

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 and 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 category. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 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 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.
- 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 2850 Fairlane Court Placerville, CA 95667.

2.0 Tentative Map Findings

2.1. The proposed parcel sizes are consistent with the General Plan land use map and/or policies.

The HDR Land Use Designation allows a density range of 1-5 dwelling units per acre. The project will create 15 residential lots on a 5.0 acre site which will yield a density of 3 dwelling units per acre.

2.2. The design or improvements of the proposed division are consistent with the General Plan.

The proposed onsite access road is consistent with the Circulation Element of the General Plan and the Design and Improvement Standards Manual. The subdivision arrangement is consistent within the High Density Residential (HDR) land use designation and consistent with the objectives and policies relating to residential development.

2.3. The site is physically suitable for the type of development proposed.

The proposed development will not impact slopes exceeding 30 percent or riparian areas. The project site is located within Rare Plant Mitigation Area 1 and will be subject to payment of a mitigation fee established in Chapter 17.71 of the Zoning Ordinance. The project will impact oak canopy and the project included mitigation measures for the payment of mitigation in-lieu fees established in Option B of General Plan Policy 7.4.4.4.

2.4. The site is physically suitable for the proposed density of development.

The project site contains adequate buildable areas for each of the proposed residential lots. The new on-site access road would be designed to meet the requirements of the General Plan, County Design Manual, and the Fire Safe Regulations.

2.5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The project site is not located near riparian areas and will not negatively affect fish or wildlife. The project is located within Mitigation Area 1 and will be required to pay the mitigation fee established by Chapter 17.71 of the Zoning Ordinance.

2.6. The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The proposed road improvements and extension of public utilities to the project site would not cause significant public health or safety hazards. The required on-site access road is consistent with the approved conditions of approval of the adjacent subdivision.

2.7. The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

The El Dorado County Fire Protection District has reviewed the project and determined that the installation of fire hydrants and implementation of a Fire Safe Plan would be acceptable for fire protection services.

2.8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.

The project will not result in conflicts with existing easements. No access through the project site for public use currently exists. The project will not conflict with existing access to the adjacent properties and will not conflict with any existing easements.

3.0 Zone Change Findings

3.1 The proposed Zone Change is consistent with the General Plan.

The amendment of the parcel zoning from Estate Residential Five-Acre- Airport Safety to One-family Residential- Airport Safety (R1-AA) will be consistent within the HDR Land Use Designation. The proposed zone change has been evaluated with respect to the specific criteria established by General Plan Policy 2.2.5.3 and will result in residential development consistent with the General Plan, Zoning Ordinance and County Design Manual.

Conditions

1. This project is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits E through G (Tentative Subdivision Map, Tree Exhibit, Grading Plan) dated June 26 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: the project would allow a Rezone and Subdivision Map.

The Rezone would change the parcel zoning from Estate Residential Five-Acre- Airport Safety (RE-5/ AA) to One-family Residential- Airport Safety (R1-AA).

The project would create a 15-lot residential subdivision and on-site road improvements including the construction of a new cul-de-sac road. The project shall connect to EID public water and wastewater systems. The proposed lots shall conform to the table listed below:

Lot Number	Gross Area (s.f.)
1	12,381
2	10,740
3	10,754
4	10,748
5	10,739
6	10,739
7	10,739
8	10,739
9	10,739
10	10,739
11	10,739
12	10,739
13	10,185
14	10,060
15	10,417

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply to the table included below:

Total Oak Canopy to Be Removed (sf)	Canopy Removed for Road Improvements (sf)	Canopy Removed for Residential Development (sf)
152,544 <u>51123</u>	25,495	25,628

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit (MM BIO-1).

MONITORING: Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

3. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of an building permit (MM BIO-2).

MONITORING: Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

CONDITIONS OF APPROVAL

Planning Services

4. The applicant shall make applications and pay appropriate fees for the removal of the existing single family residence and all accessory structures. The applicant shall obtain a finalized demolition permit prior to filing the Final Map.

The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.

5. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. Planning Services shall verify that the fees have been paid at the time of filing the Final Map.
6. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
7. All Development Services fees shall be paid prior to filing of the Final Map. Planning Services shall verify payment of all fees prior to the filing the Final Map.
8. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
9. 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 subdivision, 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. Prior to any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

11. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

The Department of Transportation:

PROJECT SPECIFIC CONDITIONS

12. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual and the following table. 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 filing of the final map:

ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
On -site road	StdPlan101B StdPlan104	28 36 ft(50ft R/W) w/C&G and 6 ft S/W	Type 1 rolled curb

Notes for Condition 1 table:
 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.

13. The applicant shall construct a cul-de-sac at the end of the on-site roadway, as specified in Standard Plan 114. 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 filing of the final map.
14. The applicant shall re-construct the existing residence driveway encroachments that will access the on-site roadway to the provisions of County Standard Plan 103A-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 filing of the final map. All fencing reconstructed must be to the original style and material, subject to approval of Planning Services.
15. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site road and public utility easement along the eastern boundary of this project.
16. The applicant shall provide a drainage facility along the western boundary of the project and shall direct this drainage to existing drainage courses. 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 filing of the final map.

17. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the ~~Department~~ County to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
18. Prior to filing of the final map, the applicant shall form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met. The applicant shall designate a road and public utility easement (R&PUE), to total 50 feet in width, for the on-site portion of the proposed road and the required easement for the associated turn-around, prior to the filing of the final map. The R&PUE shall extend to the westerly property line.
19. ~~The applicant shall designate a road and public utility easements (R & PUE), to a total 50 feet in width, for the on-site portion of the proposed road and the required easement for the associated turn-around, prior to the filing of the parcel map. The R&PUE shall extend to the westerly property line.~~
20. The applicant shall irrevocably offer to dedicate a total of 50 feet of right of way, along the proposed road and the cul-de-sac, as required by the General Plan. The IOD shall extend to the westerly property line. This offer shall be rejected by the County.
21. The proposed roadway alignment shall be aligned with Bridgeport 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 filing of the final map.
22. ~~All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.~~
23. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider's expense and within 120 days of filing the Final 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 final map or parcel map, the subdivider 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 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.

24. The on-site roadway shall conform to Standard Plan 101B road, ~~4236~~-foot wide minimum in a 50-foot right of way according to the General Plan, with curb and gutter.

DEPARTMENT OF TRANSPORTATION STANDARD CONDITIONS

25. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
26. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
27. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
28. **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.
29. **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.
30. **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.

31. **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.
32. **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.
33. **Grading Permit / Plan:** 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.
34. **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.
35. **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.
36. **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.

37. **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:

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. 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.
- d. The ultimate drainage outfall of the project.

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

38. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occurs or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
39. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.

40. **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.
41. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel 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.
42. **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.
43. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Cameron Park Community Services District:

44. The developer shall ensure that any CC&R’s established for the project are reviewed and approved by the Cameron Park CSD. The CC&R’s shall be reviewed and approved by the district prior to recordation of the CC&R’s.
45. The required parkland dedication in-lieu fees shall be paid to the Cameron Park CSD prior to filing the final map.

Department of Environmental Health- Air Quality Management District:

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

Surveyor's Office:

47. 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 to be coordinated with the County Surveyors Office.
48. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.