

FROM THE MINUTES OF OCTOBER 11, 2007

7. ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE MAP

(Public Hearing)

b. **Z07-0019/Planned Development PD07-0014/Tentative Subdivision Map TM06-1417** submitted by PANORAMA VIEW, LLC (Agent: Suzanne Sparacio, PhD) to rezone property from One-family Residential (R1) to One-family Residential-Planned Development (R1-PD); and development plan and tentative subdivision map to create and construct 18 single-family detached homes on lots ranging in size between 2,470 and 3,611 square feet, creation of a 43,500 square foot open space parcel, and creation and construction a 3,812 square foot tot lot. Four-foot sidewalks and on-street parking spaces will be available on the on-site road easement. Deviations from the development plan requirements have requested to reduce the minimum lot size from the required 6,000 square feet to allow lots ranging between 2,470 and 3,611 square feet, reduction of the lot width from the required 60 feet to 32 feet, to allow a one-car garage where two spaces not in tandem are required, to allow lot coverage between 30 and 44 percent where a maximum 35 percent is allowed, and to allow a three foot tall retaining wall on a common area open space lot near the entrance of the subdivision. The property, identified by Assessor's Parcel Number 329-162-69, consisting of 3.62 acres, is located on the south side of Panorama Drive, directly south of the intersection of Panorama Drive and Blanchard Drive, in the **Diamond Springs/El dorado Community Region**, Supervisorial District III. (Negative declaration prepared)

Staff: Roman Anissi recommended conditional approval to the Board of Supervisors. Commissioner Mac Cready asked the reason for changing the original project. Mr. Anissi explained. Commissioner Machado asked that staff explain the differences in land use designations on the project site and surrounding properties. Commissioner Machado asked the amount of land that was originally proposed for multifamily. Mr. Anissi replied approximately one acre. Commissioner Machado asked what type of density could have been obtained with the original project. Chair Knight also asked what the original density could have been. Mr. Anissi explained. Commissioner Mathews asked the reason for placing the tot lot in the front.

Pierre Rivas proposed revisions to several of the conditions.

Suzanne Sparacio briefly explained their project.

Commissioner Mathews asked if there is room to put paint, etc., in the garage. Ms. Sparacio said there is room in the rear of the lots where you can place a shed for such items. Mr. Anissi said if there is room in the garage you could store such items; you just have to make sure the car can be parked in the garage. Commissioner Machado asked if it is physically possible to build two-car garages. Ms. Sparacio said it is possible, but she would rather elongate the garage and put the storage in the back.

Nelson Dawson gave the Commission some background information on this property. He asked that his property be down-zoned years ago, and now we have this high density. He wants to know what happened to his down-zoning.

Another property owner said his land was rezoned without giving them notice. Now he will have to look into six backyards.

Lisa Reyes, representing her parents who are adjacent property owners, submitted their written comments. They are concerned about noise, traffic congestion, visual effect of having sheds, parking, and not being able to park cars in the driveways. Two-story residences will obstruct their view. Mrs. Reyes commented her parents' parcel is two and a half acres in size.

Vivian Parker, Biologist, would like to have a copy of the Biological Assessment for the project. The argument that there is already dense development does not make sense. You cannot keep changing the zoning every time you want to. We have a General Plan. It is very unlikely that the acorns that are planted will survive. The mitigation is put off on the homeowners association, and she does not believe that is legal.

Michael Reyes commented that technically the project may fit. However, is there a benefit to the surrounding property owners? Why put so much into so little?

Robert Sanders, land owner adjacent to the subject property and representing another adjacent property owner, asked what is going to separate this property from the existing parcels. The culvert in this area is full year-round. Ms. Sparacio commented they will be upgrading the culvert. Based on the General Plan, they are clustering the project.

Commissioner Mac Cready asked if they did not have the oak tree restrictions, would they have had larger lots. Mr. Sparacio stated the lots now are on the most level part of the parcels. This is the least obstructive to the land.

Chair Knight said they are complying with the General Plan, because it is high density. All the easy pieces of property in the County have been developed. It is hard to take a piece of property and develop it with all the restrictions we have.

Commissioner Machado said the project complies with the General Plan, also the proposed zoning. The applicant could use the entire parcel. He explained the planned development scenario. This applicant got creative. They provided a tot lot. This parcel abuts a mobile home park. He supports the project and feels it has been well thought out.

Commissioner Mac Cready agrees that acorns will not live. The 15 saplings also will not live. Who is going to pay for the individual that has to come in and monitor the trees? Ms. Sparacio said the smaller the oak trees the better the survival rate. She explained the type of oak trees selected for the front yards. Commissioner Machado said they are doing what is required by the County.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MAC CREADY; ABSENT – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS: 1. ADOPT THE NEGATIVE DECLARATION, AS PREPARED; 2. APPROVE Z07-0019/PD07-0014, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, SUBJECT THE CONDITIONS AS MODIFIED AND BASED ON THE FINDINGS PROPOSED BY STAFF; AND 3. APPROVE TM06-1417 SUBJECT TO THE CONDITIONS AS MODIFIED AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

Project Description

1. This rezone, planned development, and tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M dated October 11, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of this project allows only the following: rezone from One-Family Residential (R1) to One-Family Residential-Planned Development (R1-PD), PD and tentative map to create and construct 18 single-family detached homes on lots ranging in size between 2,470 square feet to 3,611 square feet, to create a 43,500 square foot open space parcel, and to create and construct a 3,812 square foot tot lot. Each home is to be 2-story construction with habitable and garage floor areas as follows: Lots 1 thru 7 will provide 1,383 square feet of living area with a 210 square foot garage, Lots 8 and 9 will provide 1,720 square feet of living area with a 210 square foot garage, Lots 10 thru 18 will provide 1,403 square feet of living area with a 208 square foot garage. Each new residence shall be allowed to have a maximum of three bedrooms. Each unit provides a private back yard area to be enclosed by 6-foot tall fencing. With exception to a solid block wall on the rear yard property line on Lots 10 thru 17 and open aluminum view fencing on the eastern property line for Lots 9 and 18, all other private residential fencing will be made of wood. Front yards of residential lots, project site entry and the tot lot would be landscaped and irrigated. Four-foot wide sidewalks and on-street

parking spaces will be available on the on-site road easement. A Homeowner's Association (HOA) shall be formed to ensure that common areas are maintained, that all on and off-street parking is managed, and replaced oak trees survive the growing and replacement cycles. One of the 18 units will be designated as a moderate income unit for a period of 20 years to be sold to qualifying moderate income households.

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 must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION

All mitigation measures listed in this section shall be placed as a plan sheet on all grading and/or improvement plan sets.

2. Prior to the issuance of building permits, the applicant shall pay the Rare Plant Mitigation Area 2 in-lieu fee for single-family residential development that is in effect at the time of building permit issuance. This fee can be paid at one time for all 18 units. At the applicant's request, this fee can also be paid on a lot-by-lot basis should building permits be issued separately for each residential unit on each lot. The fee will offset impacts within this mitigation area based on adopted County policies. **[MM Bio-1]**
3. Prior to the issuance of the first grading permit, the applicant shall provide a survey to Planning Services to be prepared by a qualified biologist should such activities be proposed during the breeding season for raptors (March through August) and songbirds (February through August 15). In the event that active nesting raptors and/or songbirds are discovered during the survey, the applicant shall establish a 200-foot non-building buffer around nesting sites, to be illustrated on the grading and/or construction plans. The buffer must be implemented on the property during such activities with temporary low-impact fencing that separate construction areas from non-building nesting areas. Should active nests be discovered during the breeding period, grading and/or construction activities shall not be allowed within the 200-foot non-building buffer, or unless a biologist provides a letter that states that all juvenile raptors and/or songbirds have fledged from the occupied nests and stating that grading and construction could begin or continue. **[MM Bio-2]**
4. Concurrent with the submittal of the grading permits, the applicant shall submit an oak woodland replacement plan to be prepared by a qualified professional to

- identify all affected oak woodland canopy that would be removed and replaced. The removal of oak trees shall substantially conform with the approved oak woodland preservation plan established and approved for this project, which identifies 65 percent of the site, or 2.35-acres is comprised of oak woodland tree canopy. The project shall retain, at a minimum, 70 percent, or 1.65-acres of oak woodland tree canopy. Any oak woodland canopy plan developed for and prior to grading permit approvals, must clearly identify existing oak canopy, the removed quantity of canopy, and the replacement based on the 70 percent retention standard that applies to this project, and based on adopted County policies. **[MM Bio-3]**
5. At a minimum, the applicant shall illustrate and replant .70 acres of oak woodland canopy impacts, or .71-acres should the maximum impacts to oak canopy occur. This maximum is allowed based on the 70 percent retention standard, in order to accommodate all on and/or off-site improvements. At no time shall more than .71 acres of oak woodland tree canopy be removed as a combined total for all on-and/or off-site impacts. Based on .70 acres of impacts established as the baseline for this project, the replacement standard for this project is 51 (15)-gallon oak saplings and 267 oak acorns. Blue oak saplings shall be planted between driveways within the front yard areas of each lot. In addition, a qualified professional shall identify and provide exact recommendations about the types of oaks acorn replacement that would occur on the project with the grading plan to be reviewed by Planning Services and prior to the approval of grading permits. Should the maximum .71-acres of oak woodland canopy be impacted, the qualified professional shall prepare a replacement plan that conforms to County policies and standards. Notes and techniques recommended by the qualified professional for proper caring and maintenance of oak sapling replacement shall be included on the grading plans to conform to County policies and standards. **[MM Bio-4]**
 6. Prior to the issuance of the first occupancy permit, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the planted oak acorns and/or oak saplings for this project. A Notice of Restriction (NOR) shall also be placed on the final map that will require similar reports to be provided following one year, three years, five years, and ten years for both acorns and saplings, and a fifteen year update for planted acorns. Either the applicant and/or the newly established Homeowner's Association (HOA) will be responsible in providing report updates. A qualified professional must prepare the reports. Any acorns and/or saplings found not to survive or show adequate progress during each reporting period shall be replaced with (1) gallon oak saplings by the applicant and/or Homeowner's Association (HOA). A qualified professional shall provide a letter update about such replacements, to include specific care and maintenance instructions that would promote the survival of replacements. **[MM Bio-5]**

7. Prior to the approval of grading permits, the applicant shall illustrate a 6-foot tall solid masonry block wall (or similar) at the rear property line for Lots 10 thru 17 on the grading plans and shall construct those walls prior to County issuance of final occupancy permits for any residence on Lots 1 thru 18. The location of the block wall shall conform to the Site Plan prepared for the noise study and the design shall substantially conform to a Basalite, Proto II type D345 Split Face color wall with optional crown, as shown on the 'Sound Barrier Rear Fence: Lots 1 thru 17 Only' exhibit. **[MM Noise-1]**

8. The project will require that a Homeowner's Association (HOA) be legally established for this planned development. The Homeowner's Association (HOA) will be required to develop Conditions, Covenants and Restrictions (CCRs) that would include a parking plan to address parking restrictions on the property. For the parking section of the Conditions, Covenants and Restrictions (CCRs) must include the following provisions:
 - a) All units shall be limited to a maximum of three bedrooms at all times;
 - b) All garages shall be kept free and clear at all times in order to allow for parking of the primary vehicle owned by the owner and/or occupant of the premises;
 - c) Garages shall not be used for the sole purpose of storage of household and/or related items and shall not be converted to living or habitable area, at any time;
 - d) Private driveways shall only be used as temporary car parking for visitors to the planned development and shall not be occupied by any vehicle for periods in excess of 72 hours at any one time;
 - e) Parking on the on-site road easement shall be used as temporary car parking for visitors to the planned development and shall not be occupied by any vehicle for periods in excess of 72 hours at any one time;
 - f) Recreational vehicles, boats, and/or large equipment shall not be allowed to permanently park on private lots, road easement, driveways, and/or within garages within this planned development and shall only be allowed to park for a maximum of 2 hours at any one time on the road easement or driveways; and
 - g) Residents of this planned development cannot use any portion of Blanchard Road or Panorama Drive to store or park recreational vehicles, boats, and/or large equipment, on either a temporary and/or permanent basis. Such items must be stored at a pay for storage facility and/or outside of a one-mile radius of this planned development. **[MM Traffic-1]**

CONDITIONS OF APPROVAL

Planning

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

10. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
11. The applicant shall make the actual and full payment of planning processing fees for the rezone, planned development, and tentative map application prior to the County Recorder processing the final map.
12. Prior to the issuance of building permits, the applicant shall make a payment from Quimby in-lieu fees to Planning Services pursuant to Subdivision Ordinance Section 16.12.090. The applicant shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
13. Prior to the approval of a final parcel map, the applicant shall provide evidence that a looped water system for the 6-inch water lines located at the intersection of Blanchard Road and Clarion Court is connected to the 6-inch water line located ~~150 feet north of Blanchard Road~~ in Panorama Drive. A 6-inch water line shall connect this project to that looped water system for potable and fire suppression purposes. The EID and Diamond Springs-El Dorado Fire Protection District have determined that the minimum fire flow for this project is 1000 gallons per minute (gpm) for a period of 2-hours while maintaining 20 pounds per square inch (psi) for residual pressure can be achieved with the looped and connection to the looped water line.
14. ~~A Notice of Restriction (NOR) shall be recorded with the final map stating that an Homeowner's Association (HOA) must be established and maintained in perpetuity with this project.~~

15. The applicant shall form a Homeowner's Association (HOA) ~~concurrent with~~ prior to the filing of the final map and shall develop Covenants, Conditions, and Restrictions (CC&R's) to address common area maintenance, on and off-street parking, oak tree survival, and other mitigation and permit conditions required for this project. ~~The El Dorado Planning Services and County Counsel shall review and approve the Homeowner's Association (HOA) and Covenants, Conditions, and Restrictions (CC&R's) to ensure consistency with project mitigation, permit conditions, and county standards~~ Condition 1 and Conditions 16 through 23.
16. Exterior colors and materials for buildings and fencing shall substantially conform to the following:
- a) Craftsman design would allow the option of roof materials to be either Burnt Sienna or Aged Bark color CertainTeed Landmark shingles. Front elevation stonework would be shale colored Cultured Ledge Stone. The woodwork of the front elevation would be Sand Pebble in color with either Bravado or a Villita trim option. The option for door and shutter treatments would be the Bravado or Villita color.
 - b) Country design would allow the option of roof materials to be either Resawn Shake or Chestnut color CertainTeed Landmark shingles. Front elevation stonework would be made of Mackinac Cultured River Rock. The woodwork of the front elevation would be either a Full Sun or Natural Raffia color option with a Swiss Coffee trim. The option for door and shutter treatments would be the Bravado or Green Thumb color.
 - c) Tuscan design would allow the option of roof materials to be either Terracotta Brown Blend or Medium Terracotta Brown Blend color Capistrano Sunrise Blend Roof Tiles. Front elevation stonework would be Carmel color Cultured Ledge Stone. The stucco of the front elevation would be either a Spanish Sand color with Simply Tan trim or a Gold Promise color with Oxford Brown trim. The option for door and shutter treatments would be the Bravado or Villita color.
 - d) Except as noted in condition 16(e and f), a 6-foot tall wood fence shall be installed along the property line of all privately owned lots. Such fencing shall be painted with either a natural or a brown stain. All wood fencing shall be maintained in good visual repair at all times.
 - e) A 6-foot tall high strength aluminum black open fence shall be installed on the eastern property line on Lots 9 and 18. The 6-foot tall high strength aluminum black open fence shall be maintained in good visual repair at all times.
 - f) A solid block noise wall shall be built on the rear yards on Lots 10 thru 17, as noted by MM Noise-1.

- g) Should a specified roof tile color and/or stone color be unavailable or out-of stock, the applicant shall provide Planning Services a replacement color to be reviewed and approved by the Deputy Director of Planning Services with a letter approval, prior to the County approving such changes on any building permit plans. The letter approval shall be placed in the project file for reference.
17. All fencing shall be designed to meet the County's Fence Ordinance Section 17.14.155. All fencing shall be kept free of graffiti and each property owner shall be responsible to meet this requirement.
 18. Gates shall not be installed on the on-site road easement, at any time.
 19. Common area lighting is not permitted. All necessary outdoor lighting shall be designed to meet the County's Lighting Ordinance Section 17.14.170.
 20. Refuse and recycling materials shall be stored out of public view and shall only be located curbside on trash/recycling pick-up days.
 21. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
 22. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
 23. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to and be approved by the Deputy Planning Director or designee prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
 24. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval numbered 10 thru 23. The applicant shall provide evidence that each of these conditions have been satisfied and such information shall be included in the project file for reference.
 25. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall

- determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
26. 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.

Human Services

27. In exchange for consideration of the Planned Development (PD) request to deviate from certain base zone regulations, El Dorado County Human Services shall require one (1) of the 18 single-family units shall be designated as affordable or 'inclusionary' housing for families of moderate income. Moderate income level is defined as those households earning between 80-120 percent of the median family income as established for El Dorado County. According to the details of your project, all are three (3) bedroom single-family, detached homes. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
28. An affordable housing plan, to include but not be limited to financing arrangements, monitoring program, and 20-year deed restrictions, shall be established by the applicant through the Department of Human Services, Housing Authority. A copy of the affordable housing plan shall be submitted to Planning Services prior to final occupancy of the first single-family unit.
29. In accordance with General Plan *Policy HO-3j*, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the County Department of Human Services, and the existing tenants at least two years prior to the conversion of the affordable housing units to market rate.

Department of Transportation

30. The applicant shall construct the following roadways as specified in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map:

TABLE 1

ROAD NAME	DISM PLAN TYPE(S)	ROAD WIDTH	EXCEPTIONS/NOTES
On-site Access Roadway	StdPlan101B StdPlan104	30ft (50ft R/W)	Type 1 rolled curb with 4* ft sidewalk.
Blanchard Road	StdPlan101B StdPlan104	18ft from exist. roadway centerline (25ft R/W from centerline)	Type 2 vertical curb per DISM Std Plan 104, 6 ft wide shoulder in lieu of sidewalk on south and southwest side only with required edge line striping.
Panorama Drive	StdPlan101B StdPlan104	18ft from exist. roadway centerline (30ft R/W from centerline)	Type 2 vertical curb per DISM Std Plan 104, 6 ft wide shoulder in lieu of sidewalk on east side only with required edge line striping.

Notes for Condition 1 Table 1:

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

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

*With approved waiver.

31. The applicant shall replace the existing 8 inch and 12 inch culvert crossing under Panorama Drive at its intersection with Blanchard Road with a minimum 18 inch culvert, as required in the approved drainage report. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.
32. The applicant shall provide a thermoplastic edge (of travel way) line stripe according to the Caltrans Standard Specifications and Traffic Manual or as required by DOT. This required edge line stripe shall be placed along the edge of the travel way along the entire roadway frontage of Blanchard Road and Panorama Drive. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.
33. The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment (with the minimum required sight distance) from the on-site access roadway onto Panorama Drive to the provisions of County Standard Plan 103C, prior to the recordation of the map.
34. The applicant shall irrevocably offer to dedicate, in fee, 25 feet of right of way, with slope easements where necessary, along the entire project frontage for Blanchard Road, as required by the General Plan, prior to the recordation of the final map. This offer will be accepted by the County of El Dorado.
35. The applicant shall irrevocably offer to dedicate, in fee, 30 feet of right of way, with slope easements where necessary, along the entire project frontage for

- Panorama Drive, as required by the General Plan, prior to the recordation of the final map. This offer will be accepted by the County of El Dorado.
36. The applicant shall provide a 50-foot wide non-exclusive road and public utility easement (R & PUE) for the on-site access roadway and a 60-foot wide radius (R & PUE) for the cul-de-sac prior to the recordation of the final map.
 37. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roadway and drainage facilities, prior to the recordation of the final map.
 38. A vehicular access restriction shall be established on the final map along the entire frontage of Panorama Drive and Blanchard Road, except for the proposed encroachment onto Panorama Drive.
 39. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant on June 26, 2007.
 40. 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 the final map.
 41. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
 42. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
 43. ~~A notice of restriction shall be recorded~~ On all lots where off street parking is required in lieu of the additional on street parking spaces or bays, ~~As an alternative,~~ the project CC&Rs shall include a provision for off street parking to compensate for lack of parking normally required on the street.

44. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
45. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
46. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
47. 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.
48. 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.
49. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
50. 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.

51. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, 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 State of California. 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 SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
52. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
53. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
54. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
55. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. 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.
56. 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.
57. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

58. The applicant shall make an application to the Department of Transportation to review the speed limit on Blanchard Road.
59. Two off-street parking spaces shall be required for each single-family residence, at all times.

Diamond Springs-El Dorado Fire Prevention District

60. Prior to the issuance of building permits and issuance of the final parcel map, the applicant must consult with the Diamond Springs-El Dorado Fire Prevention District about required fees, plan reviews, and/or site visits for this project. The district plan review fee structure is as follows:
- a. Application fee is \$50.
 - b. Six or more lots are a fee of \$300 plus \$10 for each additional lot.
61. The tentative map identifies on-street parking. The areas not identified on the tentative map for on-street parking shall be fire lanes and shall not allow parking for any vehicle other than fire apparatus, at any time. The applicant shall paint all fire lane curbs with red paint and shall provide white stenciled lettering identifying 'no parking at any time, fire lane' on such curbs and as approved by the Fire District.
62. Minimum fire flow required is 1500 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of two hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of two hours.
63. Provide document from El Dorado Irrigation District (EID) to show that the system will meet required fire flow for this project. Per EID they can meet this if a loop water line is provided.
64. Additional hydrants will be required for this project. The Fire District will determine hydrant locations.
65. All driveways shall provide a minimum 12-foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length, and be capable of supporting a 40,000 pound load.
66. All roadways will be a minimum of 20 feet wide, all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width. Parking on both sides of the road will require 40 feet minimum road width, or as approved by the Diamond Springs-El Dorado Fire Protection District should the road width be minimally smaller in width on limited sections of the project road easement, and as shown for a 100-

- foot portion of the road easement on the tentative parcel map. A portion of the project will be allowed to provide parking on both sides of the street, as illustrated on the tentative parcel map.
67. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the centerline of the road. The applicant may use a hammerhead "T," a modified "T" or a modified "Y" in lieu of a circular type turnaround, per El Dorado County Department of Transportation (DOT) Standard Plan 101C.
 68. Disposal, including chipping, burying, burning, or removal to a landfill site approved by the local jurisdiction, or flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
 69. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall located said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.
 70. Prior to the recording of the final map, the applicant shall ensure that the financing mechanism associated to public safety and fire protection is place, including inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.), established by the Diamond Springs-El Dorado Fire Protection District for the provision of public services permitted under Government Code Section 53313, including fire suppression services, emergency medical services, fire prevention activities, and other services (collectively Public Services), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

Environmental Management

71. Prior to approval of grading and/or improvement plans, the applicant shall provide a Fugitive Dust Mitigation Plan (FDMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). The FDMP shall comply with the requirements of Rule 223 and 223.1.
72. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
73. All project architectural coatings shall adhere to AQMD Rule 215.

74. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
75. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacturer's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.
76. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal combustion engines, the applicant shall submit an authority to construct application to be reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

County Surveyor

77. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyors Office.
78. The roads serving the development shall be named by filing out a completed Road Name Petition with the County Surveyors Office prior to filing the final map.

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA, and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources and Transportation/Traffic categories. By including mitigation for

these two categories, the effects on the Mandatory Findings of Significant section are also reduced below a level of significance for this project.

- 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 at 2850 Fairlane Court, Placerville, CA 95667.
- 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 approved 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 designed to ensure compliance during project implementation.

2.0 REZONE FINDING

- 2.1. *That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.*

The rezone would add the Planned Development (PD) combined zone district to the existing One-Family Residential (R1) zone. The PD that has been developed for this project that clusters development of 18 single-family residential units, while providing outdoor common open space area of 30 percent with a 43,500 square foot open space lot and a 3,812 square foot tot lot meets the policy of the General Plan for a planned development. The PD provides innovative design by combining effective road improvements and access, placement of individual lots on the least sensitive portions of the property, sensitive site grading and building design, as well as a host of architectural design features that promote a balanced subdivision. Such innovation requires that certain development standards be reduced in order for this project to achieve the appropriate density of the High Density Residential (HDR) General Plan land use designation of this lot. This project also meets applicable policies outlined by the General Plan including, those for public road and services, utilities, improvements that will be necessary for this project, removal and replanting of oak woodland tree canopy to meet the policies of the General Plan. The project also designates one unit that will be affordable to moderate income households for a period of 20 years.

3.0 PLANNED DEVELOPMENT FINDINGS

- 3.1 *That the Planned Development (PD) is consistent with the General Plan.*

As proposed, the Planned Development (PD) application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the High Density Residential (HDR) designation because it provides an 18 unit clustered single-family

detached product, where 18 units are allowed. PD criteria are being addressed concurrent with site design that provides an innovative clustered concept. The deviations that are requested with the PD are appropriate based on the overall project design, with the understanding that there is an added public benefit being provided by this project with inclusion of one unit available to only qualifying moderate income households. The flexibilities in design standards are required in order to justify the project and provide the necessary density of the High Density Residential (HDR) land use designation and the base zone. The flexibilities will allow the project to support the goals established for a PD and those established by the General Plan for the protection of site resources such as oak woodland tree canopy. The 18 units are compatible with the surrounding pattern of development, in that this lot is a transition lot from the less intense single family residential development on the south to the more intense commercial areas located closer to Mother Lode Drive to the north. Other similarly designed projects with comparable densities exist in the immediate area.

3.2 *The proposed development is designed to provide a desirable environment within its own boundaries.*

This project provides 30 percent common open space area where 30 percent is required based on PD standards. The site incorporates the gentle slope and topography of the site into the overall design by stepping buildings on the higher elevations of the parcel away from Blanchard Road. Combined with the siting and clustering of buildings, the use of tasteful architectural elements including the Craftsman, Country, and Tuscan themes, private homeownership opportunities, adequate spacing between structures, proper landscaping, replanting of blue oak saplings within the front yard of each home, and other site improvements, this project creates a sensible and desirable environment within the project boundaries.

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

The project proposes to deviate from most of the underlying One-Family Residential (R1) zone development standards because it provides innovative design in the project layout with an added public benefit that designates one of the 18 units as an affordable unit for moderate income households for a period of 20 years. The project will minimize site grading and provides buildings that step in order to minimize the required grading necessary for this project. The project provides adequate improvements for necessary on and off-site roads in order to improve access into this subdivision as well as improvements that would upgrade the surrounding neighborhood. The project also provides a practical single-family design solution for detached units that would each comprise of a private and enclosed back yard. There is a large common are open space lot that will be maintained in its natural state, as well as a tot lot that can be used by residents or those that visit the residents of this subdivision. The project is within a Community Region and requests the deviations in order to achieve the density potential available by clustering development. As a result, this development is well suited for this property and fits well within the area.

- 3.4 *The site is physically suited for the proposed use.*

This property is located within the Diamond Springs-El Dorado Community Region and is designated for single and/or multi-family residential development. The property is a transition lot that buffers the less intense single-family residential properties on the south from the more intense commercial zones and uses located north and closer to Mother Lode Drive on the north. The site is predominantly a semi-rural infill site because it is surrounded by existing and similar single-family residential development. As an infill lot, direct access is available onto Panorama Drive which is in close proximity to Mother Lode Drive. A 6-foot solid block wall at the rear property line of Lots 10 thru 17 will attenuate any noise at the residential property line to meet the General Plan requirement of 60 decibels. With the transportation improvements necessary for this project, this project proposes to upgrade the immediate roads in order to enhance the circulation for the neighboring area. As a result, this site is physically suited for the proposed single-family residential use.

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

Adequate public services are available or will be provided as conditioned by installation of road, water and wastewater upgrades and improvements, and fire suppression facilities such as additional fire hydrants and roads that can be accessible by fire apparatus. Adequate fire and police protection, parks and recreational opportunities, as well as schools, exist in the area. These public services will be available for this planned development.

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

This 3.62-acre site is a semi-rural infill lot that is surrounded by existing and similarly developed properties. As designed, the project proposes a sensitive site design that incorporates landform grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. The majority of the oak trees will be retained and those that are to be removed shall be replaced to meet both the retention and replacement standards of the General Plan policies. By preserving these oak trees, the project proposes to integrate the necessary disturbance required for this project with the natural and scenic qualities that exist at this property. Exterior colors and materials of buildings will add to the eclectic character of the neighborhood by providing aesthetically pleasing design themes of Craftsman, Country and Tuscan. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

4.0 TENTATIVE MAP FINDINGS

- 4.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative map, including design and improvements, is consistent with the policies of the General Plan. The General Plan HDR land use designation allows a maximum density of one to five units per acre. The tentative map proposes to subdivide a 3.62-acre site to allow 18 single-family residential lots clustered as part of a planned development concept. Each residential lot ranges in size between 2,470 and 3,611 square feet in size with each lot having direct driveway access onto a road easement. The road easement provides direct access onto Panorama Drive that connects to Blanchard Road extending to Mother Lode, which are County maintained roads. As part of the project, infrastructure such as those necessary for road widening and improvements, water and wastewater utility improvements and connections onto the El Dorado Irrigation District (EID) system, fire hydrants and adequate water pressure will be implemented during the processing of the final parcel map or during the review of building and grading permit applications. With the mitigation that has been established for this project, the impacts have been assessed and it has been found that there will be a less than significant level of impact to biological resources, including oak trees, will be required. The project will implement County grading and drainage standards to ensure proper grading and improvements area included in the final design.

- 4.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

With the rezone, the Planned Development (PD) combined zone would be added to the underlying One-Family Residential (R1) zone of the property. That would allow the project to deviate from the required development standards required within the R1 because the project provides innovation in site design by providing the requires 30 percent common area open space and options to building and design frontage using either a Craftsman, Country, or Tuscan theme with appropriate materials and color palettes. The project provides the required on-site road improvement of 30 feet with four foot wide sidewalks within an easement of 50 feet, as well as an appropriate cul-de-sac for circulation and access, all of which would be maintained by a newly established Homeowner's Association (HOA). Off-site road improvements and dedications on the Panorama Drive and Blanchard Road easements will be required. All on and off-site roads will be designed to meet the County's Design and Improvements Standards Manual (DISM) Standard Plan 101B and 104. Panorama Drive will have a half road width improvement of 12 feet plus 6 feet of shoulder and will be required to dedicate 30 feet of right of way. Blanchard Road will be improved with a half road width improvement of 12 feet plus 6 feet of shoulder and will be required to dedicate 25 feet of right of way. All grading, drainage, and improvements shall be designed to meet the County standards during the review of final grading and improvement plans. As such, the project conforms to the standards and requirements of the County's Zoning Ordinance and Minor Land Division Ordinance.

- 4.3 *The site is physically suitable for the proposed type and densities of development.*

This property is well suited within an established neighborhood in order to accommodate a Planned Development (PD) clustered concept with the High Density Residential (HDR) designation. The proposed subdivision of 18 new single-family lots can accommodate new single-family residential development. The location of the home sites are situated on the least sensitive portions of the property.

- 4.4 *The proposed subdivision is not likely to cause substantial environmental damage*

As designed, the Planned Development (PD) clusters development of 18 units will not have a significant impact on the environment. Development will be directed to the least sensitive portions of the property. Oak trees and oak woodland tree canopy shall be removed and replanted based on the maximum allowed by the General Plan. Since the project is located within Rare Plant Mitigation Area 2, an in-lieu fee will be assessed during the building permit review phase which is suitable for impacts within this area. No wetlands exist on this property. Because there is a potential for raptors and songbirds to nest on-site, a site survey would be

required should grading activities be proposed during the breeding period and certain mitigation would need to be included in the form of non-building buffers should nesting species be discovered.