

Findings

1.0 CEQA Finding

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

2.0 General Plan Consistency Findings

- 2.1 The land use amendment which relocates the Rural Center boundary, thus decreasing the area of the rural center and increasing land designated as rural residential is consistent with Objectives 2.1.2 and 2.1.3 in that the land use designation changes actually reflect the existing character and lotting pattern of the area. The proposed project creates a more appropriate transition from higher density residential uses within the Latrobe Rural Center to lower density rural residential and agricultural uses outside the Rural Center. The proposed tentative parcel map, as conditioned, is consistent with the Rural Residential General Plan land use designation for parcel size, density and land use.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.2, 2.2.5.3, 2.5.2.21, TC-Xb, 5.7.2.1, 5.8.1.1, 6.2.3.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, 8.1.3.1, 8.1.3.2, 8.2.2.5, 8.2.2.6 and because, upon completion of the conditions, there will be adequate roadways, utilities, and other public service infrastructure available. The project presents a logical transition from High Density Residential land use designations within the Rural Center to larger Agricultural land use designations located outside the Rural Center.

3.0 Zoning Findings

3.1 The project is proposed to be zoned Estate Residential Ten-Acre (RE-10) and One Family Residential (R1), which establishes a minimum parcel size of 10 acres and 20,000 square feet respectively. The project would create four parcels ranging in size from 5.43 to 10 acres in size which is consistent. All parcels would meet the minimum parcel sizes of their respective zone districts. All four parcels have the size and natural conditions to allow single-family development to meet the development standards in Section 17.70.110 and 17.28.040.

4.0 Tentative Map Findings

4.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance because they meet or exceed the minimum parcel size required for the RE10 and R1 zone districts and, as conditioned, there will be adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the parcels.

4.2 The site is physically suitable for the proposed type and density of development because the parcels have the capability to provide private facilities (water and wastewater disposal) to support the residential uses. Other utilities currently exist on and adjacent to the proposed parcels.

4.3.1 The proposed tentative map is not likely to cause substantial environmental damage because the project site has limited resources, and those that do exist onsite will be avoided to the maximum extent possible with adherence to mitigation measures and conditions of approval.

Conditions of Approval

1. The project, as approved, consists of the following:

This General Plan land use designation amendment, rezone, and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A-G (General Plan Amendment/Rezone/Tentative Parcel Map) dated August 28, 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.

Project Description: Approval of this project allows the following: amendment to the General Plan land use designation from HDR (High Density Residential) [approx. 6 acres] to RR (Rural Residential) in the Latrobe Rural Center and re-designate that portion Rural Region on the 37.28-acre lot referenced as Assessor's Parcel Number 087-121-01; a rezone to amend the zoning designation from RE-10 (Estate Residential Ten-Acres)

designated as HDR to One Family Residential (R1), and change the portion zoned RA-40 (Residential Agricultural 40-acre minimum) to RE-10 (Estate Residential Ten-Acres), and a tentative parcel map to subdivide the existing 37.28-acre parcel into four parcels ranging in size from 5.43 to 10-acres. Access for all parcels shall be provided via a private roadway from Latrobe Road to be improved to DOT standards.

2. All site improvements shall conform to Exhibit D and E.

Environmental Review (Mitigation Measures)

3. **MM Bio-1:** The applicant shall delineate all wetland areas on the parcel map. A 50-foot structural setback line shall also be delineated on the parcel map, and a note stating that no structural improvements are to be allowed within that structural setback area shall be filed with the parcel map.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-2:** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. Prior to issuance of grading and building permits the applicant shall receive all necessary permits from California Department of Fish and Game.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

5. **MM Bio-3:** Prior to approval of permits for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity within the south stream drainage area. A copy of the 404 Permit or waiver shall be submitted to El Dorado County Planning prior to issuance of grading and building permits.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

6. **MM Geo-1:** All development shall be excluded on slopes of 30% or greater as shown on Exhibit E (Tentative Parcel Map). This requirement shall be shown as a note on the Parcel Map and all building and grading plans.

Timing/Implementation: Prior to filing of the parcel map, Planning Services shall verify compliance with this condition.

Enforcement/Monitoring: El Dorado County Planning

Planning Services Site Specific and Standard Conditions

7. A note shall be recorded on the final map stating the following, "A buffer area of two hundred feet will be required on the inside of a boundary where land zoned estate residential ten acres abuts planned agricultural zone lands which are currently not in horticultural and timber production."
8. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
9. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the final parcel map.
10. The applicant shall make the actual and full payment of planning processing fees for the general plan amendment, rezone and the tentative parcel map application prior to filing the parcel map.
11. 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 parcel map, 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.

12. The applicant shall meet all requirements of the Latrobe Fire Protection District.

El Dorado County Department of Transportation

Project Specific DOT Conditions

- ~~13. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate the 30-foot wide road and public utility easement for the on-site portion of Michigan Bar Road, prior to the filing of the parcel map. This offer will be rejected by the County.~~

143. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the parcel map. Slope easements shall be included as necessary.
154. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed private roadway onto Latrobe Road to the provisions of County Design Std **103D**. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
165. **Access Roadways:** The roadway shall be constructed per El Dorado County Design and Improvements Manual (DISM) **101C** with a minimum road width of 18-ft with 1-foot shoulders on both sides and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
176. **Roadway Slopes:** Pursuant to Design Std Plan 101C, Note 4: Roads with Average Daily Trips (ADT) of less than 601 may have slopes exceeding 12% not to exceed 15% for lengths up to 600 ft if they are paved with a minimum of 2.5" AC on 6" AB. The roadway slopes exceeding 12% shall be indicated as proposed to be paved on the improvement plans and/or proposed map prior to filing.
187. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the parcel map
198. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
2019. **Intersections:** Per the DISM Section 3.B.1, intersections shall be at least 150 feet apart at street centerline on local roads and 300 feet apart on collector roads. Latrobe Road is a collector road. The proposed road shall therefore be a minimum of 300 feet from existing road on the north side of Latrobe.
210. **Turnarounds:** Turnarounds shall be provided at the end of the roadways per DISM 114 or approved equivalent to the satisfaction of DOT and the fire department.
221. **Intersection Angles:** Pursuant to the DISM Section 3.B.2, roadways shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 70 degrees. The bearings on the centerline of proposed roadway shall be shown on the map prior to filing the parcel map.
232. **Centerline Gradients:** Pursuant to DISM Section 3.B.3, the centerline gradient of a roadway terminating at an intersection shall not exceed 5% at any point within the intersection for a distance of 50 feet from the point of intersection. The gradient within

turnarounds shall not exceed 8%. Centerline gradients shall be shown on the map prior to filing the parcel map.

243. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Latrobe Road, excluding the location of the approved access encroachments.

DOT STANDARD CONDITIONS

254. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
265. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
- ~~27. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).~~
286. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
297. **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.
3028. **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 parcel map.
3129. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the parcel map.
320. **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.
331. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the 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 prior to occupancy clearance.

342. **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.
353. **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.
364. **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.
375. **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.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the map or the applicant shall obtain an approved improvement agreement with security.

386. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the parcel map.
397. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the parcel map.
4038. **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.
4139. **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.
420. **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.
431. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete. The proposed project is located in Fee Zone Area 7, and at current rates, a fee of \$17,410 per single-family dwelling is required.

El Dorado County Office of County Surveyor

442. All survey monuments must be set prior to filing the Parcel Map.
453. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
464. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that **"all conditions placed on P 07-0023 by (that agency) have been satisfied."** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

Environmental Management

Air Quality

475. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

Hazardous Materials

486. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.