

**Findings**

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

**FINDINGS FOR APPROVAL**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,876.75 and a \$50 El Dorado County processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

**2.0 Zone Change Findings**

**2.1 That the proposed Rezone is consistent with applicable general and specific plans;**

The proposed rezone from Estate Residential Five-acre/ Airport Safety (RE-5/AA) to One-Acre Residential/ Airport Safety (R1AA) is consistent with the General Plan which designates the parcel as High Density Residential (HDR) which allows for the proposed parcel sizes. The proposed R1A zoning is consistent within the Cameron Park Community Region.

**3.0 Tentative Parcel Map Findings**

**3.1 That the proposed map is consistent with the applicable general and specific plans;**

The proposed Parcel Map would be consistent with the density requirements of the HDR land use designation, policies regarding public water and wastewater services, and consistent within the Cameron Park Airport.

**3.2 That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans;**

The proposed parcel sizes would be consistent within the HDR land use designation and comply with the Development Standards of the R1A Zone District. The project would be consistent with General Plan Policy 5.3.1.2.

**3.3 That the site is physically suitable for the type of development;**

No development would occur as part of the project. The site has been previously developed with a primary and secondary residence and accessory structures. The site is not constrained with biological or topographical constraints. All future development would be required to demonstrate consistency with applicable policies and regulations.

**3.4 That the site is physically suitable for the proposed density of development;**

The site has been previously developed. No development would occur as part of the project. The creation of one additional parcel would result in additional density that could not be supported by the site. All adequate services and utilities are available to service the project.

**3.5 That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;**

No improvements would occur as part of the project. The project would be required to connect to EID public water along Meder Road which has adequate capacity to serve the project.

**3.6 That the design of the subdivision or the type of improvements is not likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;**

The project would create one additional parcel. No hazardous design features or improvements would be associated with the project that would expose the public to additional hazards or unacceptable risks.

- 3.7 That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §6, 1988: prior code §9348)**

The project parcel does not contain existing easements acquired for the public at large. The project would dedicate the right-of-way along the property frontage on Meder Road as an Irrevocable Offer of Dedication to the County.

### **Conditions of Approval**

#### **Planning Services**

1. This Parcel Map and Zone Change are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated September 11, 2008, 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 would allow a two lot parcel map and rezone. The rezone would change the parcel from Estate Residential Five-acre/ Airport Safety (RE-5/ AA) to Single-family One-acre Residential (R1A). The parcel sizes are as follows: Parcel 1- 1.00 acre, Parcel 2- 3.27 acres

All parcels would take access via the existing driveways onto Meder Road. No road improvements would occur as a result of this project.

The parcels would be served by EID public water and on-site septic systems. The existing well on Parcel 2 would be used for irrigation and landscaping purposes only.

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Parcel Map.
3. 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. Planning Services shall verify that the fees have been paid at the time of filing the Parcel Map.

4. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
5. All Development Services fees shall be paid prior to filing of the Parcel Map. Planning Services shall verify payment of all fees prior to the filing the Parcel Map.
6. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

8. Prior to 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.

9. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

**Environmental Management:**

10. The applicant shall connect to public water. The existing houses shall connect to EID public water and the wells shall be properly destroyed under permit. The Department shall verify the wells have been destroyed and receive proof of public water service prior to filing the parcel map.

**Department of Transportation**

***PROJECT-SPECIFIC CONDITIONS***

11. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 35-foot wide right of way and slope easement (if necessary) along the property frontage adjoining Meder Road as determined by EDC DOT, prior to the filing of the map. This offer shall be accepted by the County prior to filing the parcel map.
12. **Gates:** Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. The location of all gates shall be verified by DOT prior to filing the parcel map.

### ***DOT STANDARD CONDITIONS***

13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
15. **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.
16. **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.
17. **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.
18. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, he applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT or DSD (whichever department is entrusted with review) prior to occupancy clearance.

19. **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.
20. **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.
21. **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.
22. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the parcel map or the applicant shall obtain an approved improvement agreement with security.

23. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the parcel map.
24. **Drainage Easements:** 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 parcel map.
25. **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.
26. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
27. **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.
28. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

29. The applicant shall submit a review fee of \$120.00 to the District. The District shall review and approve the project prior to filing of the parcel map.
30. The project shall meet the required fire flow of 1,000 gallons per minute @ 20psi for two hours. The District shall verify the required fire flow prior to filing the parcel map.

#### **Air Quality Management District**

31. The applicant shall make applications and pay the appropriate fees for a Fugitive Dust Plan. The District shall review and approve the plan prior to commencement of any construction.
32. The applicant shall comply with all District air quality rules during project construction.

#### **County Surveyor**

33. All survey monuments must be set prior to filing of the parcel map.
34. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that “all conditions placed on P07-0050 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
35. The applicant shall provide a Parcel Map Guarantee issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).