

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 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 based 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 from Rural Residential to Low Density Residential is consistent with Objective 2.1.3 in that the 5.0 to 5.5-acre parcel size would maintain the open character. Amending the land use designation to Low Density Residential is found to be in the public interest because of the public benefit of creating an emergency fire exit road to California Fire Code and SRA Fire Safe Standards. The proposed tentative parcel map, as conditioned, is consistent with the Low Density 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, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.4.4, 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5 because, upon completion of the conditions, there will be adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity and wildfire hazards have been addressed. As mitigated, impacts to the native oak tree canopy will be less than significant with the project. It can be found that the public benefit of having an emergency access and evacuation road for the Crystal Boulevard and Mica Street residents, constructed to California Fire Code and SRA Fire Safe Standards is significant. It is also found that the adjoining three substandard sized, and non-choice soil, residential-agricultural zoned parcels have minimal agricultural value and serve as large lot residential property. The creation of ten-acre buffer parcels solely due to agricultural zoning provides minimal public benefit.

3.0 Zoning Findings

3.1 The project is zoned Estate Residential Five-Acre (RE-5) which establishes a minimum parcel size of 10 acres. The project would create four parcels ranging in size from 5.0 to 5.5-acres in size which is consistent within the RE-5 zone district. The proposed parcels conform to the current zoning. All four parcels have the size and natural conditions to allow single family development to meet the development standards in Section 17.28.210.

4.0 Tentative Map Findings

4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Five-Acre (RE-5) zone district 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 existing facilities and utilities to support the residential uses.

4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadways to the parcels exist and will be improved to current safety standards and the impacts from all other required road improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

Conditions

Planning Services

1. This General Plan land use designation amendment and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A - L (General Plan amendment/tentative parcel map)

dated May 8, 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.

The project description is as follows:

Approval of this project allows the following: amendment to the General Plan land use designation from Rural Residential (RR) to Low Density Residential (LDR) on the 20.5-acre lot referenced as Assessor's Parcel Number 092-440-07 and a tentative parcel map to subdivide the existing 20.5-acre parcel into four parcels ranging in size from 5.0 to 5.5 acres. Future single-family-residential development shall occur outside of the required 30-foot front, side and rear yard setback areas. New development will connect to the existing El Dorado Irrigation District (EID) ~~6-inch~~ eight inch water line located in Lollipop Lane and septic disposal areas will occur on the individual parcels. Access onto the property will be provided by an improved road terminating in a turn around at the intersection of all four parcels. A secondary access for Mica Street from Crystal Boulevard to State Route 49 is required and shall be for emergency ingress/egress only and a gate meeting the standards of the Diamond Springs – El Dorado Fire Protection District standards shall be required at State Route 49 to prevent routine through traffic. All four parcels take access onto Lollipop Lane and improvements will be made to the onsite access roads to the encroachments onto Mica Street and State Route 49, as well as the offsite portions of Mica Street from Crystal Boulevard to State Route 49. Lot 4 would include the existing 4,895 square-foot single-family residence with a 1,398 square-foot garage and onsite septic wastewater systems.

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.

Condition from the Mitigated Negative Declaration

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. The applicant shall be required to replant 30 one-gallon sized blue oak (*Quercus douglasii*) trees (200 trees x 0.15 acre = 30). Alternatively, the applicant may plant 600 acorns [(200 trees x 0.15 acre) x 3 acorns = 90 acorns]. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits K1, K2 and K3. Prior to filing the map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County. In lieu of the

replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, if an application for a permit for the improvements required by this map is filed after the effective date of the plan and its implementing ordinance. [MM Biological Resources-1].

Monitoring: Prior to filing the Parcel Map, the applicant is required to enter into a *County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees and Oak Tree Replacement Plantings* through Planning Services staff. Applicant shall adhere to the *Revegetation and Restoration Plan* in Exhibit K2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement for planting trees and for fifteen years for planting acorns.

Planning Services Site Specific and Standard Conditions

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 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.
5. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
6. The existing security gate that crosses Mica Street on Assessor's Parcel Number 092-430-02 where Mica Street meets state Route 49 is considered legal non-conforming and can remain but must be upgraded to meet the Diamond Springs – El Dorado Fire Protection District standards. All other existing gates that cross Mica Street from that gate all the way to where Mica Street meets Crystal Boulevard shall be removed prior to filing the parcel map. Any new gate will be subject to a Special Use Permit.
7. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
8. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to filing the parcel map.

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 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.

10. One gate shall be allowed, and the location shall be subject to the approval of Planning Services and the fire district.

Diamond Springs – El Dorado Fire Protection District

11. The following fees shall be collated and paid to the District for review of all types of plans.
 - a. Application Fee - \$50.00
 - b. Four or less lots - \$120.00
12. The applicant shall comply with the District fire flow requirements prior to filing of the parcel map. The fire flow requirements are as follows:
 - a. Required fire flow for a residential type parcel split for residents less than 3,600 square feet is 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Residents that are greater than 3,600 square feet are 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503.
 - b. Projects that do not meet Fire Flow may use a NFPA 13D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of the required Fire Flow and shall be approved by the Diamond Springs-El Dorado Fire District.
 - c. Fire flow can be met by installing a fire hydrant or minimum 3,000 gallons of water storage for each parcel.

13. The applicant shall comply with the following District driveway and roadway requirements prior to the filing of the parcel map:
 - a. 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.
 - b. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
 - c. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District.
 - d. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 - e. 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.
 - f. A turnaround shall be provided to all building sites with driveways over 150 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead “T”, a modified “T,” or a modified “Y” in lieu of a circular type turnaround, as per El Dorado County DOT Standards.
 - g. Any gates will require Fire District approval and meet current El Dorado County Standards.
 - h. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
14. Pursuant to Public Resources Code 4291, a person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

El Dorado County Department of Transportation

15. Secondary Access: The nearest County roadway having two means of access for this site is over 2,640 ft away (approx. 3.5 miles away at Crystal Blvd and SR 49.) The DISM [Section 3 A. 9. & 12] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site, or obtain approval of an “acceptable alternative” from the decision maker and the responsible fire agency (Diamond Springs- El Dorado

Fire Protection District). These off-site 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.

16. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, 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 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.
17. **On-site & Offsite Access Improvements:** The applicant shall widen the on-site portion of Lollipop Lane to an 18-ft wide roadway with 1-ft shoulders on each side consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C in effect at the time improvement plans are submitted for review and approval. 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.
18. **Encroachment:** The applicant shall construct the roadway encroachment from Lollipop Lane onto Mica Street to the provisions of County Design Standard Plan 103B-1. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. 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.
19. **Turnaround:** The applicant shall provide a turnaround at the end of the access road to the proposed parcels to the provisions of County Standard Plan 114 or approved equivalent. 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.
20. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
21. **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.
22. **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.

23. **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.
24. **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 final map.
25. **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 map.
26. **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.
27. **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.
28. **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.
29. **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.

30. **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.
31. **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.

The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

32. **Drainage, Cross-Lot:** 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. 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 map.

33. Drainage Easements: 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 map.
34. 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.
35. Off-site Improvements (Security): Prior to the filing of the map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
36. Off-site Improvements (Acquisition): As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

37. Off-site Access Easements: The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.
38. 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.
39. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Caltrans – District 3

40. Applicant shall submit an Encroachment Permit Application for the encroachment of ~~Mica Street~~ the unnamed access road location within Assessor's Parcel Number 092-430-02 currently used to connect Mica Street to State Route 49. Said permit shall be for emergency access only and shall meet Caltrans Standards for a Private Driveway Approach. The application shall be submitted along with 5 sets of driveway detail plans showing grades, drainage, and structural section information to the Caltrans, Marysville Office for review and approval. The applicant shall contact Julio Elvir at (530) 741-4204 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right of way. The applicant shall then provide proof to the El Dorado County Surveyor's Office that said permit has been finalized by Caltrans, prior to filing the parcel map.
41. A development plan or map shall be submitted along with the encroachment permit showing the proposed Mica Street improvements from Crystal Boulevard to State Route 49. Said Plan shall also include the existing gate location on the unnamed access road from Mica Street to State Route 49 and within Assessor's Parcel Number 092-430-02.
42. The applicant shall provide proof or documentation along with the encroachment permit authorizing access through the parcel identified by Assessor's Parcel Number 092-430-02.

El Dorado County Office of the County Surveyor

43. All survey monuments must be set prior to filing the Parcel Map.

44. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
45. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P07-0022 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.