

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



<b>Agenda of:</b>	February 10, 2011
<b>Item No.:</b>	9
<b>Staff:</b>	Tom Dougherty

**REZONE/TENTATIVE MAP**

**FILE NUMBER:** Z10-0006/TM10-1497/Diamond View Estates

**APPLICANTS:** Jeannie Llewellyn/Habenaria Repens LLC, Tim Vi Tran/Ivy RE Investments LLC, and Lin Yang/Bloomfield Business LLC

**AGENT/ENGINEER:** Larry Patterson/Patterson Development

**REQUEST:** The proposed project consists of the following requests:

1. Rezone an approximately two-acre portion of the 30.95-acre parcel from One-Family Residential-Planned Development, (R1-PD) to One-Acre Residential (R1A); and
2. Tentative Subdivision Map to create 26 single-family residential lots ranging in size from 1 to 1.7 acres; and
3. Design Waiver request to allow a driveway standard and no roadway frontage for access for Lot 17.

**LOCATION:** The property is located on the south side of Turbo Lane approximately 200 feet southwest of the intersection with Forni Road in the Diamond Springs area, Supervisorial District III. (Exhibit A)

**APN:** 329-201-65 (Exhibit B)

**ACREAGE:** 30.95 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit D)

**ZONING:** One-Acre Residential and One-Family Residential-Planned Development (R1A & R1-PD) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

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 Z10-0006 based on the Findings in Attachment 2;
4. Approve Tentative Map TM10-1497 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
5. Approve the request for a Design Waiver to allow a driveway standard and no roadway frontage for access for Lot 17.

**BACKGROUND:** The 30.95-acre project parcel was created by Parcel Map PM19/145 in May of 1978. The subject application was deemed complete on June 23, 2010.

**STAFF ANALYSIS**

**Project Description:**

**Rezone:** Request to rezone an approximately two-acre portion of the 30.95-acre parcel from One-Family Residential–Planned Development, (R1–PD) to One-Acre Residential (R1A).

**Tentative Subdivision Map:** Tentative Subdivision Map to subdivide the property into 26 single-family residential parcels ranging in size from 1.00 to 1.7 acres. A Design Waiver has been requested to allow a driveway standard and no roadway frontage for access for Lot 17. All lots would be served by public water and sewer. The applicants would be required to construct a new access through road (proposed Ranch Road) and improve the existing interior roads (Turbo Lane and Wade Court). The project is not proposed to be phased. The following table is a breakdown of the coverage within the proposed subdivision:

<b>Diamond View Estates Tentative Subdivision Map Individual Lot Area Summary</b>			
<b>Lot No.</b>	<b>Acres</b>	<b>Lot No.</b>	<b>Acres</b>
1	1.24	14	1.00
2	1.01	15	1.00
3	1.00	16	1.03
4	1.00	17	1.02
5	1.00	18	1.13

6	1.00	19	1.00
7	1.00	20	1.00
8	1.00	21	1.00
9	1.11	22	1.11
10	1.02	23	1.07
11	1.00	24	1.01
12	1.00	25	1.00
13	1.00	26	1.00

**Site Description:** The 39.5-acre parcel varies in elevation from 1,720 to 1,855 feet above sea level. The highest point is in the southeastern portion of the parcel which slopes moderately to steeply from that point in all directions and rises to lesser elevations at various points throughout the parcel. The majority of the parcel is grassland with approximately 18 percent of it being oak canopy and the remaining covered with native shrubs and other native trees.

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	R1A/R1-PD	MDR	Residential/Vacant
<b>North</b>	RE-10/R20K	MDR/HDR	Residential/Single family residences
<b>South</b>	R1A/RE-10	MDR	Residential/Single family residences
<b>East</b>	RE-10	I/PF	Industrial/Vacant. The area designated by the General Plan with PF is the EID water storage tank parcel.
<b>West</b>	RE-10/R1A	MDR	Residential/Single family residences

Discussion: Exhibits A and B illustrate that the general area consists of 1 to 2-acre parcels in one-acre zones with all parcels adjoining the subject parcel have the medium-density residential land use designation with the exception of the parcel to the east. The parcel to the east has been designated by the General Plan for Industrial uses. That parcel has an active development proposal (Z06-0020/P05-0004/Harrington Business Park) that Planning is processing with the description as follows:

*Rezone from RE-10 to I-DC for APN 329-280-15 and from RE-10/C to I-DC (north of State Route 49) and C-DC (south of State Route 49) for APN 329-280-16. Industrial/commercial tentative parcel map to create seven commercial parcels, 36 industrial parcels for a total of 43 parcels ranging in size from 0.40 to 10.65 acres.*

*While the proposed project would be very compatible with the existing industrial and commercial uses to the north of the subject site, it is potentially incompatible with the existing residential uses to the west and south of the site. Land use compatibility issues with the proposed industrial and commercial uses adjacent to existing residential uses include lighting, odor, noise, grading, and visual impacts. In order to address these potential land use compatibility issues, each parcel would be required to undergo a discretionary design review process prior to building permit issuance. The design review application process would allow staff and decision-makers an opportunity to review design, noise, lighting, grading, and traffic issues when specific industrial and/or commercial uses for the proposed parcels are known.*

Should the neighboring project to the east be approved with design control required for each future building permit for the lots created, the proposed lots could be found to be compatible with the surrounding development for an area planned for medium density residential land use and located within a Community Region.

**Project Issues:** Discussion items for this project include access and circulation, building envelopes, Design Waiver request, fire safety, grading and drainage, homeowner's association, parks, public transit, schools, sidewalks, wastewater disposal, and water supply.

**Access and Circulation:** The primary access roadway for the project is Forni Road, a two-lane regional road maintained by the County. The project lies within the El Dorado/Diamond Springs Community Region and is proposing private roadways within the subdivision.

The project proposes to use the existing private roadway of Turbo Lane, as well as the proposed Rancho Road as the primary access points from Forni Road. Because the project is within a Community Region, onsite access roadways would be required to be consistent with Design Standard Plan 101B. This design standard requires a minimum 28-foot wide road with type 1 rolled curb and gutter paved with a minimum 3 inches of asphalt concrete over 8 inches of aggregate base.

A traffic study (*ADH TS Diamond View Final Traffic Impact Study*, Prism Engineering, November 17, 2010) was prepared for the project to evaluate the potential traffic impacts generated. That study was analyzed by Dowling and Associates, DOT and Cal Trans. DOT summed up the collective findings as follows:

*The approved Traffic Impact Study identifies two intersections which require mitigation for the Forni Road/Pleasant Valley Road (SR-49) and Oakdell Road/Pleasant Valley Road (SR-49). In order for the signalization to be effective at the Forni Road/Pleasant Valley Road (SR-49) intersection, Forni Road requires to be realigned. This project only increases traffic by 0.5 percent at this intersection. DOT has therefore determined that its fair share through the TIM fees will be an acceptable mitigation for this intersection. Caltrans is in concurrence with DOT's recommended mitigation for the Forni Road/Pleasant Valley Road (SR-49) intersection.*

*Although the signalization at the Oakdell Road/Pleasant Valley Road (SR-49) would help alleviate the LOS problem, the intersection is closely spaced (within 500-feet) of an existing signalized intersection (Koki Lane/Pleasant Valley Road (SR-49). Therefore the proposed mitigation is not acceptable, as the preferred signal spacing is 1,200-feet. Additionally, this project only increases traffic by 0.2 percent at this intersection. DOT has therefore determined that its fair share through the TIM fees will be an acceptable mitigation for this intersection. Caltrans is in concurrence with DOT's recommended mitigation for the Oakdell Road/Pleasant Valley Road (SR-49) intersection.*

With the inclusion of the Conditions of Approval recommended by DOT that are listed in full detail in the subject project staff report for this project, the direct and cumulative impacts would be reduced to a less than significant level.

**Building Envelopes:** No building envelopes are proposed as part of the subdivision. The driveway and pads shown on the submitted Tentative Map successfully demonstrate that each lot has been designed to allow at least one single family development area per lot. It further shows each proposed lot has the ability to meet zoning setbacks per the development standards of the R1A zone district (front: 30 feet, side: 15 feet, rear: 30 feet) however, lots over one acre in size require the 30-foot Fire Safe setback for defensible space which could be subject to a reduction to 15 feet side setback in R1A if approved by the Diamond Springs-El Dorado Fire Protection District. No structural development would be allowed on slopes of greater than 30 percent consistent with General Plan Policies. The project design would allow future custom grading within individual lot development areas. The submitted Tentative Subdivision Map and Preliminary Grading Plan (Exhibits F and H) demonstrate that each proposed lot and interior roadway would have an adequate area for a residential structure and supporting infrastructure development.

**Design Waiver Request:** A Design Waiver has been requested to deviate from the requirements of the El Dorado County Design Improvement Standards Manual (DISM). A Design Waiver has been requested to allow variations from Volume II, Section 2, B (5) of the El Dorado County Design Improvement Standards Manual (DISM) to allow a driveway for access to Lot 17.

Discussion: Strict adherence to the said DISM standards for the access road requirements to proposed Lot 17 would involve introducing a 20-foot wide road to the parcel which would allow unwanted public access, and require using a portion Lot 16 lands for a 50-foot wide easement. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.080.D of the Zoning Code which would then create a flag-lot shaped lot exceeding the required 3 to 1 ratio because they must remain one acre or more in size. The new lot with a driveway standard would create a shape which would conform to the dominant pattern of the lots surrounding them as well as reduce potential environmental impacts. Planning is recommending approval of the Design Waiver request.

**Fire Safety:** The site is located in the El Dorado Irrigation District (EID) service area. There are existing domestic water delivery facilities on Turbo Lane and Wade Court. The lots would be required to meet the required fire flow needed for fire protection as determined by the Diamond Springs-El Dorado Fire Protection District. Pursuant to the Fire District, these standards would include the installation of fire hydrants at District determined distances, with the hydrants supplied by a water delivery system capable of maintaining a fire flow of 1,000 gallons per-minute at 20 lbs. pressure for duration of two hours for homes less than 3,600 square feet, and 1,500 gallons per minute at 20 lbs. pressure for two hours for those over 3,600 square feet. According to the EID Facility Improvement Letter (FIL), dated, May 19, 2010, that would require the extension of the existing facilities. The project has been conditioned to meet this requirement prior to filing the Final Map.

Cal Fire staff responded to the request for comments by stating that they had no comments based on current design and their March 2009 approval of the submitted *Diamond View Estates Wildland Fire Safe Plan* dated March 7, 2009. Cal Fire did comment that more restrictive standards may be proposed by the local Fire Protection District or the County of El Dorado and thus defer to the local fire district. The Diamond Springs-El Dorado Fire Protection District also

reviewed the submitted Fire Safe Plan which addresses the reduction of the intensity of potential wildfires by reducing the volume and density of flammable vegetation within the project vicinity. The District approved the Plan but has recommended additional Conditions of Approval for the project to meet District Fire Safe standards. The project has been conditioned to meet the requirements of the District.

**Grading and Drainage:** Grading and drainage improvements associated with the proposed subdivision appear to be only those associated with the required infrastructure improvements, which includes the roadways to access the project site as well as the required utility improvements. A Grading & Drainage Plan would be required. DOT has advised the applicant to show interceptor drains to avoid cross-lot drainage issues, to obtain offsite easements when applicable, and to use contour grading to avoid the stair-step effect. The Preliminary Grading Plan is shown in Exhibit H.

**Homeowner's Association:** A Homeowner's Association (HOA) would need to be established for the purposes of implementing the Fire Safe Plan, maintenance of any fences and walls constructed on the subdivision property lines, the maintenance of the shared roads, and all drainage facilities within the subdivision. Covenants, Conditions and Restrictions (CC&Rs) would be reviewed by the County with the filing of the Final Map to insure they include those provisions.

**Parks:** The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid at the time of filing of a Final Map to El Dorado County and would be applied to the Motherlode Recreation District area of the County which includes the Diamond Springs and El Dorado community areas. The project was distributed for review to the El Dorado County Parks and Recreation Commission who did not respond with any requests or concerns.

**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 is located within the Mother Lode Union School District which oversees the elementary and middle schools, and the El Dorado Union High School District which oversees the high schools. Neither school district responded to the request for comments that they do not have the capacity to serve the project. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

**Sidewalks:** In accordance the County of El Dorado General Plan Policy TC-5a, sidewalks are required when lots are less than 10,000 square feet in area. Because this subdivision contains lots all greater than 10,000 square feet in area (26 lots 1 to 1.7 acres in area proposed), DOT has determined that sidewalks would not be required and the applicants have not included them in the project design.

**Wastewater Disposal:** Sewer facilities for the project would be provided by the El Dorado Irrigation District (EID). There is an existing eight-inch sewer line located at the intersection of Forni Road and Turbo Lane. The EID Facility Improvement Letter (FIL), dated, May 19, 2010 states that that sewer line has adequate capacity for the proposed project at this time with extensions of facilities of adequate size.

**Water Supply:** Water for the project would be provided by the EID. EID has indicated in the submitted FIL that they have the ability to serve the project with existing mains as long as the applicant meets Fire Protection District standards development of a looped water system within the proposed development. This system would need to tie into the existing eight-inch water line in Turbo Lane and the six-inch water line in Wade Court, with no upgrades required. The FIL makes it clear that is not a commitment to serve, but does address the location and approximate capacity of existing facilities that may be available to serve the proposed project. In terms of water supply, as of January 1, 2009, there were 1,315 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. The FIL states that the project, as proposed on the date of the notice, would require 25 additional equivalent dwelling units (EDUs) of water supply. The resulting lots for the current proposal would be required to establish separate domestic water service accounts with EID. The applicant would be responsible for the installation of all improvements to the District's *Water, Sewer and Recycled Water Design and Construction Standards* necessary to provide these services. The improvements required would be determined by a Facility Plan Report of the system provided by the applicants to EID to analyze to see if the proposed system is adequate to supply the domestic water at the correct pressure to satisfy the Diamond Springs-El Dorado Fire Protection District fire flow requirements prior to construction.

**General Plan:** The General Plan designates the subject site as Medium-Density Residential (MDR) which identifies those areas *suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities* and allow a maximum allowable density of one dwelling unit per 1.0 acre with parcel sizes from 1.00 to 5.00 acres in size. The project proposes 26 single-family residential lots ranging in size from 1 to 1.7 acres. As conditioned and mitigated, this project would be consistent with the policies of the adopted 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:

**Community Region:** **Objective 2.1.1** established the El Dorado – Diamond Springs Community Region boundary. The subject parcel is located within that boundary. **Policy 2.1.1.2** defines Community Regions as *those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries.*

Discussion: Planning staff has found that the subject proposal does meet the intent of these policies by providing the allowable density within this MDR designated parcel.

**Adequate Roads, Public Utilities, Wildfire Hazards:** 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 in the *Project Issues, Fire Safety* section, as conditioned and with adherence to the approved Fire Safe Plan, the existing and proposed road and utility improvements would be adequate to serve the proposed subdivision.

**Rezone:** Policy 2.2.5.3 requires 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:

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	<b>Consistent:</b> As discussed above in the <i>Water</i> section in <i>Project Issues</i> , there is sufficient water available for the project.
2. <i>Availability and capacity of public treated water system.</i>	<b>Consistent:</b> As discussed above in the <i>Water</i> section in <i>Project Issues</i> , the EID has adequate EDUs to serve the proposed project and adjacent facilities for the project to potentially connect to.
3. <i>Availability and capacity of public waste water treatment system.</i>	<b>Consistent:</b> The project would connect to an existing EID public wastewater treatment system and would be required to extend those facilities to handle the increased capacity.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	<b>Consistent:</b> As discussed above in the <i>Schools</i> section in <i>Project Issues</i> , the school districts have the locations and capacity to adequately serve the proposed project area.
5. <i>Response time from nearest fire station handling structure fires.</i>	<b>Consistent:</b> The Diamond Springs-El Dorado Fire Protection District would be responsible for serving the project area. The Fire District has recommended Conditions of Approval that would require that the project adhere to the applicable building and fire codes, regarding the installation of fire hydrants, provision of established fire flow, execution of the District Fire Safe regulations, provision of a secondary emergency access, and construction of road improvements as required by the DOT. The fulfillment of those recommended conditions would address the fire related safety issues identified by the District.
6. <i>Distance to nearest Community Region or Rural Center.</i>	<b>Consistent:</b> The project site is located within the El Dorado-Diamond Springs Community Region. As proposed, the project is a residential project similar in



	character to existing and proposed medium-density residential uses surrounding the project site on three sides.
7. <i>Erosion hazard.</i>	<b>Consistent:</b> The project proposes future custom grading for individual site development. Grading for roads and drainage infrastructure would be required to be completed prior to submittal of the Final Map. This would assure that all existing drainage courses would be adequately protected by the incorporation of appropriate development setbacks with the exception of culverts under proposed roadways. Erosion hazards would be required to be mitigated by strict adherence to Best Management practices required during the grading permit process.
8. <i>Septic and leach field capability.</i>	<b>Consistent:</b> The proposed lots would be served through extensions to existing EID sewer facilities.
9. <i>Groundwater capability to support wells.</i>	<b>Consistent:</b> The project will be served by EID public water facilities. No wells are proposed.
10. <i>Critical flora and fauna habitat areas.</i>	<p><b>Consistent:</b> The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is located within Rare Plant Mitigation Area 2 which is defined as lands not known to contain special status plant species but within the EID service area. A <i>Special Status Plant Survey</i> dated May 7, 2008 by LSA Associates, Inc. was submitted by the applicants that included the results of a survey of the parcel for the special status and locally significant plants and suitable habitat for the same. The field study was performed on April 24, 2008 to encompass the blooming period of all special-status plants with a potential to occur on the site. The survey was done in accordance with the California Native Plant Society Botanical Survey Guidelines. No special-status species were found on the site and it was determined that there is no habitat on the project site to support the special status plants that could potentially be present.</p> <p>The Survey found that <i>although not a special status plant, one blue elderberry shrub (Sambucus mexicana) was observed in the southwest portion of the project site.</i> This is discussed further below in the Policy 7.4.1.5 section.</p> <p>Depending on the time of the year development occurs, there could be impacts to nesting raptors or other migratory birds. The project has included a mitigation measure designed to reduce those potential impacts. This is discussed further below in the Policy 7.4.1.5 section.</p>

11. <i>Important timber production areas.</i>	<b>Consistent:</b> The project site does not contain or is adjacent to any important timber production areas.
12. <i>Important agricultural areas.</i>	<b>Consistent:</b> This property and project is not under and would not conflict with an adjacent Williamson Act Contract.  The subject parcel is located within the El Dorado-Diamond Springs Community Region and does not contain, nor is it adjacent to, lands zoned and designated by the General Plan to be preserved for agricultural use.
13. <i>Important mineral resource areas.</i>	<b>Consistent:</b> The project site does not contain or is located adjacent to any important mineral resource areas.
14. <i>Capacity of the transportation system serving the area.</i>	<b>Consistent:</b> DOT reviewed the submitted traffic study and concluded that the recommended Conditions of Approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area.
15. <i>Existing land use pattern.</i>	<b>Consistent:</b> The project site is surrounded by land designated and utilized for medium-density residential uses on three sides and industrial uses on the fourth. The proposed rezone would be consistent with that dominant land use pattern as it is a two-acre portion within the subject parcel, surrounded by R1A and RE-10 zoned parcels.
16. <i>Proximity to perennial watercourse.</i>	<b>Consistent:</b> There were no perennial watercourses identified by the within the project parcel. The closest perennial stream as identified on the Placerville U.S.G.S. Quadrangle is Deadman Creek which is located approximately 0.75 mile southeast of the project.
17. <i>Important historical/archeological sites.</i>	<b>Consistent:</b> An <i>Updated Cultural Resources Study of the Diamond View Estates Subdivision Project</i> , Historic Resources Associates, September 2010 was completed for the subject parcel and reported there were no significant prehistoric and historic-period cultural resources sites, artifacts, historic buildings, structures or objects found. Because of the possibility in the future that ground disturbances could discover significant cultural resources, Planning has added standard Conditions of Approval to assure that potential issue is addressed during project development.
18. <i>Seismic hazards and present of active faults.</i>	<b>Consistent:</b> As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking,

	seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.
19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i>	<b>Consistent:</b> The project would be required to develop CC&Rs for the purposes of implementing, monitoring and maintenance of the approved Fire Safe Plan, maintenance of any fences and walls constructed on the subdivision property lines, the maintenance of the shared roads, and all drainage facilities within the subdivision. The Covenants, Conditions and Restrictions (CC&Rs) would be submitted to Planning for review and approval, prior to submission of the Final Map. Any future changes of any County required provisions of the approved CC&Rs would require County approval.

**Land Use Compatibility:** Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood.

Discussion: As previously discussed and shown in the *Adjacent Land Use Table* above, the proposed residential project would be consistent with this Policy.

**Lighting Impacts:** Policy 2.8.1.1 directs that *development shall limit excess nighttime light and that consideration will be given to design features, namely directional shielding, for street lighting that could reduce effects from nighttime lighting.*

Discussion: If approved as proposed, the creation of these 26 lots would allow new lighting by creating the potential for residential units on each lot. These impacts would not be expected to be any more than any typical residential lighting similar and typical to other subdivisions created within a land use area designated by the General Plan for Medium Density Residential uses within the County. With exception to potential patio and garage entrance lighting, common area lighting is not proposed for this project. Use of flood lighting, security lighting and spot lighting for porch, patio and garage entrances would be required to meet the County lighting ordinance and must be shielded to avoid potential glare affecting day or nighttime views for those that live or travel through the area.

**Public Services and Utilities:** Policy 5.1.2.1 directs that *prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development.*

Discussion: The submitted FIL determined there were adequate water and sewer facilities available to the project. There are adequate telephone, electric, and solid waste disposal services available to the site. The Fire District, schools, Sheriffs Office and recreation district have been determined to have adequate capacity to serve the project as discussed in more detail in the Initial Study-Environmental Checklist attached as Exhibit L.

**Water Supply and Fire Flow:** Policy 5.2.1.2 requires that *the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development.* 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: Water supply and required fire flow were discussed previously above in the *Project Issues, Fire Safety and Water Supply* sections. The project is conditioned to meet these policy requirements.

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

Discussion: As discussed above in the *Project Issues, Water Supply* section, public water service would be provided to the project site by EID. EID provided a letter indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with Policy 5.2.1.4 regarding availability of reliable water supply.

**Fire Protection Services:** Policy 5.7.1.1 requires that *adequate fire protection services be provided for the proposed development.*

Discussion: As discussed above in the *Project Issues and Fire Safety* sections, a Fire Safe Plan has been submitted that has been approved by both the Fire District and Cal Fire. This plan, as well as the Fire District recommended Conditions of Approval require minimum roadway widths, secondary emergency access, and fire hydrant placement ensure adequate fire protection infrastructure. The project is conditioned to meet this Policy requirement.

**Adequate Access for Emergencies:** 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: With the inclusion of the requirement for the project to comply with the approved Fire Safe Plan, as well as the Fire District recommended Conditions of Approval, neither the Fire District nor Cal Fire would have any outstanding concerns with adequate access for emergencies. As discussed under *Access and Circulation and Fire Safety* in the *Project Issues* section, the project would meet the intent of this policy.

**Wetlands/Intermittent Streams:** Policy 7.3.3.4 directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands.

Discussion: The *Preliminary Delineation of Potential Waters of the U.S.-Diamond View Subdivision*, LSA Associates, Inc., dated June 18, 2008 prepared for the project identified one 0.005-acre seasonal wetland potentially subject to Clean Water Act jurisdiction. The applicants have located this wetland on the submitted Tentative Subdivision Map at the location identified in Figure 4 of the submitted study and identified it with a proposed permanent 50-foot non-

building setback. Implementing a 50-foot buffer from the drainage and proposed development is expected to protect riparian habitat values and quality of the drainage. Implementation of Mitigation Measures (Conditions) 4 and 5 would mitigate the impacts to wetlands and the project would then be compliant with this Policy. The full discussion of the impacts to 7.3.3.4 is contained in Section IV Biological Resources in the Environmental Checklist/Discussion of Impacts as shown in Exhibit L.

**Rare, Threatened and Endangered Species:** Policy 7.4.1.5 directs that *all discretionary projects should be designed to protect special status plant and animal species and their habitat.*

Discussion: A *Special Status Plant Survey* dated May 7, 2008 by LSA Associates, Inc. was submitted by the applicants that included the results of a survey of the parcel for the special status and locally significant plants and suitable habitat for the same. No special-status species were found on the site and it was determined that there is no habitat on the project site to support the special status plants that could potentially be present. The Survey found that *although not a special status plant, one blue elderberry shrub (Sambucus mexicana) was observed in the southwest portion of the project site.* Blue elderberry is the host plant for the Valley Elderberry Longhorn Beetle (VELB) (*Democerus californicus dimorphus*), a federally threatened species. The study found that the project request could have a potentially significant impact to that potential habitat for the VELB and recommended a Mitigation Measure to reduce potentially significant impacts to a less than significant level. This recommended ‘no disturbance buffer’ Mitigation Measure is included in Attachment 1.

The project could have an impact on nesting raptors or other protected migratory birds by the tree canopy removal anticipated for the project. Depending on the timing of construction, site disturbance could result in disturbance of breeding and nesting activity of this species. According to the California Department of Fish and Game Code 3503, “take” of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Game. That disturbance of active nests can be avoided during construction through appropriate measures. Those measures have been included in recommended Mitigation Measure 3 included in Attachment 1.

**Oak Tree Canopy:** Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Discussion: The subject parcel area contains 30.95 acres (1,348,182 square feet). The submitted *Proposed Oak Tree canopy Retention Map for Diamond View Subdivision* dated February 2, 2009 found that the project area has 10 percent oak canopy coverage. General Plan Policy 7.4.4.4 would therefore require the retention of 90 percent of the indigenous oak tree canopy for the project area. The project would remove approximately 25,576.94 square feet of canopy for road and lot development which is 18 percent of the total canopy coverage. In lieu of the replanting and monitoring requirements set forth in Option A, the applicants have chosen mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan. Upon fulfillment of the recommended Condition 6 for 2,557.70 square-feet to be paid at a 1 to 1 ratio, and 2,046.15

square feet to be paid at a 2 to 1 ratio to the County, the project would be compliant with Policy 7.4.4.4.

**Conclusion:** The project has been reviewed in accordance with the General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan.

**Zoning:** The majority of the subject site is currently zoned One-Acre Residential (R1A). An approximately two-acre portion of the subject parcel is zoned R1-PD and is subject of the rezone request discussed above in the General Plan Policy 2.2.5.3 section. With the approved rezone, the entire project area would be zoned R1A. The 26 proposed single-family residential lots ranging in size from 1 to 1.7 acres would conform to existing zoning and the development standards in Section 17.28.080 for minimum lot width of 100 feet, minimum parcel size of one acre, building setback requirements of 30 feet in the front yards, 15 feet for the side yards (with Fire District approval), and 30 feet for the rear yards as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

As discussed above in the *Project Issues, Building Envelopes* section, lots over one acre in size require the 30-foot setbacks pursuant to Fire Safe Standards which might be subject to a reduction to 15 feet side setback in R1A if approved by the local Fire District. The setback lines shown on the submitted tentative map represent the zoning side yard setbacks and not the Fire Safe side yard setback.

**Conclusion:** As discussed above, with the exception of Lot 17 requiring a Design Waiver, the project conforms to the Zoning Code. Staff finds that the necessary findings can be made to support the rezone and Tentative Subdivision Map request. The details of those Findings are contained in Attachment 2.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to biological resources. Staff has determined that significant effects of the project on the environment have been mitigated; therefore, 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.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## 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 .....	Parcel Map PM19/145
Exhibit D .....	General Land Use Map
Exhibit E .....	Zoning Map
Exhibit F .....	Tentative Subdivision Map
Exhibit G .....	Tentative Subdivision Map overlaid on aerial photo
Exhibit H .....	Preliminary Grading Plan
Exhibit I .....	Soils Map
Exhibits J-1 to J-3 .....	Site visit photos
Exhibits K-1 to K-3 .....	Aerial photos of the project site
Exhibit L .....	Environmental Checklist/Discussion of Impacts

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Rezone Z10-0006/Tentative Map TM10-1497/Diamond View Estates Planning Commission/February 10, 2011

1. This Rezone and Tentative Subdivision Map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit F (Tentative subdivision Map) 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 and applies to the parcel currently identified by Assessor's Parcel Number 329-201-65:

- a. Rezone an approximately two-acre portion of the 30.95-acre parcel from One-Family Residential-Planned Development, (R1-PD) to One-Acre Residential (R1A); and
- b. Tentative Subdivision Map to subdivide the property into 26 single-family residential parcels ranging in size from 1.0 to 1.7-acre lots.
- c. Design Waiver allowing a driveway standard and no roadway frontage for access for Lot 17.

All lots will be served by public water and sewer. A phasing plan does not accompany this approval. The following table is a breakdown of the interior of the subdivision and the approved lots:

<b>Diamond View Estates Tentative Subdivision Map Individual Lot Area Summary</b>			
<b>Lot No.</b>	<b>Acres</b>	<b>Lot No.</b>	<b>Acres</b>
1	1.24	14	1.00
2	1.01	15	1.00
3	1.00	16	1.03
4	1.00	17	1.02
5	1.00	18	1.13
6	1.00	19	1.00
7	1.00	20	1.00
8	1.00	21	1.00
9	1.11	22	1.11
10	1.02	23	1.07
11	1.00	24	1.01



12	1.00	25	1.00
13	1.00	26	1.00

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

### Conditions from the Mitigated Negative Declaration

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

- BIO-1: No Disturbance Buffer:** A no-disturbance buffer around the elderberry shrubs as shown on the Tentative Subdivision Map within Lot 18 shall be marked by orange construction fencing prior to commencement of any grading or building permit within said Lot. Said fencing shall have signs posted on them that read, "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be readable from a distance of 20 feet, and must be maintained for the duration of construction.

#### Monitoring Responsibility: Planning Services

**Monitoring Requirement:** This requirement shall be placed on the grading permit submitted for all future grading or building permit plans for the area shown within proposed Lot 18 for TM10-1497. Development Services shall review the submitted plans for inclusion of said mitigation prior to issuance of any future grading or building permit. The applicants shall provide Development Services with proof that said fencing has been installed as described above, prior to initiation of any work allowed by an issued building and/or grading permit for future Lot 18 development.

- BIO-2: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on the grading plans. Planning Services shall review the surveys prior to issuance of a grading permit.

4. **BIO-3: Wetland Delineation Verification:** Prior to potential disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. A total of 0.005 acres of seasonal wetlands were mapped in the combined study area. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the 404 permit, if required, to Development Services prior to issuance of the grading permit for road infrastructure improvements. If no permits are required by the Corps, a letter from the Corps shall be provided to Development Services stating that no permit shall be required for this project.

5. **BIO-4: No Disturbance Buffer:** A 50-foot setback line shall be shown on the Final Map that begins at all high-water marks or the outer boundary of any adjacent wetlands identified in the area identified in Figure 4 as ADJ-1 of the *Preliminary Delineation of Potential Waters of the U.S.-Diamond View Subdivision*, LSA Associates, Inc., dated June 18, 2008, and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. The identification shall be made on the Final Map, Site Plan Review, grading and building plans where applicable.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Prior to filing of the Final Map, Site Plan Review (SPR), grading and/or building plan approval, Development Services shall verify that the

identification has been made on the Final Map, Site Plan Review, grading and building plans where applicable. The setback lines shall be shown on any submitted development plans submitted for the grading permit and Development Services shall verify this prior to issuance of any development permit.

### **Planning Services**

6. **Oak Woodland:** The applicant shall pay the full mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. Of the 25,576.95 square-feet of oak canopy project to be removed (18 percent of the project area), 2,557.70 square-feet shall be paid at a 1 to 1 ratio, and 2,046.15 square feet shall be paid at a 2 to 1 ratio, as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Development Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.
7. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. The required application fees shall be paid to process the time extension.
8. **Compliance with Conditions:** At the same time of a submission of a Final Map, and at submittal of any grading permit 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 that applies at each said stage. Planning Services shall verify compliance prior to issuance of the road improvement grading permit and concurrent with the filing of a Final Map.
9. **Processing Fee:** Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
10. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Certificate of Compliance issued until said fees are paid.
11. **Grading Permit:** 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 Development Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
12. **Water Meter Award Letter:** A water meter award letter from El Dorado Irrigation District or similar assurance from the water purveyor, guaranteeing water service upon

demand to each of the parcels created, shall be submitted to Development Services at the time of filing the Final Map.

13. **Park In-lieu Fees:** Pursuant to Section 16.12.090, the project is responsible for parkland dedication 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 General Services Facilities Department, and shall submit the receipt to El Dorado County Development Services with the Final Map.
14. **Liens for Assessment or Bonds:** Prior to filing the Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
15. **Archeological Resources:** If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

16. **HOA and CC&RS:** A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
  - a. Implementation of all provisions of the *Diamond View Estates Wildland Fire Safe Plan*, Bill Draper, Registered Professional Forester #898, March 7, 2009.
  - b. The HOA shall be fully responsible for the ongoing maintenance and monitoring of the shared private road easement area that is entirely within the subdivision boundary as shown on TM10-1497, Exhibit F, as well as the associated drainage

facilities and the associated fire safety management of those areas to specifications recommended by the Fire Safe Plan.

- c. The HOA shall be fully responsible for the ongoing maintenance of any fences and walls constructed on the subdivision's perimeter property lines.
- d. No construction or grading of any kind shall occur within the non-building setback areas shown on the Final Map.
- e. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval. The CC&Rs shall contain language that restricts any future modifications by the HOA of County required provisions without prior County approval.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Development Services for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

- 17. **School Fees:** The developer shall pay all applicable school fees at the time of issuance of building permits for individual lots.
- 18. **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.

- 19. **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, 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.

**El Dorado County Department of Transportation**

20. **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) map: (the requirements outlined in Table 1 are minimums)

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS/ NOTES</b>
Turbo Lane, Ranch Road, Wade Court <i>(onsite)</i>	Modified Std Plan 101B	28 ft	50 ft	25 mph	Type 1 rolled curb and gutter with no sidewalks

\* 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.

21. **Road and Public Utility Easement Abandonment:** As noted on the Tentative Map, the existing 50-foot wide road and public utilities easement (R&PUE) shall be abandoned and replaced with the proposed R&PUE with the filing of the final map.
22. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the Ranch Road and Turbo Lane onto Forni Road to the provisions of County Design Std 103D, 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 final map. Please note that the structural section at the edge of Forni Road is not a minimum structural section in some areas. When improvements are made at the encroachments onto Forni Rd, the applicant will be required to improve the roadway until it meets with the existing minimum structural standard.

23. **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 specified in the table above with the filing of the final map. This offer will be rejected by the County.
24. **Vehicular Access Restriction:** Prior to filing of the final map, the applicant shall record a vehicular access restriction along the entire access thru lot 16 for the use of lot 17.
25. **Access Easement:** The applicant shall show on the Final Map and provide a 30-foot road and public utility easement to serve Lot 17 with the recording of the Final Map.
26. **Turnaround:** The applicant shall provide a turn around of Wade Court to the provisions of County Standard Plan 114 or approved equivalent by local fire district. 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.
27. **Sight Distance:** The sight distance from a vehicle parked at the edge of traveled way of Turbo Lane and Rancho Road 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.
28. **Off-site Access Easements:** The applicant shall provide proof of access to the project site through Turbo Lane and Rancho Road from Forni Road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office.
29. **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.
30. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

31. **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).
32. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Final Map.
33. **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, Conditions and Restrictions (CC&Rs).
34. **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.
35. **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.
36. **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 Final Map.
37. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Final Map.



38. **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.
39. **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 Final Map.
40. **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.
41. **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.
42. **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.

43. **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 the applicant shall 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.

44. **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.
45. **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 on the Final Map.

46. **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.
47. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County’s municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with “Attachment 4’ of El Dorado County’s NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Final Map.

48. **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.
49. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

#### **Environmental Management Department - Hazardous Materials Division**

50. If any hazardous materials handling has taken place from commercial, industrial, agricultural, or mining activities on the site in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). 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 work plan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

### **El Dorado County Air Quality Management District**

51. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is not located within the Asbestos Review. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
52. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
53. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
54. The project construction will involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
55. The AQMD's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

#### **Heavy Equipment and Mobile Source Conditions:**

- a. Use low-emission on-site mobile construction equipment.
- b. Maintain equipment in tune per manufacturer specifications.
- c. Retard diesel engine injection timing by two to four degrees. Use electricity from power poles rather than temporary gasoline or diesel generators.
- d. Use reformulated low-emission diesel fuel.
- e. Use catalytic converters on gasoline-powered equipment.
- f. Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- g. Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- h. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.

- i. Configure construction parking to minimize traffic interference.
  - j. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
56. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

### **Diamond Springs-El Dorado Fire Protection District**

57. The applicant shall install a fire hydrant at the intersection of Forni Road and Rancho Road and within 500 feet of each new parcel. The applicant shall submit documentation from the El Dorado Irrigation District to the Fire District indicating that a fire flow of 1,000 gallons per minute at 20 pounds per square inch for two hours, prior to filing the Final Map.
58. Driveways to each parcel shall meet Title 14 SRA Fire Safe Regulations including turnouts where required. Turnarounds shall be provided on driveways longer than 300 feet in length prior to the issuance of a building permit.
59. Fire apparatus access roads shall have a minimum width of 20 foot of travel surface. Fire apparatus access roads, 20 to 29 feet wide, shall be posted on both sides as a fire lane, with no parking allowed on either side of the roadway. Roads 30 to 35 feet wide shall be posted on one side as No Parking, Fire Lane, with parking allowed only on the opposite side of the roadway. Fire access roads wider than 36 feet are allowed parking on both sides of the roadway. Depending on the road width the appropriate signage shall be installed prior to filing the Final Map.
60. **Community Facilities District:** Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or

annexation into the CFD. A course of action shall be approved by the Fire District to annex into the CFD prior to the filing of the Final Map.

**County Surveyor**

61. All survey monuments must be set prior to the filing of the Final Map, 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.
62. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map

## **ATTACHMENT 2**

### **FINDINGS**

#### **Rezone Z10-0006/Tentative Map TM10-1497/Diamond View Estates Planning Commission/February 10, 2011**

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

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. 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 Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

##### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Medium Density Residential (MDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation identifies those areas suitable for detached single-family residences with larger lot sizes which will enable limited horticultural and agricultural lapursuits and allow a maximum allowable density of one dwelling unit per 1.0 acre with lot sizes from 1.00 to 5.00 acres in size. The project proposes 26 single-family residential lots ranging in size from 1 to 1.7 which conform to the General Plan land use designation.

- 2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of General Plan Objectives 2.1.1 (Community Region boundaries), Policies 2.1.1.2 (Community Region definition), 2.1.1.7 (adequate roads, utilities and addressing fire hazards), 2.2.5.3 (rezone criteria), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.3.3.4 (impacts to wetlands), 7.4.1.5 (rare, threatened, endangered species), and 7.4.4.4 (impacts to oak canopy). Because of the review for General Plan consistency, and as conditioned and mitigated, less than significant impacts to water, biological, archeological and historical features, visual qualities, traffic, services, public facilities, public utilities, and on existing emergency response capabilities will occur. The project can be found to be compatible with the local community. It has been reviewed and conditioned by the Diamond Springs-El Dorado Fire Protection District, Department of Transportation, County Surveyor and the El Dorado Irrigation District noting there are adequate available utilities such as water, power and solid waste facilities. As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding 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, with an approved rezone to R1A, the 26 lots conform to existing zoning and the development standards in Section 17.28.080 for minimum lot width of 100 feet, minimum parcel size of one acre, building setback requirements of 30 feet in the front yards, 30 feet for the side yards (15 feet with Fire District approval), and 30 feet for the rear yards, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Tentative Subdivision Map**

- 4.1.1 *The proposed Tentative Subdivision Map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, and modified by the Mitigations and Conditions of Approval, the map conforms to the Medium Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy, threatened species, and wetland impacts.*
- 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 1.2 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. Potential*



environmental impacts for the subdivision have been minimized by the lot designs and one plus acre sizes. The loss of indigenous oak tree canopy will be mitigated by in-lieu fee requirements, the wetlands will be mitigated for minimal impacts, and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.

- 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 and Diamond Springs-El Dorado 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.* The Diamond Springs-El Dorado Fire Protection District reviewed the proposed Tentative Subdivision Map and conditioned the map for adherence to Fire Safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

**5.1 Allow a driveway standard for access and no roadway frontage for Lot 17.** The support for the Design Waiver is based on the following findings:

- 5.1.1 *Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because strict adherence to the said DISM standards for the access road requirements to proposed Lot 17 would involve introducing a 20-foot wide road to the parcel which may allow unwanted public access. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create a flag-shaped lot exceeding the required 3 to 1 ratio because they must remain one acre or more in size. The new lot with a driveway standard would create a shape which would conform to the dominant pattern of the lots surrounding them.
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* because strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would create a flag lot that would exceed the 3 to 1 ratio.
- 5.1.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because allowing Lot 17 to use a driveway standard access road for exclusive access will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.1.4 *This waiver 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* because the

approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.