (acres) | Canopy Removed for Leach Field (acres) |
|--|--|--|
| 0.73 | 0.31 | 0.42 |

Conditions of Approval have been included in Attachment 1 requiring payment of the mitigation in-lieu fee.

General Plan **Policy 8.1.3.1** requires buffers between Agriculturally Zoned lands and requires buffering from increases in density on adjacent lands by requiring a minimum of 10 acres for parcels created adjacent to these lands.

Discussion: Property to the east and south are zoned Agriculture (A) and Residential Agricultural-40 (RA-40), with land use designations of Natural Resources (NR). Parcel No.'s 9 and 10 are to be greater than 10 acres in size.

General Plan **Policy 8.4.1.2** requires a 50-foot setback for incompatible uses including residential structures for projects located within a Rural Center.

Discussion: Parcel No.'s 9 and 10 would be required to have a 50-foot non-building setback recorded on the final map. All future development would be reviewed during the building permit process to ensure that all incompatible structures would comply with setback requirements.

General Plan **Policy 8.1.4.1** requires the County Agriculture Commission review all discretionary development applications involving land zoned or designated agriculture.

Discussion: The Agricultural Commission reviewed the project on April 14, 2010 (Exhibit I) and made the following findings:

1. The project will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;
2. The project will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
3. The project will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

The Commission did recommend that Lot No's. 9 and 10 be rezoned RE-10 due to the larger parcel sizes. The overall density of the project would be consistent with proposed LDR land use, with 10 of the parcels falling within the 5 acre range. The two larger parcels are required due to their adjacency to agricultural zoned land. Planning staff believes the proposed RE-5 zoning would be appropriate for the site.

Zoning: The applicant is requesting that the project site be rezoned from Residential Agricultural-40 (RA-40) to Estate Residential 5-Acre (RE-5). This would allow for the creation of 12 lots. The Zone Change would be consistent with the proposed Low Density Residential General Plan Land Use Designation (LDR).

Tentative Map: The Tentative Subdivision Map would create 12 individual parcels. The following provides lot details:

Table 3: Lot Details

| Breeden Estates-Leone Road Subdivision Lot Details | | |
|---|--------------------------|------------------------|
| Lot No. | Gross Lot (Acres) | Net Lot (Acres) |
| 1 | 5.01 | 2.83 |
| 2 | 5.01 | 3.53 |
| 3 | 5.01 | 3.46 |
| 4 | 6.45 | 4.77 |
| 5 | 5.05 | 3.56 |
| 6 | 5.02 | 3.53 |
| 7 | 5.49 | 3.64 |
| 8 | 5.60 | 3.62 |
| 9 | 10.68 | 4.80 |
| 10 | 11.76 | 3.38 |
| 11 | 5.01 | 3.20 |
| 12 | 5.61 | 4.00 |

Ten parcels would be a minimum of 5.0 acres, with two parcels being over 10 acres in size due to their proximity to agricultural land.

Design Waivers Discussion: Design Waivers from the Design and Improvements Standards manual have been not been requested for the project.

Other Issues:

Access/Circulation: The project would be accessed via existing roadways within the Grizzly Flat Rural Center. Winding Way is a County-maintained roadway. Winding Way Court is a non-county maintained road. Two (2) interior roadways are proposed for the project. The proposed roadway shall be consistent with DISM Design Standard Plan 101C and Sec 3.A.9. These sections require the roadway to be 20-foot wide asphalt paved with 10-foot shoulders on both sides.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and has included standard conditions to reduce the impacts on the air quality. The standard conditions have been included in Attachment 1, as a part of the Conditions of Approval.

Cultural Resources: A Cultural Resource Study was prepared for the site by Historic Resources Associates (November 2008). The presence of historical or archeological resources would be remote. Standard Conditions of Approval would be required to be implemented during project construction in the event of accidental discovery of historic or archeological resources.

Fire: The Pioneer Fire District and Department of Forestry and Fire Protection has reviewed the project and determined that the construction of roadways to Fire Safe Regulation standards, and implementation of a fire safe plan would reduce impacts to a less than significant level.

Noise: The project may generate ground borne vibration or shaking events during project construction. These potential impacts would be limited to project construction. Adherence to the time limitations of construction activities to 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on weekends and federally recognized holidays would limit the ground shaking effects in the project area. These project construction hours would be incorporated into the Conditions of Approval.

Surveyor's Office: The Surveyor's Office reviewed the proposed project and noted that survey monuments must be set, roads named through the Surveyor's Office prior to filing the Final Map. In addition, the property owner must provide a Parcel Map Guarantee showing proof of access to a State or County Maintained Road.

Wastewater: Each of the proposed parcels would be served by individual septic systems.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion), attached as Exhibit J, 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.

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 \$2,060.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes 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.

SUPPORT INFORMATION

Attachments to Staff Report:

| | |
|--------------------|---|
| Attachment 1 | Conditions of Approval |
| Attachment 2 | Findings |
| Exhibit A | Location 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 | Preliminary Grading and Drainage Plan |
| Exhibit G | Waste Water Plan |
| Exhibit H | Oak Canopy Map |
| Exhibit I | Agricultural Commission Recommendation |
| Exhibit J | Environmental Checklist and Discussion of Impacts |

ATTACHMENT 1

CONDITIONS OF APPROVAL

A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road Subdivision July 8, 2010/Planning Commission Hearing

1. This General Plan Amendment, Zone Change, and Tentative Map approval is based upon and limited to compliance with the project description, hearing Exhibits A-J, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project includes a request for a General Plan Amendment from Medium Density Residential (MDR) to Low Density Residential (LDR), a Zone Change from Residential Agricultural-40 (RA-40) to Estate Residential Five-Acre (RE-5), and a Tentative Map to create 12 lots ranging in size from 5 acres to 12 acres for Assessor's Parcel No. 041-040-15. The project proposes to use well water and septic facilities. No Design Waivers have been requested.

The proposed lots would conform to Table 1 below:

| Breeden Estates-Leone Road Subdivision Lot Details | | |
|---|-------------------|-----------------|
| Lot No. | Gross Lot (Acres) | Net Lot (Acres) |
| 1 | 5.01 | 2.83 |
| 2 | 5.01 | 3.53 |
| 3 | 5.01 | 3.46 |
| 4 | 6.45 | 4.77 |
| 5 | 5.05 | 3.56 |
| 6 | 5.02 | 3.53 |
| 7 | 5.49 | 3.64 |
| 8 | 5.60 | 3.62 |
| 9 | 10.68 | 4.80 |
| 10 | 11.76 | 3.38 |
| 11 | 5.01 | 3.20 |
| 12 | 5.61 | 4.00 |

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 2 below:

| Total Oak Canopy to Be Removed (acres) | Canopy Removed for Road Improvements (acres) | Canopy Removed for Leach Field (acres) |
|--|--|--|
| 0.73 | 0.31 | 0.42 |

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 (Tentative Subdivision Map, Preliminary Grading and Drainage Plan, Slope Map, and Oak Canopy Map) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DELECRATION

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

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

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

Planning Services

3. **Hold Harmless Agreement:** 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.

The developer and land owner 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 Special Use Permit.

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

4. **Condition Compliance:** Prior to issuance of a building /grading permits or commencement of any use authorized by this 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 schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable Conditions of Approval
5. **Code Compliance:** Planning Services shall verify that prior to issuance of a building permit or commencement of any use authorized by this permit, that the applicant has complied with appropriate fire and building codes and has obtained all sign offs from appropriate agencies.
6. **Processing Fee:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.
7. **Fish and Game Fee:** Planning Services shall verify that the applicant has paid all applicable Fish and Game fees within thirty (30) days of approval of the project. The Building Permit shall not be issued until said fees have been paid.
8. **Map Time Limits:** This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
9. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

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 verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

10. **Oak Woodland Mitigation:** The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of project implementation (Total 0.7 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Management Plan and shall be based on the fee established by the Board of Supervisors. Based on existing oak canopy coverage, the applicant shall mitigate at a 1:1 ratio for 0.57 acres, and a 2:1 ratio for 0.13 acres. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.
11. **Park In-lieu Fees:** Pursuant to Section 16.12.090, the subdivision is subject to parkland dedication 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 Subdivision Ordinance, to the Development Services Department, and shall submit the receipt to El Dorado County Planning Services with the Final Map application.
12. **Off-site Acquisition:** Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Development Services Director for approval:
 - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
 - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the parcel map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the 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.

13. **CC & R's:** Prior to final map filing, CC & R's shall be submitted and reviewed by Planning Services.

14. **Hours of Construction:** Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

15. **School Fees:** The developer shall pay all applicable school fees at the time of issuance of building permits for individual lots.
16. **Fire Safe Plan:** A fire safe management plan, acceptable to the Pioneer Fire District and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the appropriate agency and Planning Services prior to filing the Final Map.
17. **Agricultural Setback:** The final map shall provide a 50 foot building setback for non-compatible structures for Parcel No.'s 9 and 10. Development Services shall verify the setback on the Final Map prior to filing of the map.

Pioneer Fire Protection District and CAL FIRE

18. **Fire Code:** The project applicant shall comply with all Pioneer Fire Code requirements.
19. **Street Address:** Address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers shall be four (4) inches tall, contrast with their background, and be positioned so that the bottom of the numbers is a minimum of:
- a. Eight (8) inches above final grade for residences less than 2,999-feet of elevation
 - b. Twelve (12) inches above final grade between 3,000 and 3,999-feet of elevation
 - c. Eighteen (18) inches above final grade between 4,000-feet elevation
20. **Storage:** Vehicle parking and material storage during construction shall not restrict or obstruct streets, roads, and/or access/egress to any structure. A minimum twelve (12) feet travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times including during construction.
21. **Roadway Access:** An approved access roadway pursuant to the Pioneer Fire Code shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. In the Pioneer Fire Protection District, grades shall not exceed 7

percent; however, 10 percent may be permitted on straight sections. Roadway grades greater than 12 percent shall be chip-sealed, paved, or have a concrete surface above 3,000 feet of elevation. Dead-end access roadways exceeding 150 feet in length shall be provided with an approved turn-around. Gates on access roadways shall have a key safe (knox box) installed for emergency vehicle access, and egress/access shall not be impeded by vegetation, topography, and /or snow. District approval for any roadways and gates shall be granted before ground disturbance.

22. **Driveway Access:** An approved access driveway pursuant to the Pioneer Fire Code shall be installed prior to any combustible construction on the site. Each driveway shall serve no more than two (2) buildings. The driveway shall be a minimum of twelve (12) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The driveway must be an all-weather driving surface maintained free, clear, and unobstructed at all times. In the Pioneer Fire Protection District, grades shall not exceed 16 percent; however, 20 percent may be permitted on straight sections. Driveway grades greater than 20 percent shall be chip-sealed, paved, or have a concrete surface. Dead-end access driveways exceeding 150 feet in length shall be provided with an approved turn-around. Gates on access driveways shall have a key safe (knox box) installed for emergency vehicle access, and egress/access shall not be impeded by vegetation, topography, and/or snow. District approval for any driveways and gates shall be granted before ground disturbance. A driveway connecting to a County maintained road requires a County issued encroachment permit.
23. **Fuel Reduction:** State Public Resource Code 4291 commonly referred to as the 100 feet and 30 feet minimum fuel reduction, egress/access standard, water supply, and/or fire safe regulations shall be required prior to combustible construction.
24. **Spark Arrester:** Spark arrester(s) shall be installed on chimney(s) to comply with the 2007 California Fire and Mechanical Code.
25. **Fire Detection:** If a monitored fire detection system is installed, it shall meet NFPA 72. An approved key box (Knox box) shall be installed, with the appropriate keys, for emergency Fire District access in a location approved by the Fire District.
26. **Water Supply:** If the structures exceed the maximum square footage allowed pursuant to the Pioneer Fire Code, but the existing municipal fire hydrant system satisfies fire flow requirements, no additional water supplies shall be required. If the structures exceed the maximum square footage allowed pursuant to the Pioneer Fire Code, an approved fire protection water supply shall be readily available to the building prior to combustible construction.
27. **Fire Sprinkler System:** An approved automatic fire sprinkler system shall be installed throughout the building pursuant to the Pioneer Fire Code and the requirements of NFPA 13. Residential fire sprinkler systems shall be annually tested and maintained pursuant to NFPA requirements. An approved Fire District connection, fire sprinkler flow bell, and key safe

- (Knox box) shall be installed in an approved location visible to approaching firefighters and the entire system shall supervised by an approved alarm system. Two (2) sets of sprinkler system plans shall be submitted to the Pioneer Fire Protection District for approval and a permit shall be required prior to installation of any fire alarm system equipment. Inspections of fire detection systems by the Fire Prevention Officer or an appointee shall be required.
28. **Site Map:** An 8-8 1/2 by 11-inch color coded site map of the project shall be provided to the Fire District. The site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels or keypads, key safes (Knox boxes), access doors and windows, stairways, and any additional Fire District requirements.
 29. **Final Inspection:** Final inspections of all Fire District required installations by the Fire Prevention Officer or an appointee shall be required.
 30. **Road Widths:** Roads A and B shall be a minimum road width of 20 feet pursuant to the California Fire Code (2007 California Fire Code, Appendix D).
 31. **Turnarounds:** Dead end roads shall have a turnaround constructed at its terminus (Article 2. Emergency Access, Section 1273.09(c) of the Fire Safe Regulations and 2007 California Fire Code, Appendix D).
 32. **Turnouts:** Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart (Article 2. Emergency Access, Section 1273.10 (a) of the Fire Safe Regulations).
 33. **Signage:** A sign identifying traffic access or flow limitations, including dead-end roads, 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).
 34. **Setbacks:** All parcels one (1) acre and larger shall provide a minimum 30 foot setback for buildings and accessory building form all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).
 35. **Notice of Exemption:** The property owner shall submit a Notice of Exemption from Timberland Conversion Permit for Subdivision RM-91 (14CCR§1104.2)
 - a. This exemption is applicable where a Tentative Subdivision Map (Major subdivision) has been approved by local government in conformance with the Subdivision Map Act.
 - b. Following submittal, CAL FIRE will confirm in writing that the project is exempt from the requirement to obtain a Timberland Conversion Permit.

- c. The property owner must obtain CAL FIRE approval of a Timber Harvesting Plan (THP) prior to timberland conversion operations.
36. **Timberland Permit:** A new Timberland Harvest Plan shall be submitted for the area to be subdivided. THP No. 4-08-008-ELD covered the project area, but was signed off by CAL FIRE as Stocked and Complete; therefore a new Timberland Harvest Plan shall be submitted for the project area prior to filing the final map.
37. **Slash:** Any additional slash generated by Timber Harvest Operations but not required to be treated under the California Forest Practice Rules and Regulations shall be treated as a condition of the Wildland Fire Safe Plan. The additional slash shall be treated either by piling and burning, hauling off-site and/or chipping.

Grizzly Flats Community Services District

38. **Water Standby Fee:** The applicant is required to comply with Resolution 2008-1, passed by the Grizzly Flats Community Services District Board of Directors on January 22, 2008. It is the duty of the Grizzly Flats Community Services District to provide water to all eligible parcels within its service boundary on a fair and equal basis. All parcels in the Grizzly Flats area are charged an annual standby fee in the amount of \$48. If a single parcel is split, the new parcels are required to share equally in the payment of the standby fee(s) that were to be paid by all parcels. Any parcel to be eligible for water service shall be current in its payment for the past initial formation fee and/or standby fee(s), based on when such missed fees were due and payable with six (6) percent annual interest. The property identified by Assessor's parcel Number 041-040-15 has been assessed and paid the GFCSD's annual standby fee. All new parcels created from this property shall become current in their payment of the Standby Fee. See the calculation of fees and interest below:

| Year | Standby Fee | Interest @ 6% (previous year + current year x 6%) | Total Due (previous year + current year + interest) |
|------|-------------|---|---|
| 1988 | 36.00 | 2.16 | 38.16 |
| 1989 | 48.00 | 5.17 | 91.33 |
| 1990 | 48.00 | 8.36 | 147.69 |
| 1991 | 48.00 | 11.74 | 207.43 |
| 1992 | 48.00 | 15.33 | 270.76 |
| 1993 | 48.00 | 19.13 | 337.88 |
| 1994 | 48.00 | 23.15 | 409.03 |
| 1995 | 48.00 | 27.42 | 484.46 |
| 1996 | 48.00 | 31.95 | 564.40 |
| 1997 | 48.00 | 36.74 | 649.15 |
| 1998 | 48.00 | 41.83 | 738.98 |
| 1999 | 48.00 | 47.22 | 834.20 |
| 2000 | 48.00 | 52.93 | 935.13 |
| 2001 | 48.00 | 58.99 | 1,042.12 |
| 2002 | 48.00 | 65.41 | 1,155.52 |
| 2003 | 48.00 | 72.21 | 1,275.73 |
| 2004 | 48.00 | 79.42 | 1,403.16 |
| 2005 | 48.00 | 87.07 | 1,538.23 |
| 2006 | 48.00 | 95.17 | 1,681.40 |
| 2007 | 48.00 | 103.76 | 1,833.17 |
| 2008 | 48.00 | 112.87 | 1,994.04 |
| 2009 | 48.00 | 122.52 | 2,164.56 |
| 2010 | 48.00 | 132.75 | 2,345.31 |

Surveyor’s Office

- 39. **Survey Monuments:** All survey monuments must be set prior to the presentation of the Final Map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. The project applicant shall ensure that verification of set survey monuments, or amount of bond or deposit are acceptable to the County Surveyor’s Office.
- 40. **Road Name Petition:** The applicant shall file a completed road name petition for roads serving the development with the County Surveyor’s Office prior to filing the Final Map. Proof of any signage required by the Surveyor’s Office shall be provided to the Surveyor’s Office prior to filing the Final Map.

El Dorado County Resource Conservation District

- 41. **Erosion Control Plan.** Prior to grading operations, the developer shall contact the District for review of an erosion control plan. The erosion control plan must be approved by the District prior to issuance of a grading permit.

El Dorado County Department of Environmental Health and Air Quality Management District

- 42. **Water:** The applicant shall provide a reliable water source for each proposed parcel that meets the requirements of EDC policy #800-02. A shared well system shall be prohibited for proof of water for the creation of new lots. Where feasible, wells supplying water for domestic residential use should be located on the parcel being served. Wells serving residential parcels may be located on other residential parcels or on designated open space lots within the subdivision, provided that such well and pipeline improvements are located within a designated easement appurtenant to the parcel being served by the well. Easements for well and pipeline improvements on servient parcels shall be shown on all Final Maps prior to approval and recordation.

- 43. **Fugitive Dust:** Project applicant shall adhere to Rules 223 and 223.1 during construction. The applicant shall submit a Fugitive Dust Plan Application with appropriate fees to the District and receive approval by the District prior to the issuance of a grading permit.

- 44. **Cutback and Emulsified Asphalt:** Project construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

- 45. **Rule 300 Open Burning:** Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire. Project construction shall adhere to District Rule 300 Open Burning.

- 46. **Rule 215 Architectural Coatings:** The project construction shall adhere to District Rule 215 Architectural Coatings.

El Dorado County Department of Transportation

PROJECT-SPECIFIC DOT CONDITIONS:

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

| Table 1 | | | | | |
|------------------|-----------------------------|--------------------|---------------------|---------------------|---|
| ROAD NAME | DESIGN STANDARD PLAN | ROAD WIDTH* | RIGHT OF WAY | DESIGN SPEED | EXCEPTIONS/ NOTES |
| Road A | Std Plan 101C | 20 ft with 10 ft | 50 ft | 25 mph | Because this project is located above 3,000 |

| | | | | | |
|--------|---------------|---|-------|--------|---|
| | | shoulders on either side | | | feet in elevation, it shall require a minimum structural section of 2.5" AC on 6" AB- |
| Road B | Std Plan 101C | 20 ft with 10 ft shoulders on either side | 50 ft | 25 mph | Because this project is located above 3,000 feet in elevation, it shall require a minimum structural section of 2.5" AC on 6" AB- |

* Road widths are measured from edge of pavement to edge of pavement.

** Non-exclusive road and public utility easements included

48. **Roadway Slopes:** DISM Sec 3.B.9 requires the gradient of any street above 3,000 feet elevation shall not exceed 10% for major or minor land divisions. Additionally, snow storage areas should be included to provide room for snow removed from project roadways. 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.

49. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate rights-of-way as indicated in Table 1 above for Road A and Road B prior to the filing of the map. These offers will be rejected by the County.

50. **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:

- a. parcels zoned for less than one acre-----800 feet
- b. parcels zoned for 1 acre to 4.99 acres-----1320 feet
- c. parcels zoned for 5 acres to 19.99 acres -----2640 feet
- d. 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.

51. **Turnaround:** The applicant shall provide a turnaround at the end of the onsite dead-end roadways consistent with 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.

52. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT for all required roadway improvements within the County right of way. The roadway connection from Road A onto Winding Way shall be constructed consistent with **Design Std Plan 103C**. 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.
53. **Off-site Easements:** Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.

DOT STANDARD CONDITIONS

54. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
55. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a non-exclusive road and public utilities easements for the on-site access roadways as indicated in Table 1 above prior to the filing of the map. Slope easements shall be included as necessary.
56. **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 map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
57. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
58. **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).
59. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design

Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

60. **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.
61. **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.
62. **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.
63. **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.
64. **Grading Permit / Plan:** 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 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 or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
65. **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.

66. **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.
67. **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.
68. **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:

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. 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.
- d. 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.

69. **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.
70. **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.
71. **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.
72. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
73. **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.

74. **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.
75. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

ATTACHMENT 2 **FINDINGS**

**A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road Subdivision
July 8, 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 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.
- 1.3 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.

2.0 General Plan Findings

- 2.1 The proposed use and design conforms to the General Plan in that the parcel is located within the Rural Center, the proposed use and developmental density are consistent with the proposed amended land use designation and the natural resources on site will be protected pursuant to related policies in the General Plan.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.
- 2.3 The proposed project is consistent with policies 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.7.1.1 regarding adequate

water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, 7.4.4.4 regarding oak woodland preservation and mitigation, and 8.1.3.1 and 8.4.1.2 requiring buffering between agriculturally zoned lands.

3.0 Zoning Findings

- 3.1 The subdivision proposes 12 residential parcels, which have been designed consistent with the required development standards for the RE-5 Zone District outlined in Section 17.28.210 of the County Zoning Ordinance.

4.0 Administrative Findings for Subdivision Map

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

As shown on the Waste Water Plan (Exhibit G), adequate building areas for each lot are available considering the required zoning setbacks and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

- 4.2 **The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the Mitigation Measures identified as Conditions of Approval provided within Attachment 1.

- 4.3 **The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.**

As proposed, the Tentative Map conforms to the Low Density Residential General Plan land use designation as amended and applicable General Plan policies including access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

- 4.4 **The proposed Tentative Map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.**

As proposed, the Tentative Map conforms with the development standards within the Estate Residential Five-Acre (RE-5) Zone Districts and the El Dorado County Subdivision Ordinance.