

8. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP (Public Hearing)

a. **Z06-0029/PD06-0020/TM06-1420/Bass Lake Estates** submitted by CARMICHAEL INVESTMENT GROUP (Agent: Gene E. Thorne and Associates, Inc.) to rezone property from One-family Residential-Airport Safety (R1-AA) to One-family Residential-Airport Safety-Planned Development (R1-AA-PD); development plan to allow for flexibility in the development standards of the R1 Zone District; and tentative subdivision map to create 36 residential parcels ranging in size from 3,020 to 5,665 square feet, and three open space lots totaling 2.37 acres. Five design waivers have been requested to allow the following: Reduction of the right-of-way (ROW) width from 60 feet to 50 feet for Trout Lake Court; Reduction the sidewalk requirement on Trout Lake Court from six feet to five feet and to limit the sidewalk improvements to one side of the road only; To allow a joint access for Parcels 1 and 2; Reduction the length of turn pockets and tapers onto Bass Lake Road; Waiver the sidewalk requirement for Bass Lake Road. The property, identified by Assessor's Parcel Number 115-030-06, consisting of 7.45 acres, is located on the southeast side of Bass Lake Road, approximately 175 feet southwest of the intersection with Woodleigh Lane, in the **Cameron Park area**, Supervisorial District I. (Negative declaration prepared)

Staff: Mel Pabalinas presented this item in the absence of Jonathan Fong and recommended approval to the Board of Supervisors. Design waiver (e) should be changed from waiver of sidewalks to reduction of sidewalks from six to five feet for Bass Lake Road. He recommended deletion of Condition 8 as it is a duplicate of Condition 27. Mr. Pabalinas suggested several new conditions.

Eileen Crawford, Department of Transportation, explained the five-foot sidewalk and proposed several modifications to the conditions.

Referring to Condition 7, Commissioner Mac Cready asked how you enforce that the new owner replace a tree that has died. Gina Hunter said there will be a 15-year monitoring contract on this project, so it would be up to the homeowners association or responsibility party.

Commissioner Machado did not understand the joint access for parcels 1 and 2. Mr. Pabalinas explained.

Commissioner Machado asked how many lots would be allowed without a planned development. Mr. Pabalinas explained and stated the original map proposed 20 lots.

Gene Thorne represented the applicant and agreed to the proposed conditions, as modified. They are working with Silver Springs on a fair share cost improvement agreement.

Commissioner Machado asked if they are proposing a homeowners association. Mr. Thorne replied in the affirmative, stating it will take care of the open space and road. Commissioner Machado said Lot 3 only has 30 feet frontage. Mr. Thorne said the back of the lot is 45 feet wide. The driveway will be considerably longer, so there will be parking available.

John Thomson, Bass Lake Action Committee, presented a letter on the project. Most of their concerns have been met (meandering sidewalk and homeowners association). They feel this project would be an asset to the community.

There was no further input.

Commissioner Machado asked for clarification on the open space.

Paula Frantz, County Counsel, recommended that the Fish and Game fees be made a condition of approval.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0029/PD06-0020 REZONING ASSESSOR'S PARCEL NUMBER 115-030-06 FROM ONE-FAMILY RESIDENTIAL-AIRPORT SAFETY (R1-AA) TO ONE-FAMILY RESIDENTIAL-AIRPORT SAFETY-PLANNED DEVELOPMENT (R1-AA-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE TM06-1420, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered 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 proposal.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 Tentative Map Findings

2.1. The proposed parcel sizes are consistent with the General Plan land use map and/or policies.

The proposed density is consistent within the High Density Residential (HDR) Land Use Designation. As required by General Plan Policy 2.2.5.13, the project has provided the required 30% open space requirements for Planned Developments. The project is consistent with the retention and replacement provisions for onsite oak canopy as required by General Plan Policy 7.4.4.4.

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

The road improvements to Bass Lake Road and the proposed width of the onsite access road are consistent with the Circulation Element of the General Plan and the Design and Improvement Standards Manual. The subdivision arrangement is consistent within the High Density Residential (HDR) land use designation and consistent with the objectives and policies relating to Planned Developments.

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

Adequate areas exist onsite to minimize impacts to the oak canopy onsite and to avoid slopes exceeding 30 percent. The proposed residential development would be suitable on the project site.

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

Adequate public utilities exist to serve the project. Upon completion of the required road improvements, adequate access exists to provide circulation within the development and to provide emergency access.

2.5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

No special status plant species exist onsite. The site is not known to provide a habitat for wildlife or riparian species. The project would be consistent with the retention and replacement provisions for impacts to oak canopy.

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

The proposed road improvements and extension of public utilities to the project site would not cause significant public health or safety hazards. The required road improvements on Bass Lake Road are consistent with the approved conditions of approval of the adjacent subdivision.

2.7. The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

The Cameron Park Fire Protection District has reviewed the project and determined that the installation of fire hydrants and implementation of a Fire Safe Plan would be acceptable for emergency access.

- 2.8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.**

The project would not result in conflicts with existing easements. No access through the project site for public use currently exists. The project would not conflict with the existing EID water line easement that runs along the western boundary of the project.

3.0 Planned Development Findings

- 3.1. That the PD zone request is consistent with the general plan;**

The General Plan encourages the use of the PD concept in order to minimize impacts to the natural features on a project site. The project would cluster the residential lots in order to minimize impacts to the oak canopy onsite. The project would provide the required 30% open space.

- 3.2. That the proposed development is so designed to provide a desirable environment within its own boundaries;**

The project would create open space lots and would construct sidewalks along the interior access road. The project has been designed to minimize the impacts to the natural features of the site.

- 3.3. That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;**

The modifications to the Development Standards of the R1 Zone District would allow clustering of the lots to minimize impacts to the oak canopy.

- 3.4. That the site is physically suited for the proposed uses;**

The project is not constrained by riparian areas or by slopes exceeding 30 percent. The development has been clustered to minimize the impacts to the oak canopy onsite.

- 3.5. That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;**

The project would be served by public water and sewer. The public water supplier has determined that adequate water and sewer services are available to serve the project. The Department of Transportation has determined that the improvements to Bass Lake Road and the construction of a new interior access road would provide adequate circulation for the project.

- 3.6. That the proposed uses do not significantly detract from the natural land and scenic values of the site.**

Scenic features onsite are limited to the mature oak canopy onsite. The project has been designed to minimize impacts to the oak canopy.

4.0 Design Waiver Findings of Approval

- a) Reduce the right-of-way (ROW) width from 60 feet to 50 feet for Trout Lake Court;**
- b) Reduce the sidewalk requirement on Trout Lake Court from six feet to five feet and to limit the sidewalk improvements to one side of the road only;**
- c) Allow a joint access for Parcels 1 and 2;**
- d) Reduce the length of turn pockets and tapers onto Bass Lake Road;**

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

The project would incorporate the Planned Development concept which would allow for reduced lot sizes and modifications to the Development Standards of the R1 Zone District. The proposed Design Waivers would allow for clustering of the proposed lots and would reduce the impacts to onsite oak canopy and would minimize necessary grading for the improvements. The proposed Design Waivers would further the Planned Development concept for the project.

4.2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

The County design requirements would require wider roads, additional sidewalk improvements which would result in additional grading without providing a better designed project. The Department of Transportation has reviewed the proposed Design Waivers and recommended approval. Approval of the Design Waivers would reduce the impacts to the onsite oak canopy and would reduce the grading necessary to perform the improvements.

4.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed Design Waivers would allow for access roads which meet County Standards. Pedestrian traffic would be facilitated by the construction of sidewalk on one side of Trout Lake Court.

4.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

The Design Waivers would be consistent road improvement requirements required by County Code and would not conflict with the Zoning Ordinance, General Plan, or the Fire Safe Regulations.

5.0. — Design Waiver Findings of Denial

~~c) Waive the sidewalk requirement for Bass Lake Road.~~

~~5.1 — The adjustment or waiver(s) would be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.~~

~~Bass Lake Road is a major thoroughfare in the Cameron Park area. Pedestrians in the area would be subject to additional vehicular hazards and may walk in the road right-of-way without the construction of the sidewalk. General Plan Policy TC 5A requires sidewalk improvements throughout residential subdivisions which create parcels less than 10,000 square feet in area. Approval of this Design Waiver would be inconsistent with the General Plan.~~

Conditions

Planning Services:

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated December 13, 2007, 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 is for a Tentative Subdivision Map to create 36 residential lots ranging in size from 3,020 to 5,665 square feet, a Zone Change to add the Planned Development (PD) zoning overlay, and a Planned Development to allow the clustering of units and modification to the development standards. The project includes ~~four~~ five design waivers to allow a reduced right-of-way from 60 feet to 50 feet on Trout Lake Court, a reduced sidewalk width from six (6) feet to five (5) feet on Trout Lake Court and to limit the improvements to one side of Trout Lake Court with improvements limited to one side of the road, and a five-foot meandering sidewalk on the south side of Bass Lake Road, to allow a joint access for parcels 1 and 2, and to reduce the length of the turn pockets and tapers onto Bass Lake Road.

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.

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
3. Prior to filing of the final map, the applicant shall complete the annexation process into EID through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.
4. 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 applicant shall pay all fees at the time of filing the Final Map.
5. 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.
6. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.00 per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. The increase is calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant shall contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The owner of record shall pay the fee at the time the building permit is issued. The owner of record shall record on the property the agreement or a notice of restriction to alert subsequent owners of this obligation.
7. Any oak trees removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County. Replacement of removed tree canopy shall be at a 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the Tentative Map. A letter from the certified project arborist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.

8. ~~The developer shall pay adequate parks fees, based on County appraisal. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the Cameron Park CSD.~~

Prior to final map, the applicant shall file a Notice of Restriction prohibiting parking along the common driveway easement between parcels 1 and 2.

9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.

10. 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.

11. All Development Services Planning fees shall be paid prior to filing of the Final Map.

12. Prior to final map, the previous map TM96-1320E shall be considered null and void.

The Department of Transportation:

SPECIFIC PROJECT DOT CONDITIONS:

13. The applicant shall construct the following roadways:

Table 1		
ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
Bass Lake Road	Overall 36 ft roadway (60 ft ROW), per Std. Plan 101B with Slope easements as needed	12 foot through lanes, 4 foot shoulders, Type 2 vertical curb & gutter and 6 foot sidewalk <u>along the north side and a 5-foot meandering sidewalk along the south side of Bass Lake Road</u> , per DISM Std. Plan 104 & 110. Required turn pocket channelization will necessitate additional roadway improvements and right of way.
Trout Lake Court	36 ft roadway (50 ft ROW) per Std. Plan 101B with	Type 1 rolled curb and gutter. 5 foot sidewalk (one side only) per DISM Std. Plan 104 & 110.

	slope easements as needed	
Access Road for Lots 1 & 2	18 ft roadway (25 ft ROW), per Fire Safe Regs & DISM	No curb, gutter, sidewalk, turn-around if required by Fire Prevention Officer

Notes for Condition 1 table:

Road widths in the preceding table are measured from curb face to curb face.

Curb face for rolled curb and gutter is 6" from the back of the curb.

14. The applicant shall construct the required frontage improvements to Bass Lake Road consistent with the approved improvement plans for the Silver Springs Subdivision that were prepared by Stantec Consulting Inc. and modified, as necessary, to accommodate this project. The applicant shall provide curb, gutter, and sidewalk to the requirements as specified in Condition 1, and right and left turn channelization for access to this development. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
15. The applicant shall construct Trout Lake Court to the requirements as specified in Condition 1. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
16. The applicant shall design and construct a left turn pocket on Bass Lake Road at the northerly intersection with Trout Lake Court. The DOT will work with the applicant to limit the pocket and transitions to the extent possible while maintaining conformance with the El Dorado County curve design and speed criteria. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the final map.
17. The applicant shall design and construct a right in/right out at the southerly intersection of Trout Lake Court and Bass Lake Road. This design shall include providing a raised traffic island and curbing to prevent left turn movements at this intersection according to the provisions of the Caltrans Highway Design Manual. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
18. The applicant shall design and construct both roadway encroachments from Trout Creek Court onto Bass Lake Road to the provisions of DISM, Standard Plan 103D. These improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

19. The applicant shall connect the 6 five-foot wide meandering sidewalk along the frontage of Bass Lake Road, southerly to the existing sidewalk that connects to the adjoining Bass Lake Village Subdivision, and northerly connecting to the Woodleigh Lane intersection according to the provisions in the DISM Std. Plan 104 & 110. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
20. A vehicular access restriction shall be placed along the entire frontage of Bass Lake Road, except at the Trout Lake Court encroachments, prior to the filing of the final map.
21. The applicant shall irrevocably offer to dedicate, in fee, on the final map, the required right of way, with the appropriate slope easements as needed, as specified in Condition 1 for the on-site portion of Bass Lake Road along the entire property frontage. This offer will be accepted by the County.
22. The applicant shall provide a 50 foot wide non-exclusive road and public utility easement (R & PUE) for Trout Lake Court and a 25 foot wide R & PUE for the on-site access roadway that serves Parcel 1 & 2, prior to the filing of the final map.
23. 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.
24. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.

- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

- 25. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant on July 5, 2007.

Cameron Park Fire Protection District:

- 26. The District shall require three new hydrants. The location and type of fire hydrants shall be reviewed and approved by the Fire District prior to filing the final map.
- 27. The applicant shall prepare a Fire Safe Plan for the project. The Fire District shall review and approve the plan prior to filing of the final map.
- 28. The applicant shall stripe one side of Trout Lake Court as 'No Parking.' Adequate signage shall be required along the striped side of Trout Lake Court. The Fire District shall review and approve the striping and signage prior to filing of the final map.

Cameron Park Community Services District

- 29. The developer shall pay adequate parks fees, based on County appraisal. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the CSD.

Department of Environmental Health- Air Quality Management District

- 30. Project applicant shall adhere to Rules 223, 223.1, and 223.2 during construction. The applicant shall submit a Fugitive Dust Plan to and receive approval by the District prior to the issuance of a grading permit and start of project construction.
- 31. Project construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
- 32. Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
- 33. The project construction shall adhere to District Rule 215 Architectural Coatings.

34. The applicant shall submit a list to the District stating which mitigation measures the applicant must comply with to reduce impacts to air quality from equipment exhaust emissions during all construction involved in this project for approval prior to issuance of a Grading Permit.

Surveyor's Office:

35. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
36. 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.