

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 located at 2850 Fairlane Court, Placerville, CA.
- 1.4 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 approval project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designated to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 The General Plan Amendment will change two acres at the subject site from C to MDR. The MDR General Plan land use designation permits one unit per acre while the C General Plan land use designation permits a maximum density of 20 units at the subject site. A two acre site with an MDR General Plan land use designation permits a maximum density of two units which is consistent with the surrounding residential densities. The proposed project density conforms to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable policies of the General Plan including 2.2.1.2 land use types and densities, 2.1.1.7 adequate roadways, utilities and other public services, 2.2.5.3 rezone criteria, 2.2.5.21 compatibility with the surrounding neighborhood, 5.7.1.1 availability of emergency water, adequate emergency access, 6.2.3.2 adequate access, 7.1.2.1 disturbance of slopes in excess of 30 percent and 7.4.4.4, oak tree canopy retention. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's.

The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses and is consistent with the General Plan policies identified above.

- 2.3 The General Plan Amendment will change two acres at the subject site from C to MDR. The MDR General Plan land use designation permits one unit per acre while the C General Plan land use designation permits a maximum of 10 units per acre. The current General Plan land use designations will permit a maximum density of 20 units at the subject site. A two acre site with an MDR General Plan land use designation permits a maximum density of two units which is a better match with the surrounding residential densities.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards and the proposed development plan because the proposed lots meet the development standards of the R1A zone district pursuant to Section 17.28.080 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Road Easement Abandonment

- 4.1.1 Pursuant to California Government Code Section 65402, the abandonment of the existing on-site Road 'A' easement from any implied public use is found to be consistent with the General Plan.

4.2 Parcel Map

- 4.2.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.* The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Medium Density Residential General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.
- 4.2.2 *The proposed tentative parcel map conforms to the applicant standards and requirements of the County are zoning regulations and Minor Land Division Ordinance.* As proposed, the tentative parcel map conforms to the development standards within the One-Acre Residential (R1A) Zone Distinct and the Minor Land Division Ordinance.
- 4.2.3 *The site is physically suitable for the proposed type and density of development.* The project site is physically suitable for the proposed type and density of development. The

project was designed in a manner which avoids significant disturbances of slopes in excess of 30 percent, excessive grading and oak tree canopy removal.

- 4.2.4 *The proposed subdivision is not likely to cause substantial environmental damage.* The proposed parcel map is not likely to cause substantial environmental damage as determined in the prepared environmental document.

5.0 DESIGN WAIVER APPROVAL FINDINGS

- 5.1** Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to a roadway width of 20-feet and 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The Department of Transportation reviewed the requested design waiver and supports the request in order to minimize oak tree canopy removal and grading in the semi-rural setting while providing sufficient road access to the project site

- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements will require additional grading and oak tree canopy removal. Because of the steep cross slope on this site, narrower road widths will help to minimize cuts and fills reducing the overall project impact on oak tree canopy.

- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the reduced road width will meet minimum Fire District requirements for a fire apparatus access road. A reduced road width will minimize environmental impacts to existing oak canopy and minimize visual impacts.

- 5.1.4 *The waivers 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 requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 Reduce the road right-of-way from 50-feet to 35-feet.

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Because of the steep cross slopes at this site, narrower road and right of way widths will allow owners to build closer to the road, reducing the amount of grading required for driveways and buildings pads and minimizing the project's overall impact on oak tree canopy. The Department of

Transportation is supportive of a 35-foot right-of-way for Road “A,” as reflected in Table 1 of the Condition of Approval Number 12. The Fire District has no objections to reduced road right-of-way widths.

- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road right-of-way widths will reduce potential project grading and oak tree canopy removal impacts.
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The reduced right-of-way width will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the reduced road width will meet minimum Fire District requirements for a fire apparatus access road. A reduced road width will minimize environmental impacts to existing oak canopy and minimize visual impacts.
- 5.2.4 *The waivers 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 requested design waiver will not hinder the County’s implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

Conditions of Approval

I. PROJECT DESCRIPTION:

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, staff report, hearing Exhibits A-K, 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:

Tentative Parcel Map to create two parcels, one-acre in size, on a two-acre site. The two proposed parcels will be served by public water and sewer. The project will utilize French Creek Road, a County maintained road, as the primary access.

Design waivers to:

- a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.
- b. Reduce the right-of-way from 50-feet to 35-feet

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.

II. MITIGATED NEGATIVE DECLARATION CONDITONS OF APPROVAL

2. If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services.

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. 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.

4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant do El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to the office of the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the Parcel Map.
5. The applicant shall make the actual and full payment of all Development Services processing fees for the General Plan Amendment, Rezone and the Tentative Parcel Map application prior to filing the Parcel Map.
6. A meter award letter or similar document shall be provided to Planning Services prior to filing the Parcel Map.
7. This Tentative Parcel Map shall expire within 36 months form date of approval unless a timely extension has been filed.
8. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 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.
9. 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 weekends and holidays.
10. Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, as amended.
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.

El Dorado County Department of Transportation

Project Specific DOT Conditions

12. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map: (the requirements outlined in Table 1 are minimums)

| Table 1 | | | | | |
|------------------|-----------------------------|-------------------------------------|-----------------------|---------------------|------------------------------|
| ROAD NAME | DESIGN STANDARD PLAN | ROAD WIDTH* / SHOULDER WIDTH | RIGHT OF WAY** | DESIGN SPEED | EXCEPTIONS/ NOTES |
| Road 'A' | Modified Std Plan 101B | 20ft / 2 ft | 35 ft | 25 mph | No sidewalk, curb and gutter |

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). curb face for rolled curb and gutter is 6" from the back of the curb.
 ** Non-exclusive road and public utility easements included

13. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 35-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.
14. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Road 'A' onto French Creek 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 Parcel Map.
15. **Turnaround:** The applicant shall provide a turn around on Road 'A' to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the Fire District or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
16. **Off-site Easements:** Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.

17. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, 30 foot right-of-way along the entire frontage of French Creek Road, prior to the filing of the Parcel Map. This offer will be accepted by the County.

DOT Standard Conditions

18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
19. **Parcel Map Improvement Agreement & Security:** If improvements are necessary, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. This condition shall appear as a note on the recorded Parcel Map.
20. **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.
21. **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.
22. **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.
23. **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.

24. **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.
25. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
26. **Electronic Documentation:** Upon completion of any 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.
27. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Department of Forestry and Fire Protection (Cal Fire)

28. The on-site access road shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D). The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the El Dorado County Fire Protection District prior to filing the Parcel Map.
29. ~~The on-site dead end access road shall have a turnaround constructed at its terminus (Article 2. Emergency Access, Section 1273.09 (c) of the Fire Safe Regulations and 2007 California Fire Code, Appendix D). The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the Fire District prior to filing the Parcel Map.~~

- ~~3029~~. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01 (a) of the Fire Safe Regulations).
- ~~3130~~. A wildland fire safe plan, acceptable to the EDC FPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire District and Cal Fire to Planning Services prior to filing the Parcel map.

El Dorado County Surveyor's Office

- ~~3231~~. All survey monuments must be set prior to filing the Parcel Map.
- ~~3332~~. The road serving the development shall be named by filing a completed Road Name Petition, with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's office prior to filing the Parcel Map.
- ~~3433~~. 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 P09-0002 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor's and copied to the consultant and the applicant.
- ~~3534~~. The applicant shall place a note on the final Parcel Map in compliance with Section 66445 (j) of the Subdivision Map Act, to abandon the existing 50-foot wide non-exclusive road and public utilities easement for the on-site access roadway as shown, between Parcels C and D, on the Parcel Map recorded in Book 7 at Page 42, El Dorado County. The County Surveyor will acknowledge the abandonment within the "County Surveyors Statement".

Air Quality Management District

- ~~3635~~. The applicant shall adhere to all district rules during project construction, as specified by the District prior to issuance of any permits associated with the project.
- ~~3736~~. The applicant shall submit and pay appropriate fees for an Asbestos Dust Mitigation Plan (ADMP). The District shall review and approve the ADMP prior to issuance of a grading permit.

El Dorado County Fire Protection District

- ~~3837~~. A site review fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District prior to filing the parcel map.

3938. Prior to filing the parcel map, documentation from the El Dorado Irrigation District indicating a fire flow of 1,000 gallons per minute at 20 pounds per square inch shall be submitted to the El Dorado County Fire Protection District.