

# DEVELOPMENT SERVICES DEPARTMENT

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COUNTY OF EL DORADO

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TO: Board of Supervisors

FROM: Mel Pabalinas, Senior Planner

DATE: June 4, 2009

RE: Additional Revisions to Cameron Hills Subdivision  
Project File Nos. Z07-0027, PD07-0017, TM08-1473

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On February 12, 2009, the Planning Commission recommended approval of the above project to the Board of Supervisors. However, following this action, the appellate court made a decision regarding the adequacy of mitigation fees for mitigation of gabbro soil rare plants. The Cameron Hills Subdivision is subject to the in-lieu fee requirement. The scheduling of the project was withheld in order to address the rare plant issue.

On April 23, 2009, staff met with the applicants and a representative of the California Department of Fish and Game to discuss alternative mitigations and project modifications. The preliminary grading plan for the project was revised to reduce ground disturbance in the design and construction of the detention pond located in the northeast corner of the site and preparation of residential pad along the eastern perimeter of Lot 11. These changes would result in the avoidance of approximately 149 Layne's butterweed plants reducing the quantity of affected plants at 159 (shown in attached Exhibit K). The mitigation measures have been revised to reflect the project revisions which are incorporated as Conditions of Approval Nos. 3 and 4.

The revisions were agreed upon by all parties. The Initial Study/Mitigated Negative Declaration for the project was revised and re-circulated for a 30-day public review and comment period ending on July 18, 2009. Given the minor changes, it was determined that a supplemental review and determination by the Planning Commission was not necessary.

All applicable edits are depicted with a strikethrough line for omitted texts and an underline for new texts. In addition to the above changes, Planning Services recommend minor revision to Condition of Approval Nos. 1 and 23, an additional condition involving the open space and inclusion of two exhibits to the staff report.

09-0825.A.1

## Conditions of Approval

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

This rezone, planned development and tentative subdivision map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits E-K (Rezone/Planned Development/Tentative Subdivision Map) dated February 12, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

**Project Description:** The project request includes a Rezone, Planned Development, and Tentative Subdivision Map. The zone change request would add the Planned Development (PD) overlay ~~to project parcels currently zoned R1 as required for developments within Airport Safety Zone 3.~~ The Tentative Map and Development Plan would create 41 residential lots ranging in size from 6,000 square feet to 20,317 square feet, and 5 lettered open space lots ranging in size from 0.08 acres to 4.91 acres, totaling 8.16 acres (See Table 1). The project requires annexation into the Cameron Park Community Services District (CSD) and Fire Department Boundaries. A Design Waiver has been proposed to allow sidewalk widths to be modified from 6 feet to 4 feet. Water and sewer would be provided by the El Dorado Irrigation District (EID). Access would be provided via an internal roadway system with points of access at Kimberly Road and Harvey Road. All lots designated for open space shall be rezoned Open Space-Planned Development (OS-PD) (Exhibit J).

3. The project shall comply with the Ecological Preserve Mitigation program set forth in Chapter 17.71 of the El Dorado County Zoning Ordinance, based on one of the following options:
  - A. The applicant shall pay the required in-lieu fee in effect at the time the County has completed its intended review and update of the fee under Subsection 17.71.220.A of the ordinance;

OR
  - B. If the applicant elects to record a final map for the project prior to the completion of the update of the in lieu fee, the applicant shall be required to demonstrate compliance with the Rare Plant Offsite Mitigation Program in accordance with Subsection 17.71.220.B, providing offsite mitigation at a 1.5:1 ratio for land area graded within the project area, in accordance with the Ordinance. (MM BIO-2)

Timing: As noted in the mitigation measure

Enforcement/Monitoring: El Dorado County Building and Planning Services

09-0825.A.2

3. ~~The Pine Hill Plants that are within the limits of grading shall be transplanted and/or propagated to designated open space areas. The transplanting and/or propagation shall be overseen by a qualified botanist, approved by the El Dorado County Planning Services. The botanist shall identify the location to receive the plants, identify the methods of transplantation and/or propagation, and oversee the work. (MM BIO-2)~~

~~*Timing/Implementation: Prior to issuance of the grading permits, the applicant shall prepare a transplant/propagation plan for plants within the limits of grading areas. The applicant shall submit the plan with the qualifications of the botanist to El Dorado County Planning Services for review and approval. The Pine Hill Plants within the grading limits would be transplanted and/or propagated prior to issuance of a grading permit.*~~

~~*Enforcement/Monitoring: El Dorado County Planning Services*~~

4. A deed restriction shall be placed on the project open space lots and incorporated into the Covenants, Conditions, and Restrictions (CC&R's). Except for a 25-foot buffer area from limit of grading, the CC&R's shall restrict activities not compatible with the long-term preservation of the Pine Hill Plants such as grading, plowing, or use of herbicides not specific to groups of plants that do not include any of the Pine Hill Plant species present on the site. The CC&R's shall only allow activities within the open space lots which are compatible with the long-term preservation of the Pine Hill Plants such as large brush removal above the soil surface, and passive recreational uses such as a trail. The document shall include disclosure language relating to the importance of the preservation of the habitat within the open space lots and provide for an annual consultation with the California Native Plant Society, or other appropriate entity or agency, to monitor the preservation of the open space, provide educational information and material to the owners of the property and to obtain advice as to special needs or concerns that develop with respect to the open space and its value as habitat.

Permanent metal signs shall be provided along the boundaries of the open space adjacent to public streets or access points identifying the open space as sensitive natural habitat. Details of these signs shall be verified during review Improvement Plans for the project. Installation of these signs shall occur during subdivision improvement.

The CC&R's shall provide for an owners association with the responsibility to enforce the provisions of the CC&R's enumerated herein and shall further provide that such provisions may not be amended or removed from the CC&R's without the approval of the County. The provisions in the CC&R's shall be written in consultation with a qualified botanist, approved by El Dorado County Planning Services. MM BIO-3

Timing/Implementation: The deed restriction shall be recorded at the time of filing of the final map. This deed restriction shall be noted and incorporated into the project CC&Rs. The Final Grading Plan for the project shall include a delineation of the 25-foot buffer area from the limits of grading.

Enforcement/Monitoring: El Dorado County Planning Services

- ~~4. A deed restriction shall be placed on the project open space and incorporated into the CC&Rs except for a 25-foot buffer from limit of grading. The deed restriction shall restrict activities not compatible with long term preservation of the Pine Hill Plants such as grading, plowing, or use of herbicides not specific to groups of plants that do not include any of the Pine Hill Plant species present on the site. The deed restriction shall allow activities compatible with the long term preservation of the Pine Hill Plants such as large brush removal above the soil surface, and passive recreational uses such as a trail. The deed restriction shall be written in consultation with a qualified botanist, approved by El Dorado County Planning Services. (MM BIO-3)~~

~~*Timing/Implementation: The deed restriction shall be recorded at the time of filing of the final map. This deed restriction shall be noted and incorporated into the project CC&Rs.*~~

~~*Enforcement/Monitoring: El Dorado County Planning Services*~~

23. 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 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.

- ~~23. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:~~

~~a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off site improvements.~~

~~b. Improvement plans prepared by a civil engineer of the required off site improvements.~~

~~c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off site improvements.~~

~~Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off site improvements~~

~~including the full costs of acquiring any real property interests necessary to complete the required improvements.~~

~~In addition to the agreement, the subdivider 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.~~

**New Condition of Approval (no assigned numerical sequence):**

- All open space lots shall be noted as open space on the final map. The notation shall also be provided on the cover sheet indicating that open space lots are for open space purposes only and not available for development, unless explicitly allowed by the Conditions, Covenant and Restrictions (CC&R). The CC&R's for the subdivision shall provide for the ownership and maintenance in perpetuity of all open space lots. Said CC&Rs shall be submitted to Planning Services for review during review of final map.

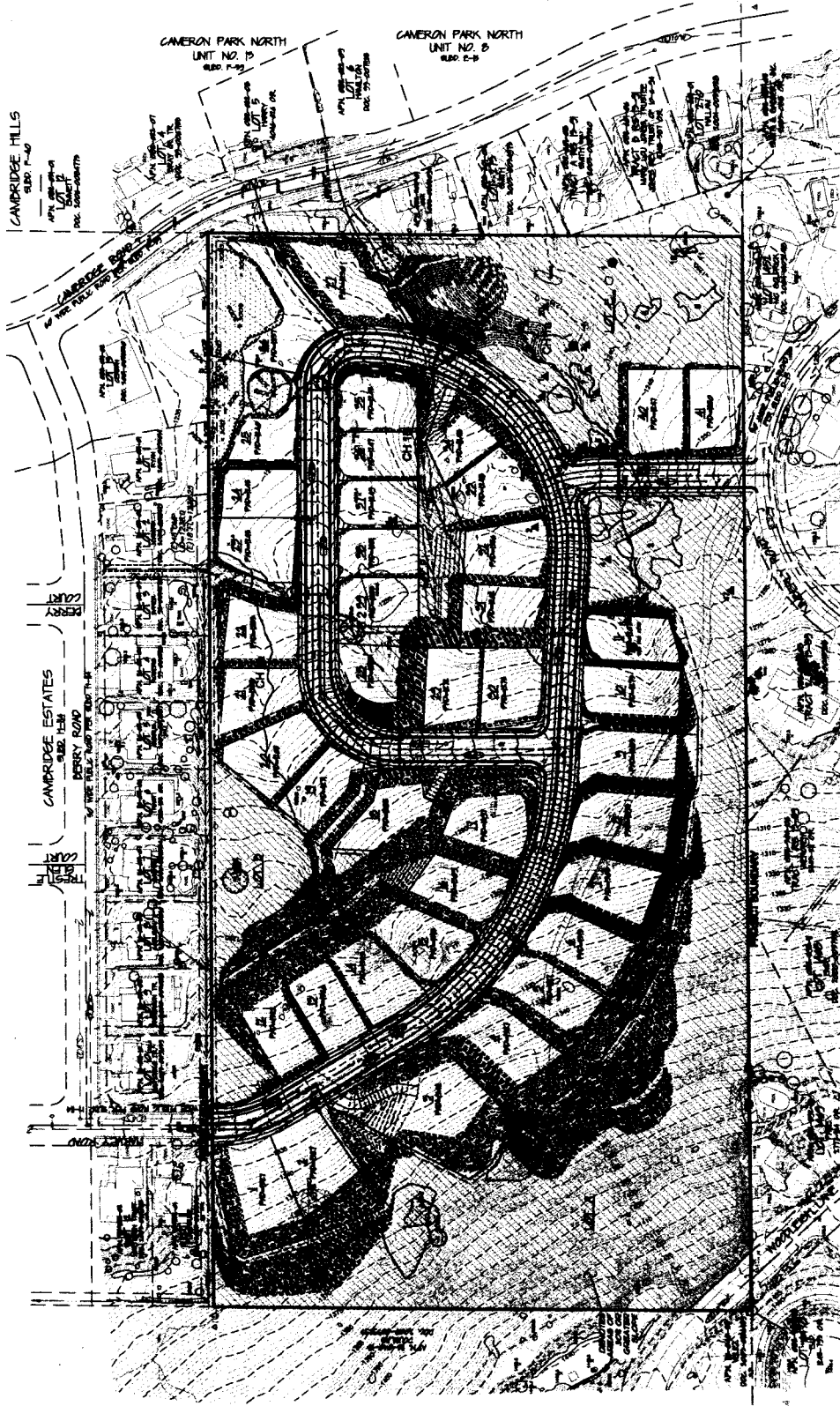
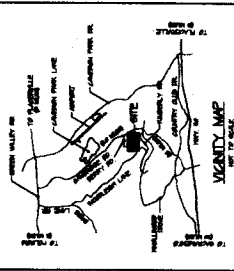
**Attachment to the Staff Report**

Attachment 1 .....Conditions of Approval  
Attachment 2 .....Findings  
Attachment 3 .....Other Standard Subdivision Requirements of Law

Exhibit A.....Vicinity Map  
Exhibit B.....Assessor's Parcel Map  
Exhibit C.....General Plan Land Use Map  
Exhibit D.....Zoning Map  
Exhibit E.....Tentative Map  
Exhibit F.....Preliminary Grading & Drainage Plan  
Exhibit G.....Slope Map  
Exhibit H.....Tentative Map with Aerial Image  
Exhibit I.....Mitigated Negative Declaration  
Exhibit J.....Rezone Map  
Exhibit K.....Revised Preliminary Grading Plan (April 24, 2009)



# PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN CAMERON HILLS COUNTY OF EL DORADO, CALIFORNIA



- GENERAL NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
  3. THE DESIGNER HAS ASSUMED THAT ALL UTILITIES SHOWN ON THIS PLAN ARE ACCURATELY LOCATED AND DEPTHS ARE AS SHOWN.
  4. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  5. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  6. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  7. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  8. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  9. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.
  10. THE DESIGNER HAS ASSUMED THAT ALL EXISTING UTILITIES ARE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS AND BRIDGES.

