

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT
PLANNING COMMISSION**



Agenda of: January 22, 2009
Item No.: 10
Staff: Pat Kelly

**REZONE/PLANNED DEVELOPMENT/
TENTATIVE SUBDIVISION MAP**

FILE NUMBER: Z07-0010/PD07-0006/TM07-1438

OWNER: Gregory Porter

APPLICANT: Porter Property

AGENT: CTA Engineering and Surveying, Inc.

REQUEST: Request for a Zone change, Planned Development and Tentative Map to create 54 residential lots including lots designed for open space and landscaping. The residential lots would range in size from 7,965 to 72,208 square feet. Seven lots are proposed for open space, landscaping, lift station and future right-of-way. The open space lots would consist of 9.84 acres and 0.79-acres would be used for a lift station and future right-of-way. The project would be accessed from Beasley Drive and Marble Valley Road. Six design waivers have been requested.

A Zone change from Estate Residential Ten-acre (RE-10) to One-family Residential-Planned Development (R1-PD).

The Planned Development application includes modification to the Development Standards of the One-Family Residential (R1) Zone District. Approximately 30% of the site would be set aside within a dedicated open space lots.

Design Waiver(s) have been requested for the following:

- a. Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum.
- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
- d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1.
- e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
- f. Request for a 100-foot radius at secondary entrance on A Drive.

LOCATION: On the south side of Marble Valley Road one (1) mile west of the intersection with Flying C Road in the Cameron Park Area, Supervisorial District II. (Exhibit A)

APN: 119-020-35

ACREAGE: 32.82 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit B)

ZONING: Estate Residential Ten-acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The project was submitted to Planning Services on February 26, 2007. The original submittal included a request to create 54 residential lots on the project site. Planning Services sent the applicant a letter on March 21, 2007 deeming the project incomplete for processing and requested additional information. A Technical Advisory Committee (TAC) Meeting was held on May 7, 2007 with Planning Services and other concerned agencies. The primary project concerns were inadequate information provided on submitted grading plans pertaining to building envelopes and driveways; lot slope calculations; and compliance with General Plan Policy 7.4.4.4 and 7.4.5.2 pertaining to oak tree preservation.

The applicant submitted the requested information and the project was deemed complete on December 7, 2007. The project engineer submitted a revised tentative map, grading plan, tree preservation plan and slope plan which included the additional information requested in the incomplete letter dated March 21, 2007.

STAFF ANALYSIS

Project Description: The project request includes a Zone Change from Estate Residential Ten-acre (RE-10) to One-family Residential-Planned Development (R1-PD) and a Planned Development and Tentative Map to create 54 residential lots including two open space lots on an existing 32.82-acre parcel. The residential lots would range in size from 7,965 to 72,208 square feet. The project includes seven open space lots, landscaping, lift station and future right-of-way. The open space lots would consist of 9.84 acres. The project site would be accessed from Beasley Drive and Marble Valley Road. The Planned Development request includes modification to the Development Standards of the One-Family Residential (R1) Zone District. Approximately 30% of the site would be set aside within a dedicated open space lots.

Design Waiver(s) have been requested for the following:

- a. Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.
- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
- d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1.
- e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
- f. Request for a 100-foot radius at secondary entrance on A Drive.

The project would include two new Marble Valley Road segments, one between the project site and Beasley Road and the other between Voltaire Drive and Flying C Road. The extension of Marble Valley Road from Voltaire Drive to Flying C Road provides primary access for the project to Highway 50 and Cambridge Road (Exhibit X). These improvements have been included as part of the Capital Improvements Project (CIP) for the Department of Transportation. These improvements have been included as conditions of approval listed in Attachment 1 of the staff report.

Site Description: The project site is an undeveloped parcel within the Cameron Park Community Region. The site lies within an elevation range of 900-1080 feet above sea level. Slopes on-site are moderate with portions exceeding 30 percent. Vegetation communities on the project site include mixed oak woodland and riparian woodland with wetland features within the oak woodland community. Approximately .5 acre of jurisdictional wetlands is present on-site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	HDR	Undeveloped
North	R20K	HDR	Undeveloped
South	MV-TM (Marble Valley-Tentative Map)	LDR	Undeveloped
East	RE-10	HD R	Undeveloped
West	MV-TM (Marble Valley-Tentative Map)	LDR	Undeveloped

General Plan: The General Plan designated the subject site as High Density Residential (HDR), which allows a residential density of one to five dwelling units per acre (1-5 du/a). The project would create 54 residential units on 33.8 acres site which would yield a density of 1.6 du/a. Therefore the project would be consistent within the HDR land use designation. Additionally, the following General Plan policies are application to the project.

Policy 2.2.3.1(a): Requires the provision of at least 30 percent (30%) open space for project requests including a Planned Development application. Included below in Table 1 is the required and proposed open space for the project:

Planned Development Required Open Space

Table 1: Required Open Space	
Parcel Size	32.82 acres
Required Open Space	9.84 acres
Proposed Open Space	9.84 acres
Percent Open Space Required	30% open space
Percent Open Space Proposed	30% open space

Discussion: The project would dedicate 30 percent (30%) of the site as open space which complies with the requirements of the General Plan.

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated November 15, 2006, states that adequate water facilities are available to serve the proposed project upon annexation into the EID service area. The project would be required to construct a water line extension connecting under Highway 50, connecting the 8-inch water line in Country Club Drive to the 12-inch water line in Beasley Drive.

The proposed Marble Valley Subdivision to the south would be required to build infrastructure from the existing Bass Lake Tanks water line in Bass Lake Road to the existing water line in Flying C Road. If this infrastructure is installed before the proposed subdivision is developed, connections to these water lines may be utilized instead of the connection to Country Club Drive.

2. Availability and capacity of public treated water system;

Discussion: As discussed above, EID has adequate water facilities to serve the projected needs of the project.

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated November 15, 2006, states that adequate wastewater facilities are available to serve the proposed project upon annexation into the EID service area. The site would be served by an existing twelve-inch line in Beasley Drive and eight-inch line in Country Club Drive.

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

Discussion: The project site would be located within Buckeye Union School District and the El Dorado Union High School District. The distance to the closest high school would be approximately 4.5 miles. The affected school district was contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

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

Discussion: The El Dorado County Fire Protection District would be responsible for providing fire protection to the subject site. The Fire District has determined that adequate fire protection services exist to serve the project.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project site is located within the Cameron Park Community Region. As proposed, the project would be an in-fill residential project adjacent to compatible existing and planned residential and commercial land uses.

7. Erosion hazard;

Discussion: The site is moderately sloping with grading proposed to complete the development, resulting in a moderate potential for soil erosion at the site. The El Dorado County Resource Conservation District and the Department of Transportation has conditioned the project to require review and submittal of an erosion control plan to limit erosion impacts resulting from grading activities. Revegetation of disturbed soils are required as part of project approval. The California Regional Water Quality Control Board has commented on the project, requiring the use of Best Management Practices during construction, including the use of swales and filters to reduce soil runoff and preserve topsoil on the site.

8. Septic and leach field capability;

Discussion: The proposed lots would be served by municipal sewage disposal systems of the El Dorado Irrigation District. An FIL letter, dated November 15, 2006, indicates that the site can be served adequately by existing facilities. No septic systems or leach fields are proposed.

9. Groundwater capability to support wells;

Discussion: The project would be served by EID public water facilities. No wells are proposed.

10. Critical flora and fauna habitat areas:

Discussion: The County's General Plan designates areas within the County that has the potential to affect rare plants. The County's General Plan and General Plan EIR define Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is not within a Rare Plant Mitigation Area. The likelihood of special status flora species to occur within the project site would be considered low.

Discussed in the Biological Section of the Staff Report, there is limited suitable habitat on the project site for special-status fauna and flora, which could be affected by construction activity. Mitigation Measures contained within the Mitigated Negative Declaration, included as Attachment 1 in the Conditions of Approval, would reduce potential impacts to critical fauna habitat and flora areas.

11. Important timber production areas:

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

12. Important agricultural areas;

Discussion: The site is presently General Plan designated and zoned for single-family residential development. The site is not within an active agricultural area, and the site itself is not used for agriculture purposes. Thus, the site would not be considered an important agricultural area.

13. Important mineral resource areas;

Discussion: The project would not impact an important mineral resource area.

14. Capacity of the transportation system serving the area;

Discussion: The El Dorado County Department of Transportation reviewed the submitted traffic study and concluded that the recommended conditions of approval, including improvements to existing roadways and proposed design waivers, would sufficiently address project traffic issues and ensure that the transportation system would be adequate to serve the area.

15. Existing land use patterns;

Discussion: The project area would be surrounded by existing and planned residential land uses. Staff has determined that the proposed project would be consistent with existing land use patterns within the project area.

16. Proximity to perennial water course;

Discussion: The Biological Resources Assessment prepared for the project identified potential jurisdictional waters of the U.S. comprised of an excavated ditch, depressional seasonal wetland, ephemeral drainage, riverine seasonal wetland, and sloped seep. These findings were confirmed in the Jurisdictional Delineation Report performed on the project site by Sycamore Environmental Consultants, Inc., January, 2008. Three (3) channels, two (2) seeps and one (1) wetland seasonal swale totaling 0.1955-acres were identified as being jurisdictional waters to be potentially regulated by the U.S. Army Corps of Engineers and subject to Section 404 of the Clean Water Act. **General Plan Policy 7.3.3.4** requires a minimum setback of 100-feet from all perennial streams, rivers and lakes, and 50-foot from intermittent streams and wetlands. The seasonal wetlands and intermittent drainages on the site are protected through the incorporation of 50-foot setbacks, as shown on the Tentative Map.

17. Important historical/archeological sites;

Discussion: The applicant submitted a Cultural Resources Study of the Proposed Porter Subdivision, prepared by Historic Resource Associates, with the application in February 2007. The report indicated numerous historic and prehistoric resources known to exist on the site. Three of those properties lie within the project site. Investigation was performed on the site, documenting the history and cultural significance of on site resources. The Cultural Resource Study concluded that

adequate documentation of known resources has occurred and recommends that a building setback of 10 meters be established along the southern boundary of the site identified as PA88-80, in order to help its long term preservation. It is also recommended that PA88-32 be incorporated into the project design either as part of the open space or a landscape feature. A drip-line fence should be placed along the southern boundary of PA88-80 during construction of the project and around PA88-32, as necessary, to avoid inadvertent damage to either site or feature. In addition, a plaque or monument should be placed in a conspicuous location with a brief description of the site's original owner. These requirements have been added as mitigation measures to the MND, to ensure that cultural resources are appropriately mitigated and to ensure consistency with General Plan Policy 2.2.5.3.

18. Seismic hazards and present active faults;

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or 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. Consistency with existing Conditions, Covenants, and Restrictions.

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

Policy 5.2.1.2 requires an adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Discussion: The project would be required to receive the discretionary approval of the El Dorado Local Agency Formation Commission (LAFCO) for annexation into the EID in order to receive public water and wastewater. The Regional Water Quality Control Board sets treatment requirements for the collection, processing, and disposal of waste, which must be complied with by EID. Upon annexation, the El Dorado Irrigation District would provide water to the subject site. According to the Facility Improvement Letter prepared by the El Dorado Irrigation District, dated November 15, 2006, "in terms of water supply" as of January 1, 2006, there were 2285 equivalent dwelling units (EDCs) available in the Western/Eastern Water Supply Region. The project, as proposed would require 58 EDUs of water supply." A 12-inch water line exists on Beasley Drive. The applicant must construct a water line extension under Highway 50, connecting the 8-inch water line in Country Club Drive to the 12-inch water line in Beasley Drive, with an 8-inch line under Voltaire Drive, adjacent to the site. Various options are available to extend water service from these existing lines to the subdivision, depending on construction of improvements planned in other nearby areas. There would be sufficient water supply for all uses available to serve the project.

Policy 5.2.1.3 requires all medium-density residential, high-density residential, multi-family residential, commercial, industrial and research and development projects shall be required to

connect to public water systems when located within Community Regions and to either a public water system or to an approved private water system in Rural Center.

Discussion: The project site is located within the Cameron Park Community Region. As stated in the submitted EID Facility Improvement Letter, the project would connect to public water upon annexation.

Policy 5.7.1.1 requires prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Discussion: The El Dorado County Fire Protection District and the Cameron Park Community Services district would provide fire service to the site. The El Dorado County FPD would provide primary fire suppression to the site, although the FPD maintains an agreement with the Cameron Park CSD to allow for the Cameron Park CSD to be the first responder to emergency calls to this site. The water flows and transportation infrastructure would be sufficient to comply with District requirements for suppression. A Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the FPD to ensure adequate fire protection infrastructure.

Policy 7.3.3.4 states until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site-or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian areas at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: Pursuant to the General Plan Policy above, a 50-foot setback would be required from the intermittent-stream and wetlands located parallel to the westerly boundary line and a 50-foot setback would be required along the seeps as shown on the Tentative Subdivision Map (Exhibit D).

Policy 7.4.4.4 requires for or all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall

contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
<i>80-100</i>	<i>60% of existing canopy</i>
<i>60-79</i>	<i>70% of existing canopy</i>
<i>40-59</i>	<i>80% of existing canopy</i>
<i>20-39</i>	<i>85% of existing canopy</i>
<i>10-19</i>	<i>90% of existing canopy</i>
<i>1-9 for parcels > 1 acre</i>	<i>90% of existing canopy</i>

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

Option B

The project applicant shall provide sufficient funding to the County's INRMP conservation fund, described in Policy 7.4.2.8, and established in the Oak Woodland management Plan (OWMP) to fully compensate for the impact to oak woodland habitat. To compensate for fragmentation as well as habitat loss, the preservation mitigation ratio shall be 2:1 and based on the total woodland acreage on-site directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8.

In lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts of oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan (OWMP), adopted by the Board of Supervisors on May 6, 2008, if an application for a permit for the improvements required by this map is filed after the effective date of the plan and its implementing ordinance.

Discussion: As determined by the arborist report prepared by Sierra Nevada Arborists dated August, 2006, the proposed project would impact oak woodland habitat. The project would remove 5.9-acres of oak woodland habitat from the project site for mass grading, roads, and infrastructure. The canopy removal for mass grading, roads and infrastructure would be subject to mitigation under Option A. The project site contains approximately 19.71-acres of oak canopy which would require seventy percent (70%) retention (Table 1). The canopy removal for custom lot development for Lots 41-54 would be subject to mitigation under Option B. The oak canopy to be removed for mass grading,

roads, infrastructure and custom lot development would require to either be replaced by the applicant or payment into a into the conservation fund as required by the OWMP. The fee would be established by the County Board of Supervisors. The Tree Preservation Plan (Exhibit H) prepared by CTA Engineering, confirms that the project would be consistent with General Plan tree canopy retention and replacement policies.

Table 1: Oak Tree Canopy Summary				
Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage of Required Retention	Proposed Oak Removal for mass pad grading, roads & infrastructure (acreage)	Percentage Retention Proposed
32.82	19.71	70%	5.9	70%
Note: The canopy removal for custom lot development for Lots 41-54 is subject to mitigation under Option B.				

As shown on the Tree Preservation Plan (Exhibit H), the project would require the removal of 5.9-acres of the on-site canopy. Development envelopes with potential driveway locations were required in order to determine the extent of oak canopy impacts as a result of infrastructure improvements and due to future residential development of the project. The applicant would be required to participate in an on-site replacement monitoring plan at a 1:1 canopy surface area ratio; or payment of the mitigation fee under Option A of the OWMP; or acquire an off-site conservation easement of oak woodlands at a 1:1 ratio or a combination of the three requirements for the removal of 30 percent of the oak canopy for mass pad grading, roads, and infrastructure. Removal of oak canopy exceeding 30 percent which would be for custom lot development for Lots 41 through 54 would not comply with Policy 7.4.4.4 percentage canopy retention requirements. The individual lot developer would be required to participate in an on-site replacement monitoring plan at a 2:1 canopy surface area ratio, or payment of the mitigation fee under Option B of the OWMP, or acquire an off-site conservation easement of oak woodlands at a 2:1 ratio or a combination of the three requirements.

A condition has been included in Attachment 1 of the Conditions of Approval requiring the applicant to participate in on-site replacement or provide an off-site conservation easement or payment of the mitigation fee required under Option A and Option B of the OWMP.

Other Issues:

Access/Circulation: DOT reviewed the proposed subdivision map and determined that the applicant needs to construct Marble Valley Road to Standard Plan 101B. Internal streets A through C would be required to be constructed to Standard Plan 101B, and Marble Valley Road shall be improved as outlined in the conditions of approval. Additionally, the applicant needs to provide an Irrevocable Offer of Dedication (IOD) for all roadways, including the right-of-way for Marble Valley Road. Internal roadway Design Waivers would ensure consistency with the existing roadway design in adjacent development.

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) any improvements required to comply with Level of Service standards in the General Plan Transportation and Circulation Element. This project is located in the Cameron Park Community Region (Figure LU-1: Land Use Diagram of the General Plan), so Level of Service E is allowable (General Plan Policy TC-Xd). Intersections affected by this project would be at Level of Service F for the year 2011. The DOT requires the applicant to improve the Cambridge Road and the US 50 EB Ramps by providing an all way stop. In addition, the Department of Transportation would require the applicant to obtain an approved encroachment permit from CalTrans for the required improvement. The Department of Transportation would require, as a condition of approval, to extend Marble Valley Road between Voltaire Drive and Flying C Road and between the project site and Beasley Road. The addition of these two roadway segments improves access to the site from US-50 and Cambridge Road. These conditions would be included in the conditions of approval within Attachment 1 of the staff report.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis, performed by Rimpo and Associates, and determined that the project could create air quality impacts which may contribute to an existing or projected air quality violation during construction. Construction activities associated with the project include grading and site improvements, for roadway expansion, utilities, driveway, home, and building pad construction, and associated on-site activities. Construction related activities would generate PM₁₀ dust emissions that could exceed the state or federal ambient air quality standards for PM₁₀. This would be a temporary but potentially significant effect. The applicant must comply with the existing requirements of the El Dorado AQMD, Rule 223-1 and 223-2, designed to reduce overall impacts to air quality by controlling emissions and dust generation associated with construction activities. Existing regulations require the applicant to submit and obtain an approved Fugitive Dust Plan Application from the El Dorado Air Quality Management District.

Biological Resources: A Biological Resource Assessment was performed by Foothill Associates dated August 2006. The biological assessment identified the oak woodland community on the site to represent potential habitat for special-status plant species and recommended a soils analysis be conducted on the site to determine the presence of gabbroic soils which would further determine the potential for such plant species to occur on the project site. A subsequent soil survey review was prepared by Youngdahl Consulting Group, Inc. to determine the potential of gabbroic soils occurring on the site; this survey concluded there was no potential for gabbro-derived soils. The special-status plant species endemic to El Dorado County and gabbroic soils do not have the potential to occur within the site. The Biological resource Assessment did conclude that the on-site oak woodland habitat may provide suitable nesting areas for birds protected by the Migratory Bird Treaty Act and determined that the project site would be suitable bat roosting habitat. Mitigation Measures have been included as part of the project to require on-site surveys prior to construction activities to avoid disturbance of any protected species (Mitigation Measure **BIO-1** and **BIO-2**). The Mitigation Measure would be included in the conditions of approval within Attachment 1 of the staff report.

The project site is characterized by oak woodland habitat and wetland and drainage channels. The biological assessment of the project site indicated preliminary wetlands delineation must be prepared for the proposed project. The Jurisdictional Delineation Report identified 0.5071-acres of water features comprised of five (5) seeps on the project site, totaling 0.1104-acres; eight (8) channels on the project site totaling 0.3564-acres; and one (1) seasonal wetland swale on the project site totaling 0.1104-acre. As part of the project, portions of the on-site wetlands would be filled to accommodate the development. Three (3) of the channels, two (2) of the seeps and one (1) wetland seasonal swale totaling 0.1955-acres were identified as being jurisdictional waters to be potentially regulated by the U.S. Army Corps of Engineers and subject to Section 404 of the Clean Water Act. As required by **General Plan Policy 7.3.3.4** and in accordance with the Clean Water Act, a 404 permit, Water Quality Certification and Streambed Alteration Agreement would be required for filling any jurisdictional wetlands. Mitigation Measures requiring these permits have been included as conditions of approval (Mitigation Measures **BIO-3** and **BIO-4**). The Mitigation Measure would be included in the conditions of approval within Attachment 1 of the staff report. Those water features that would not be disturbed by the project construction activities must be, in order to ensure compliance with the General Plan Policy 7.3.3.4, shown on the Tentative Subdivision Map (Exhibit D) with a fifty (50) foot buffer on each side of the riparian woodland and stream.

The proposed project would impact oak woodland habitat, which, pursuant to General Plan Policy 7.4.4.4 requires retention and replacement of the affected habitat. As discussed previously in this staff report the project would remove 8.8 acres of oak woodland habitat, of which 8.2 acres would be removed for lot development and .6 acres would be removed for road improvements. A condition has been included in Attachment 1 of the Conditions of Approval requiring the applicant to participate in on-site replacement or provide an off-site conservation easement or payment of the mitigation fee required under Option A and Option B of the OWMP.

Cultural Resources: A Cultural Resource Study was performed on the project site by Historic resources Associates, November, 2005, which identified three archaeological properties recorded by Peak & Associates, Inc. on the site, PA-88-80, PA-88-81 and PA-88-32. The features were recorded with the California Department of Parks and Recreation as part of the Cultural Resources Study. Site PA-88-80 reflects a homestead believed to have been established in the 1860s. The superstructure of a modest sized ranch house is long gone, but the field stone foundation and cellar remain largely intact, as does the foundation for an outbuilding of the main house and several dry laid rock walls. Site PA-88-32 consists of a dry laid fieldstone wall. The wall runs east to west along a moderately steep slope that seems to once have delineated an old property boundary. The fieldstone wall likely dates to the late 1850s or 1960s, when the property was being homestead and boundaries were being determined, as well as livestock grazing. The wall is likely associated with the Smith homestead and appears to be a contributing element to the homestead's historic content and land use history. Mitigation Measures have been included as part of the project to require on-site surveys prior to construction activities to avoid disturbance of any cultural resources (Mitigation Measure CULT-1, CULT-2, CULT-3, and CULT-4). The Mitigation Measures would be included in the conditions of approval within Attachment 1 of the staff report.

EID Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive water services. LAFCO recommended the applicant contact LAFCO “near the end of the Tentative Subdivision Map process to inquire about annexation into EID.” **General Plan Policy 5.2.1.9** requires the applicant demonstrate a guaranteed supply of water is available at the time final subdivision and parcel maps are approved before building permits are issued. In addition, EID service to the proposed project would be contingent upon the future availability of water supply, approval of the Facility Plan Report, construction of all water facilities, and acceptance of the facilities by EID. These procedures would provide assurances that expansion of water supply to the project site is sufficient and reliable.

Emergency Access and Protection: The project would be located within the El Dorado County FPD service area. The Department was distributed the project during the initial review period and recommended conditions of approval. **General Plan Policies 6.2.3.1** and **6.2.3.2** require new development to demonstrate that adequate emergency access, water flow, and personnel are available to serve the project. As discussed above, the FIL prepared for the project has demonstrated that adequate fire flow would be available to serve the project. The District has recommended that the non-conforming access roads serving the project would comply with at a minimum Fire Safety Standards for width, surface, gradient, radius, turnarounds, and turnouts, one-way and dead-end roads.

Fire: The El Dorado County FPD and the Cameron Park CSD would jointly provide fire protection services to the site. Fire issues are addressed within the project’s conditions of approval within Attachment 1 of the staff report.

Noise: The project, during construction and earthwork, may generate excessive noise. There are residential units north of the project site. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays to minimize affects on nearby residences.

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

Public Water and Wastewater: General Plan Policy 5.2.1.3 requires all new development within the HDR land use designation to connect to public water when located within a Community Region. The project site is designated HDR and is located within the El Dorado Hills Community Region. General Plan Policy 5.3.1.7 requires all new development within the HDR land use designation to connect to public wastewater facilities. The project has been designed to connect to both EID public water and wastewater services. The Facility Improvement Letter (FIL) for the project dated November 15, 2006 indicated that the project site would be located within the EID service boundaries and that adequate water and wastewater services are available to serve the project. However, a letter from CTA Engineering to EID dated September 6, 2007 (Exhibit L) supersedes the project FIL letter regarding the source of water supply to the project site. The September 6, 2007 letter is agreed to and signed by EID’s Co-Manager of Customer Services. The September 6, 2007

letter indicates that two alternatives exist for providing water service to the project site. The first alternative would allow for jack and boring under US Highway 50 and the installation of a water line extension connecting an existing 8-inch water line in Country Club Drive to the existing 12-inch water line in Beasley Drive. The second alternative would allow the installation of a water line extension from the existing 12-inch water line in Beasley Drive to the existing 8-inch water line in Flying C Road. The second alternative would be the preferred alternative. It is understood that installation of the preferred alternative would benefit several tentative map applications in the vicinity of the project site that are pending approval by the County (including, but not limited to the Protzel Subdivision (TM05-1403) and the Marble Valley Ridge Estates Subdivision (TM06-1412) and as such, any tentative map application in the vicinity would install and/or contribute their proportionate fair share of the cost to install the preferred second alternative.

Surveyor's Office: The Surveyor's Office reviewed the proposed project and noted that survey monuments must be set and roads named through the Surveyor's Office prior to final map filing.

Traffic and Circulation: The applicant was required to prepare a traffic study for the project to determine project related impacts to the road system in the area. The traffic study, prepared by Kimley-Horn and Associates dated November, 2006 provides analysis and conclusions relative to traffic impacts generated by the project. According to the report, the project would cause an increase in traffic on area roadways and intersections. The traffic study concluded that the project would be expected to generate fifty-nine (59) AM and seventy-eight (78) PM peak hour trips, with 749 total average daily trips (ADT). The addition of the proposed project to the existing road network would not result in substandard operations at study intersections. The intersection at Cambridge Road and the U.S. 50 WB Ramps/Merrychase Drive currently operates at LOS F and E, respectively, during peak hours. This intersection would be proposed to be signalized in the near future, with funding to be provided through the County's Capital Improvements Program (CIP). Signalization of the intersections would improve the operation of the intersection to LOS A. Payment of Traffic Impact Mitigation (TIM) fees required would ensure that the project contributes to the improvements called out in the CIP.

The Department of Transportation (DOT) was distributed the project during the 30-day review period and recommended conditions of approval for the project. The Porter Property Traffic Impact Analysis indicated that the project would cumulatively impact the level of service at the intersection at Cambridge Road and the US 50 EB Ramps. The Cambridge Road intersection with the US 50 EB Ramps is projected to operate at LOS E during the PM peak-hour without the proposed project and at LOS F with the proposed project. As defined by **General Plan Policy TC-Xd**, because the intersection satisfies County standards without the proposed project (LOS E) and the proposed project results in unacceptable operation (LOS F), the proposed project would be considered to significantly worsen the conditions at this intersection. The DOT would require the applicant to improve the Cambridge Road and the US 50 EB Ramps by providing an all way stop. In addition, the DOT would require the applicant to obtain an approved encroachment permit from CalTrans for the required improvement. The DOT would require, as a condition of approval, to extend Marble Valley Road between Voltaire Drive and Flying C Road and between the project site and Beasley road. The addition of these two roadway segments improves access to the site from US-50 and Cambridge

Road. These conditions would be included in the conditions of approval within Attachment 1 of the staff report.

Utilities: Pacific Gas and Electric Company reviewed the proposal and had no comments.

Wastewater: The site would be provided with domestic sanitary sewer service by the El Dorado Irrigation District. The Facilities Improvement Letter for the project indicates that there would be an existing eight-inch sewer line in Voltaire Drive which would provide service to the site. Various service connection alternatives are available to the applicant for connection, depending on timing of improvements associated with nearby developments. Provision of adequate wastewater service would be dependent on successful annexation to EID.

Conclusion: The project would be consistent with the High Density Residential Land Use Designation. As discussed above, Mitigation Measures have been included as part of the project in order to comply with General Plan Policies. Staff finds that with the conditions of approval and implementation of Mitigation Measures that project would be consistent with the General Plan.

Zoning: The project request includes a Planned Development (PD) Application. The PD would allow flexibility in the Development Standards of the One-Family Residential Zone District (R1). As discussed below, Planning Services staff has determined the modifications to the Development Standards are acceptable and Findings of Approval have been included in Attachment 2 of the Staff Report.

Development Standards: Section 17.28.040 A-E of the Zoning Ordinance establishes the requirements for development within the R1 Zone District:

A. Minimum lot area, six thousand square feet when the lot is served with public water supply and sewage system.

The project includes 54 residential units which would be served by EID public water and waste water services. The lots would range from 7,965 to 72,208 square feet. The proposed lots would not be less than the minimum lot area established for the R1 zone.

B. Maximum lot coverage, thirty-five percent (including accessory buildings).

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with these requirements.

C. Minimum Lot Width, sixty feet.

The minimum lot width for the proposed parcels would be 61.1 feet which would be consistent with this requirement.

D. Minimum yards, front twenty feet, sides five feet, except that the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet, rear fifteen feet.

The project includes development envelopes, as shown on the Tentative Subdivision Map (Exhibit E) which have been designed to be consistent with the setback requirements

E. Maximum height, forty feet.

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

Parking: Section 17.18.060 of the Zoning Ordinance requires two spaces not in tandem for single family residential development. The project would create 54 residential units which would require a minimum of 108 spaces. No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

Conclusion: As discussed above, staff finds the project complies with the requirements of the Planned Development planning concept and Planning Services finds the project would be consistent with the Zoning Ordinance.

Tentative Map: A Tentative Map to create fifty-four (54) residential lots including lots designed for open space and landscaping as well as on-site and off-site road improvements. The residential lots would range in size from 7,965 to 72,208 square feet. Seven (7) lots are proposed for open space, landscaping, lift station and future right-of-way. The open space lots would consist of 9.84 acres which includes existing wetlands and water features. A total of 0.79-acres would be used for a lift station and future right-of-way. The proposed lots would conform to Table 4 listed below:

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
1	13,063	8,835
2	13,537	7,935
3	10,643	6,853
4	10,114	6,539
5	10,182	6,598
6	10,066	6,508
7	11,104	7,301
8	11,202	7,399
9	10,656	6,913
10	10,797	7,032
11	11,558	7,574

12	11,839	7,881
13	10,677	6,925
14	9,868	6,344
15	10,120	6,578
16	10,012	6,484
17	9,278	5,844
18	10,046	5,129
19	12,083	6,704
20	7,965	4,809
21	8,096	4,924
22	8,186	5,002
23	8,136	4,960
24	8,140	4,885
25	9,059	5,698
26	8,418	5,196
27	8,841	5,498
28	9,892	6,419
29	10,254	6,753
30	9,961	6,500
31	9,317	5,937
32	8,365	5,189
33	8,047	4,930
34	8,849	5,503
35	9,400	5,984
36	9,594	6,046
37	8,072	3,990
38	11,919	7,013
39	15,993	10,775
40	24,591	16,404
41	13,094	8,257
42	13,353	6,696
43	19,366	6,669
44	18,354	6,966
45	21,517	8,998
46	22,607	10,183
47	32,021	16,550
48	18,450	8,882
49	19,273	11,976
50	18,655	13,226
51	17,896	8,780
52	19,116	8,018

53	60,164	13,078
54	72,208	19,979
A Open Space	221,304	
B Open Space	190,184	
C Lift Station	10,707	
D Landscaping	2,798	
E Landscaping	11,454	
F On-site ROW-	24,106	
G Open Space	3,256	

Listed below are the design waivers requested for the project. The Department of Transportation has reviewed the Design Waivers and has recommended approval. Findings are included in Attachment 2 of the Staff Report.

Design Waiver(s) Discussion: Six Design Waivers have been requested as part of the project:

- a. Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum.
 - b. Request for a 50-foot radius at the knuckle of A Drive.
 - c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
 - d. Allow a driveway within the 25-feet of a curb return, a minimum standard required by DISM Standard Plan 103A-1.
 - e. To reduce the minimum 16-foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
 - f. Request for a 100-foot radius at secondary entrance on A Drive.
- a. Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.**

The Design Waiver request to reduce the right-of-way width along A and B Drive would better conform to the allocated open space (intermittent drainage and steep hillside with oak woodlands). Increased right-of-way would require more extensive grading and would increase oak tree removal

and would decrease an effective lot area by increasing setbacks from the roadway. The proposed road width reductions would be consistent with the County Hillside Land Use Standards. Because of the Hillside Land Use Standards application the Department of Transportation can support this waiver assuming all roadway, utilities, sidewalks, and drainage infrastructure can be accommodated within the Right-of-Way.

b. Request for a 50 foot radius at the knuckle of A Drive.

The 50-foot radius would allow minimize landfill disturbance at this location, prevent removal of oak trees canopy and allow the project to comply with General Plan Policy 7.4.4.4. The DOT recommends approval of the Design Waiver request for a 50-foot radius at the knuckle if approved by the Fire District. The District has recommended that the non-conforming access roads serving the project would comply with at a minimum Fire Safety Standards for width, surface, grad, radius, turnarounds, and turnouts, one-way and dead-end roads. The Department of Transportation recommends approval of this design waiver if approved by the Fire District.

c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet

The Design Waiver has been request to allow a 260-foot flag-shaped lot along a portion of the proposed Lot 53 pursuant to Volume II, Section 2.B.7 of the El Dorado County Design Improvement Standards Manual (DISM). The flag-shaped lot would provide access to Lot 53 that would be created as a “no grade” lot to minimize landform disturbance, prevent impacts to large groups of oak trees and allow the project to comply to General Plan Policy 7.4.4.4.

The Planning Services and the Department of Transportation has recommended approval of the proposed Design Waivers. Findings of Approval have been included in Attachment 2 of the Staff Report.

d. Allow a driveway within the 25-feet of a radius return a minimum standard, required by DISM Standard Plan 103A-1

As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site. Application of the Design Waiver request would provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.

e. To reduce the minimum 16-foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for sixteen (16) foot driveway width for a double car garage.

The Department of Transportation recommends approval of a 12-foot wide driveway for a single car garage and a 16-foot wide driveway for a two car garage from the garage to top back of rolled curb. As a Planned Development, the project has been designed to minimize impacts on the surrounding

areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site. The Design Waiver would provide access to a lot created as a “no grade” lot to minimize landform disturbance and preserve oak woodlands. Application of the Design Waiver request would provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.

f. Request for a 100-foot radius at the secondary entrance on A Drive.

The County DISM calls for a 100-foot minimum radius (150-foot in Hillside Standards). The road design will be graded and constructed with compliance to the County DISM- Hillside Standards. The Department of Transportation recommends approval of this Design Waiver.

Agency and Public Comments: Appropriate Conditions from each reviewing agency are included the Conditions of Approval listed in Attachment 1. The following agencies provided comments and/or conditions for this project:

El Dorado County Planning Services
El Dorado Hills County Fire Protection District
El Dorado Hills Community Services District
El Dorado County Department of Transportation
Office of the County Surveyor
El Dorado Irrigation District
Air Quality Management District

Staff received a letter dated April 16, 2007 from Christine and Wilhelm Derksen (Exhibit K1) and another letter date September 26, 2008 from Christine Derksen (Exhibit K2). The Derksen’s own the property adjacent and east of the project site. As shown on the Porter Tentative Subdivision Map, a portion of the northwest corner of the Derksen’s approximately 33-acre property would be developed for B Drive and C Drive road improvements needed as access onto the project site. The Derksen’s have not granted a road easement and/or a slope easement for the benefit the Porter Subdivision. Christine Derksen describes in both letters her family’s concern with the County allowing the Porter Subdivision road design to encroach onto their property without compensation.

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, potentially significant impacts to Biological Resources, and Cultural Resources would occur and Mitigation Measures have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that the implementation of the Mitigation Measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration has been prepared.

NOTE: This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or endangered plants or animals, etc.) and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2043.00 after approval, but prior to filing the Notice of Determination on the project. The fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to defray the cost of managing and protecting the State fish and wildlife resources.

RECOMMENDATION

Planning Services staff recommends the Planning Commission take the following action:

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 Z07-0010/PD07-0006 and TM07-1438 based on the Findings noted in Attachment 2 and subject to the conditions in Attachment 1; and
4. Approve the six following Design Waivers addressed in the staff report since appropriate findings have been made in Attachment 2.
 - a. Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum.
 - b. Request for a 50-foot radius at the knuckle of A Drive.
 - c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.
 - d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1.
 - e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.
 - f. Request for a 100-foot radius at secondary entrance on A Drive.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Parent Parcel Map
Exhibit E	Tentative Subdivision Map
Exhibit F	Assessor's Map
Exhibit G	Preliminary Grading Plan
Exhibit H	Slope Map
Exhibit I	Tree Preservation Plan
Exhibit J	Site Plan
Exhibit K1	Christine and Wilhelm Derksen letter, dated April 16, 2007
Exhibit K-2	Christine Derksen letter, dated September 26, 2008
Exhibit L	CTA Engineering & Surveying letter, dated September 6, 2007
Exhibit M	Environmental Checklist and Discussion of Impact