

**FROM THE MINUTES OF OCTOBER 11, 2007**

8. **GENERAL PLAN AMENDMENT/ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE PARCEL MAP** (Public Hearing)

**A07-0007/Rezone Z07-0016/Planned Development PD07-0012/Tentative Subdivision Map TM07-1441/Shinn Ranch** submitted by RANCHO CORTINA PROPERTIES (Agent: Camille Courtney) for the following: 1. **General Plan amendment** amending the land use designation for parcel number 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); 331-070-01 from MDR to HDR; a portion of 331-620-23 from Rural Residential (RR) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to Medium Density Residential/High Density Residential (MDR/HDR); 331-620-10 from HDR to Low Density Residential (LDR); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR; 2. **A modification** to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road; 3. **Rezone** for parcels numbered: 319-260-89 from Estate Residential Ten-Acre (RE-10) to Single Family Two-Acre Residential (R2A); 331-070-01 from Estate Residential Five-Acre (RE-5) to One-Family Residential-Planned Development (R1-PD); 331-620-23 from One-Family Residential (R1), Estate Residential Ten-Acre (RE-10), and Residential Agricultural Twenty-Acre (RA-20) to One-Family Residential –Planned Development (R1-PD); 331-620-05 from Single-Family Two-Acre Residential (R2A), Estate Residential Five-acre (RE-5), and Estate Residential Ten-Acre (RE-10) to One-Acre Residential-Planned Development (R1A-PD) and One-Family Residential (R1-PD); 331-620-13 from One-Family Residential (R1), Estate Residential Five-Acre (RE-5), Estate Residential Ten-Acre (RE-10), and Residential Agricultural Twenty-Acre (RA-20) to One-Acre Residential-Planned Development (R1A-PD) and One-Family Residential-Planned Development (R1-PD); and 331-620-18 from Single-Family Two-Acre Residential (R2A) and Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5); 3. **4. Planned development** and vesting tentative subdivision map with building envelopes for all lots to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres with approximately 70 acres of open space including a pond, Slate Creek, and walking trails; and **5. Design waiver** requests for the following (a) Reduction of the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduction of the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduction of the right-of-way for proposed on-site Road A to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B. The properties, consisting of 177.7 acres, are located on the south side of Mother Lode Drive, east of the intersection with Kingvale Road, in the **El Dorado area**, Supervisorial District III. (Mitigated negative declaration prepared)

Staff: Jason Hade recommended conditional approval to the Board of Supervisors. He presented a revised set of Department of Transportation conditions based on the fact this is a vesting map.

Commissioner Machado has toured the site with the applicant. He asked about Condition 16, fair share payments. Has the vehicle been settled for these payments? Is Condition 21 a negotiated fee (school fees)? The applicant stated it is not a negotiated fee.

Commissioner Machado asked that the applicant go through the proposed road improvements. He asked about notification to new property owners that the animal shelter is in this location.

Commissioner Mac Cready asked about Standard Plan 101B. Eileen Crawford, Department of Transportation, commented Condition 16 was required by Caltrans. The applicant is doing improvements along Pleasant Valley Road and Mother Lode Drive. Regarding 101B, the standards were established in 1990. The General Plan has modified some of the standards in the Design Manual. The revised language states should and not shall, so the applicant is asking for a design waiver.

Camille Courtney represented the applicant and thanked staff for working with them. The school fees are what is in effect when they pull the building permits. They have met with the County several times regarding the animal shelter facility. There will be a disclosure in the CC&Rs regarding this facility. Ms. Courtney explained the proposed road improvements.

Commissioner Machado asked about signals on Pleasant Valley Road. Eileen Crawford, Department of Transportation, stated the warrants for a signal have not been met. There will be signals eventually at Forni Road and Pleasant Valley Road and this location.

Mardi Morris represented her parents who own property in this area. The El Dorado Post Office is the worse place for people to enter and exit. Parcel 331-070-01 was not part of the original plan. It was purchased by the Shinn Ranch in February this year. It helps shelter them from the noise. They are concerned about noise from new residences, not existing residences. At first Mr. Shinn proposed a golf course community and could not because of EID. Her parents will now be surrounded on two sides by high density development.

Richard Warinner would like to know what size the estate size lots will be and what the acreage and parcel counts for the small unit development lots. How many residences are permitted on such acreage (not including the piggy-back properties)? How many trees will be lost on each road segment? This is leapfrog urban sprawl development.

Jack Raines said the development has utilities going in very close to Gold Country. They would like to extend the public utility easement to their project. You will not be able to make a left or right turn onto Mother Lode from Kingvale without a stop sign.

Mr. Warinner asked the responsibility of Gold County for continuing maintenance of the road. He has only lived in the County for five years. The County has put a lot of time and money into the General Plan and does not see any reason for a change.

Commissioner Machado asked if Gold Country submitted any comments on this project. Mr. Raines commented not any that he aware of.

Mrs. Morris commented it states in the mitigated negative declaration that the owner will provide the County with money for the signals. Will the safety measures be put in place before the project? Will there be an asbestos problem with the grading?

Mary Lisa Lynch owns property adjacent to the ten-acre parcel that has been added to the project. She pointed out an area that will be a conservation easement. Why do you have to change it to high density if it is a conservation easement? There are stock ponds at the center of the project. She would like to make sure setbacks from Slate Creek are corrected. Regarding conservation and open space, there are 167 acres of watershed in the area. How are you going to protect Slate Creek? Ms. Lynch does not believe raptor nests are adequately addressed in the environmental document. She asked if Condition 30 is a standard condition. Paula Frantz, County Counsel, said the developer is the actual beneficiary, so the condition is appropriate. Ms. Lurch asked if the monitoring program going to be made available to the public.

Kamm Ghalamkar said there will be 300 cars going through Kingvale Road. There needs to be a three-way stop sign and signal. They share road maintenance from Kingvale to Gold Country. The road is now going to be expanded. Who is going to pay for the maintenance of the road?

Ms. Courtney said there will be eight estate lots, one to two acres in size. Mr. Hade commented 197 residences would be allowed under the current land use designations. Ms. Courtney said they will be taking over maintenance of the road.

Commissioner Machado asked the timing of the signal at the Y. Mrs. Crawford said the CIP shows Mother Lode/Pleasant Valley Road to be 2008/2009 for design; first construction in 2009/1010. Commissioner Machado asked about Highway 49 at Pleasant Valley Road. Mrs. Crawford said that is probably outside the five-year CIP. There are other improvements planned with Caltrans that are outside the County CIP.

Regarding asbestos, Ms. Courtney said none has been found on the site. If some is found, they must follow Best Management Practices. They have no problem stubbing out on a utility easement. There will be individual postal deliveries on this project. They will not be going to the El Dorado Post Office. The ten-acre lot is permanent open space. It was utilized to meet the County Oak Woodland Management Plan requirements. They meet the requirements of Policy 7.4.4.4. The Open Space is High Density because of the planned development. It will be permanent open space with a conservation easement. Slate Creek is an intermittent stream. The initial study has been out for quite some time. There are many mitigation measures for raptors. Credits are available from the mitigation bank.

Thalia Georgiadis gave the Commission some background information on this property. She owns a ten-acre parcel that is part of this project.

There was no further input.

Commissioner Machado said this project is below the density that could be done on the site. He feels this is a well thought out project.

**MOTION:** COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. Adopt the mitigated negative declaration, as prepared; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, section 15074(d), as incorporated in the conditions of approval and mitigation measures proposed by staff; 3. Approve A07-0007 amending the General Plan land use designation for Assessor’s Parcel Number 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); 331-070-01 from MDR to HDR; a portion of 331-620-23 from Rural Residential (RR) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to MDR/HDR (Medium Density Residential/High Density Residential); 331-620-10 from HDR to Low Density Residential (LDR); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR; and modification to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road, based on the findings proposed by staff; 4. Approve Z07-0017 rezoning Assessor’s Parcel Number 319-260-89 from Estate Residential Ten-Acre (RE-10) to Single Family Two-Acre Residential (R2A); 331-070-01 from Estate Residential Five-Acre (RE-5) to Single Family Residence-Planned Development (R1-PD); 331-620-23 from Single Family (R1), RE-10 and Residential Agricultural Twenty Acres (RA-20) to R1-PD; 331-620-05 from R2A, RE-5 and RE-10 to R1A-PD and R1-PD; 331-620-13 from R1, RE-5, RE-10 and RA-20 to R1A-PD and R1-PD; and 331-620-18 from R2A and RE-10 to RE-5, based on the findings proposed by staff; 5. Approve PD07-0012, adopting the development plan as the official development plan, subject to the conditions as modified and based on the findings proposed by staff; and 6. Approve TM07-1441, including design waivers for the following: (a) Reduction of the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduction of the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduction the right-of-way for proposed on-site Road A to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B, subject to the conditions, as modified, based on the findings proposed by staff.

## **Conditions**

### **I. PROJECT DESCRIPTION**

1. This planned development and vesting tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit F “Vesting tentative map,” dated September 27, 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:

PD07-0012/TM07-1441 consists of a planned development and vesting tentative subdivision map to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres with approximately 70 acres of open space including a pond, Slate Creek and walking trails. Water and sewer service will be provided to the lots by the El Dorado Irrigation District. Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road.

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

### **II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL**

1. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:

2.

- Application of water on disturbed soils and unpaved roadways a minimum of three times per day
- Using track-out prevention devices at construction site access points
- Stabilizing construction area exit points
- Covering haul vehicles
- Restricting vehicle speeds on unpaved roads to 15 miles per hour
- Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust

3. If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or if there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species--birds of prey such as hawks and owls--this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.

**Monitoring:** The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

4. Prior to the commencement of grading activities, the applicant shall obtain a 1602 Streambed Alteration Agreement from CDFG. Loss of riparian habitat within the project boundaries shall be mitigated by the applicant's purchase of credits at an agency-approved mitigation bank within the region. Lost riparian habitat shall be mitigated at a ratio of no less than 1:1. The requirements of the 1602 permit shall be incorporated into the project.

**Monitoring:** The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

5. Prior to the commencement of grading activities, the applicant shall obtain a 404 permit from the USACE. Loss of wetland habitat within the project boundaries shall be mitigated by the applicant's purchase of credits at an agency-approved mitigation bank within the region. Lost wetlands shall be mitigated at a ratio of no less than 1:1. The requirements of the 404 permit shall be incorporated into the project.

**Monitoring:** The applicant shall provide a copy of the 404 permit to Planning Services prior to issuance of the grading permit.

6. The applicant shall replant the required number of oaks per General Plan Option A, or if available and desired, pay the established offsite mitigation fee under General Plan Option B.

**Monitoring:** The applicant shall either have an oak replanting plan submitted with the final map and reviewed and approved by staff prior to recordation, or payment of Option B fees at the time designated under that plan.

7. In accordance with El Dorado County General Plan Policy 7.4.5.2, the applicant shall submit the following documents to the County of El Dorado:
  - A written statement by the applicant or an arborist stating the justification for the development activity, identifying how trees in the vicinity of the project or construction site will be protected and stating that all construction activity will follow approved preservation methods;
  - A site map plan that identifies all native oaks on the project site; and
  - A report by a certified arborist that provides specific information for all native oak trees on the project site.

8. Prior to any ground disturbing activity within 50 feet of the site, drip-line fencing should be placed around each of the features, and monitoring by a qualified archaeologist should occur during all grading or excavation activities near the feature.

**Monitoring:** Development Services staff shall verify in the field that fencing is in place prior to commencement of grading activities.

9. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

**Monitoring:** Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

10. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.

**Monitoring:** Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

11. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

**Monitoring:** Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

12. In accordance with by El Dorado County General Plan Policy 6.2.2.2, the applicant shall retain a Registered Professional Forrester to prepare a Fire Safe Plan that identifies "defensible space" requirements, emergency access routes, signage, emergency water standards, annual fuel modification maintenance plans, and other measures to address wildland fire hazards. The plan shall be submitted to the Diamond Springs/El Dorado Fire Protection District for approval. The Fire Safe Plan measures shall be incorporated into the Final Tract Map.

**Monitoring:** Prior to approval of the final map, the fire protection district shall notify Planning Services that the Fire Safe Plan is acceptable to them.

13. Prior to the issuance of building permits, the applicant shall provide plans to the County of El Dorado identifying a barrier of 6 feet in height at the property lines of the residences located nearest to Mother Lode Drive, in accordance with Figure of the Acoustical Assessment prepared by Ballard Acoustical Consultants.

**Monitoring:** The wall shall be installed prior to occupancy of any adjoining residence.

14. Mechanical ventilation (air conditioning) shall be provided for all residences in this project to allow the occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria.

**Monitoring:** Air conditioning units shall be shown on mechanical sheets of the building plans.

15. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

**Monitoring:** Development Services shall spot check construction hours and respond to any complaints from the public.



16. Prior to the issuance of building permits, the applicant shall contribute fair-share payments to the County of El Dorado for improvements to the intersection of Pleasant Valley Road and SR-49. The improvements shall consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound direction or equivalent measures approved by Caltrans and El Dorado County Department of Transportation.
17. Prior to the issuance of building permits, the applicant shall contribute fair-share payments to the County of El Dorado for improvements to intersection of Pleasant Valley Road and Forni Road. The improvements shall consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound and westbound directions or equivalent measures approved by Caltrans and El Dorado County Department of Transportation.

### **III. PROJECT CONDITIONS OF APPROVAL**

#### **Planning Services**

18. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
19. 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. The fees shall be paid at the time of filing the final map.
20. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
21. The developer shall enter into an agreement with the School Districts to pay ~~the sum of \$8,288.<sup>00</sup>~~ a fee per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.<sup>00</sup> as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
22. At time of map recording, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with appropriate maintenance program.
23. At time of map recording, CC&Rs shall be submitted and reviewed by County Counsel.

24. Setbacks for those lots zoned R1-PD and R1A-PD shall be consistent with those shown on Exhibit J for typical lots consisting of 25-foot front-yard setbacks, 20-foot rear-yard setbacks and five-foot side-yard setbacks. Setbacks for corner lots shall be applied as shown on Exhibit J. At time of map recording, setback notes consistent with this condition shall be recorded on the map.
25. At time of final map recordation, building envelopes shall be shown and recorded for each lot consistent with Exhibit L, Preliminary Site Plan.
26. The map shall be recorded and constructed in phases consistent with the phasing plan included within the vesting tentative map, Exhibit F. All open space lots shall be dedicated at the time of recording of the first phase of the map.
27. The final map shall include a 100-foot non-building setback from all ponds and a 50-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F.
28. This vesting tentative map shall expire within 24 months from date of approval unless a timely extension has been filed.
29. All fees associated with the vesting tentative subdivision map shall be paid prior to recording the final subdivision map.
30. 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.

#### **Air Quality Management District**

31. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
32. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.

33. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
34. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

**California Department of Transportation (Caltrans)**

35. Prior to conducting any work within the State right-of-way, an encroachment permit shall be obtained from Caltrans.

**Department of Transportation**

36. 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 recordation of the final map:

<b>ROAD NAME</b>	<b>ROAD WIDTH</b>	<b>DISM REFERENCE</b>	<b>GENERAL PLAN REFERENCE</b>
On –site roads (cul-de-sacs)	36ft (50ft R/W)	Std Plan 101B	Table TC-1
“A” Drive	40ft(50ft R/W)	Std Plan 101B	Table TC-1
Kingvale Road	40ft (50ft R/W)	Std Plan 101B	Table TC-1

All roads shall be paved per recommendations of geotechnical engineer.

37. 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 recordation of the final map.
38. The applicant shall construct the proposed roadway approach for “A” Drive to the provisions of county Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. 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.
39. The applicant shall construct the proposed roadway encroachment for “A” Drive onto Pleasant Valley Road to the provisions of county Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. 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. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this

- development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
40. The applicant shall design and construct left hand turn lanes at the intersection of Kingvale Road and Motherlode Drive and at the intersection of "A" Drive and Pleasant Valley Road. 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.
  41. The applicant shall design and construct a left hand turn lane at the intersection of Kingvale Road and Motherlode 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.
  42. The applicant shall design and construct a left hand turn lane at the intersection of "A" Drive and Pleasant Valley Road. 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. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
  43. The applicant shall design and construct acceleration and deceleration lanes at the intersection of Kingvale Road and Motherlode 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.
  44. The applicant shall design and construct acceleration and deceleration lanes at the intersection of A Drive and Pleasant Valley Road. 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 filing of the final map. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
  45. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements along the western and southern boundaries of this project.
  46. Prior to ~~recordation~~ filing of the final map, the applicant shall join and/or form an entity, satisfactory to the 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.
  47. Prior to ~~recordation~~ filing of the final map, the applicant shall form drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.

48. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
49. Drainage Ditches and swales shall be designed per Sections 3.3.4 and Section 6 of the County of El Dorado Drainage manual.
50. Include an energy dissipater at the outlet of the culverts per Sections 6.4.1 and 7.3.3 of the County of El Dorado Drainage manual.
51. Per Section 3.B) (6) of the County of El Dorado Design Standards, a tangent at least one hundred feet long shall be introduced between reversed curves. A line and curve table should be introduced to demonstrate that street alignments meet County design criteria prior to the recordation of the final map.
52. Cross lot drainage will not be allowed without the proper drainage easements and/or drainage structures. Drainage easements shall be provided where deemed necessary prior to the recordation of the final map.
53. ~~Prior to recordation of the final map,~~ 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.
54. Per Section 3.B) (4) of the County of El Dorado Design Standards, all streets and intersections shall have a minimum sight distance based on the design speeds. Verify that Kingvale Rd, Court D and Shinn Ranch onto Road “A” meet sight distance criteria prior to the recordation of the final map.
55. 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 twenty-percent (20%) 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;

### **Drainage Study Conditions**

The following conditions shall be addressed prior to filing of the final map:

56. The drainage study (hydrologic and hydraulic study) must be sealed and signed. Please see drainage manual section 1.8.3.
57. Page 1: There is no figure 4 in Appendix A. Figure needs to be labeled.
58. The drainage report does not address the downstream and upstream impact at this time. "Impacts to downstream facilities and other proposed mitigation measures included in the design should be discussed. Potential impacts resulting from backwater effects, hydraulic scour and deposition, off-site discharges and other environmental issues should be thoroughly analyzed and discussed in the report" (County Drainage Manual Section 1.8.3 page 1-17). The downstream and upstream impact shall be analyzed.
59. A detailed calculation shall be included for the Mother Lode Triple Culvert Capacity (County Drainage Manual page 1-17).
60. A-drive culvert capacity calculation for slate creek crossing and other pipe size calculations shall be included.
61. Appendix B is HEC-1 analysis for the whole watershed done by Carlton Engineering in 1997. Watershed needs to be analyzed with updated version of HEC software with current watershed information.
62. Composite curve number (CN) has been changed because of the development after 1997 and proposed development upstream of this subdivision.
63. Page 4: HEC-2 was used to calculate water surface profile (not included in appendix). Water surface profile needs to be calculated with the updated version of HEC software with current watershed information.
64. Drainage study pages 4, 5, 6 & 7

- a. Per the study “the peak discharge method-section 2.5 was used to estimate both the 10-year design flows and 100-year design flows” (onsite peak flow calculation not included in the report). Hydrograph method is shall be used instead of peak discharge method because of the extent and the nature of the watershed.
  - b. Overland release criteria: per the County Drainage Manual “One foot freeboard shall be maintained between the building finished floor elevation and the water surface elevation resulting from a storm runoff event with an average recurrence interval of 100 years”. The overland release locations 1 foot below proposed building finish floors is not adequate. And all open channels should have a freeboard (County Drainage Manual section 1.8.2 page 1-10, section 6.3.5 page 6-14). Revise.
  - c. Total on-site watershed for this subdivision is 167.7 acre, which is a significant amount. Comparison of onsite impervious area with the total watershed (2374 acre) is not rational because the total watershed (2374 acre) contains both pervious and impervious surfaces. The whole watershed both onsite as well offsite (upstream) should be included in the design and in the analysis.
  - d. Per report, the peak discharge time of concentration for the proposed development is approximately 1 hr. There is no calculation to support the time of concentration (drainage manual 1.8.3). Provide supporting calculations.
  - e. The energy grade line should be at least 0.5 feet below all manholes lids and grate inlets for 10 year return period flood. For 10-year return period flow, hydraulic grade line should be below the ceiling of the pipe (County Drainage Manual section 4.3.2, page 4-11). Provide energy grade line.
65. Appendix A
- a. Pre-development shed map is missing as mentioned in the appendix sheet. Provide pre-development shed map.
  - b. Post construction off-site shed map is missing as mentioned in the appendix sheet. Provide post construction shed map.
66. There is an on-site pond within this subdivision. If it is a retention pond for the attenuation of flood, downstream impact needs to be addressed in the drainage study and operation procedure needs to be developed and submitted to the concerned entity including El Dorado County DOT (County Drainage Manual 1.8.2). Does this dam meet the DSOD criteria (Drainage Manual section 5.1)?

## Summary and Recommendation

67. New version of the hydrologic and hydraulic study is required because of the upstream development. For the new report, updated version of HEC software should be used to analyze the upstream watershed and to analyze the water surface profiles/flood plain. Watershed map should be broken down to more sub-shed maps with more detail information.
68. “Peak-only method is restricted to catchments with area less than 100 acres. In any analyses in which the peak-only method is used, the design engineer must determine and demonstrate that the model is, in fact, appropriate”. Please see County drainage manual section 2.2.2. Therefore, hydrograph method shall be used instead of rational method for on-site watershed because of extent and nature of the watershed.
69. Per the County Drainage Manual Section 1.8.2 “Drainage facilities for areas greater than 100 acres shall be designed to safely convey the storm runoff for an event with an average recurrence interval of 100 years. All available headwater depth of the culvert may be utilized for these facilities. Flooding effects from backwater shall be analyzed when available headwater depth is incorporated into the design”. Does this applicable to this subdivision?
70. Onsite pre-development and post development storm runoff calculations are required.
71. Drainage easement needs to be shown on the plan (for future improvement plan) as applicable per drainage manual section 1.8.2.
72. 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.
73. 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.
74. 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.
75. 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.
  76. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
  77. 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.
  78. 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.
  79. 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.
  80. 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.
  81. 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.
  82. 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.
83. 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.
  84. 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.
  85. 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).
  86. 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.
  87. 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.
  88. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
  89. This project disturbs more than one acre of land area (43,560 square feet). The Developer 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.

### **Diamond Springs – El Dorado Fire Protection District**

90. Prior to improvement plan approval, the applicant shall submit the appropriate review fee to the Diamond Springs – El Dorado Fire Protection District (DSED FPD), as determined by DSED FPD.
91. At time of final map filing, documentation from the El Dorado Irrigation District shall be submitted to the DSED FPD confirming that the fire protection system will meet the required fire flow for this project consisting of 1,500 gallons per minute at 20 pounds per square inch for two hours for residential units larger than 3,600 square feet and 1,000 gallons per minute at 20 pounds per square inch for two hours for residential units smaller than 3,600 square feet
92. All additional required fire hydrants shall be shown on the improvement plans and installed throughout the subdivision subject to DSED FPD approval.
93. All driveways shall provide a minimum of 10-foot wide traffic lane with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet and be capable of supporting a 40,000 pound load.
94. Any driveway which exceeds a 16 percent slope shall be constructed of an all weather surface. Those driveways which exceed a 20 percent slope shall require review and approval by the DSED FPD prior to building permit issuance.
95. Any driveway 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 in length, turnouts shall be provided no more than 400 feet apart.
96. Parking on both sides of on-site roadways shall only be permitted if the roadway is a minimum of 40 feet wide. Parking on one side of the road shall be permitted for roads which are a minimum of 30 feet wide. CC & R's shall be submitted for review and approval by County Counsel which incorporate these standards at time of map recording.
97. A fire safe turnaround shall be provided prior to occupancy of any building sites with driveways exceeding 300 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.
98. Any future proposed gates are subject to review and approval by the DSED FPD.
99. At time of final map filing, a fire safe plan shall be submitted to the DSED FPD for review and approval.

100. Prior to map recordation, the subdivision shall be annexed into the Community Facilities District established by the DSED FPD for the provision of public services.

### **Environmental Management Department – Environmental Health**

101. For newly created parcels less than five acres, all existing abandoned and active wells shall be properly destroyed, under permit, by a license well driller, prior to map recordation.
102. If any existing structures on septic systems will be demolished or connected to public water, a septic system abandonment permit is required, prior to map recordation.

### **Surveyor's Office**

103. 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 the 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 Surveyor's Office.
104. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's 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 and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services 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 GENERAL PLAN FINDINGS**

- 2.1 As proposed, overall project density would be approximately one dwelling unit per acre and 0.85 dwelling units per acre with the inclusion of the larger estate lots. This is consistent with the General Plan land use designations of HDR for the production lots and MDR for the estate lots as defined within General Plan Policy 2.2.1.2 because the HDR land use designation permits one to five units per acre while the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, 2.2.5.4, 2.2.5.21, 2.9.1.2 and 2.9.1.4 concerning land use designations, planned developments, rezoning, land use compatibility and community region boundary amendment modification because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. Adequate justification has been submitted to justify the amendment of the Community Region boundary because of the past mapping error and physical land use density buffering opportunity provided by Shinn Ranch Road. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 6.5.1.3, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, 7.4.5.1, 7.5.1.3, 9.2.2.1 and 9.2.2.2 regarding traffic impacts, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, noise mitigation, grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention and replacement, cultural resource protection, Quimby Act and park maintenance mechanisms. Sufficient transportation mitigation measures are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, Diamond Springs – El Dorado Fire Protection District and the Mother Lode Union School District. Adequate fire safe access is provided and mitigation measures are included within the environmental document that will reduce any potential noise impacts to a level of less than significance. Pursuant to policy 9.2.2.1, the El Dorado County Parks and Recreation Commission reviewed the project on July 19, 2007 and recommended that Quimby Act in-lieu fees would be the most appropriate provision of recreation services for the site with no more than a 50 percent credit for the on-site passive open space proposed by the applicant.

### **3.0 ZONING FINDINGS**

- 3.1 The subdivision contains 143 lots which are consistent with the development standards identified within each respective proposed zoning district including R1-PD, R1A-PD, R2A and RE-5 outlined in Sections 17.28.040, 17.28.080, 17.28.340 and 17.28.210 of the Zoning Ordinance, including a minimum lot area of 6,000 square feet, one acre, two acres and five acres, respectively. Proposed lot sizes range from 13,500 to 10 acres and consistent with the minimum parcel sizes permitted under the Zoning Ordinance.
- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.190. Proposed deviations from the development standards regarding setbacks are identified within the staff report discussion above and appropriate findings for such deviations can be found below.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Planned Development**

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 70 acres of open space including a pond with floating dock, gazebo, Slate Creek and walking trails. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The only exception to the standard requirements of the zone regulations is an increased setback of five-feet for the front and rear yards of a typical 13,500 square foot lot. The increased setbacks represent an enhancement to the zoning development standards.
- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.
- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water and sewer service will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed project. Based

on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and "A" Drive to a road width of 40 feet. Along the project frontage, Kingvale Road would be improved to a road width of 40 feet while Shinn Ranch Road would be improved to a road width of 36 feet. Additionally, the applicant has agreed to mitigation measures requiring fair-share contribution payments to the County for improvements to the intersection of Pleasant Valley Road and State 49 and the intersection of Pleasant Valley Road and Forni Road.

- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 70 acres of open space, walking trails, sufficient setbacks from on-site sensitive resources, such as wetlands and a pond, and the retention of 50 of the 75 acres of oak tree canopy found at the site.

## **4.2 Vesting Tentative Subdivision Map**

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the vesting tentative map conforms to the HDR and MDR General Plan land use designations and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.
- 4.2.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit M) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road. On-site circulation includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and "A" Drive to a road width of 40 feet. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No

traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the Diamond Springs – El Dorado Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs – El Dorado Fire Protection District reviewed the proposed vesting tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the vesting tentative map and an approved fire safe plan. Project annexation into the Diamond Springs – El Dorado Fire Protection District Community Facilities District for the provision of fire suppression and emergency medical services would also be required prior to final map recordation. Fire issues are addressed within the project's conditions of approval.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

### **5.1 Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B**

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.

- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements would require a wider right-of-way resulting in the need to relocate existing physical improvements. The project's traffic analysis demonstrated that the proposed improvement of Kingvale Road is sufficient to handle the traffic impacts that will be generated by the project.

- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the reduced right-of-way width will allow the subdivision to better fit within the context of the surrounding rural residential uses.

- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the



Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

**5.2 Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B.**

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Shinn Ranch road will serve 13 new residences upon build-out and provide emergency access to the proposed subdivision. It is a gated roadway and is only intended to serve a maximum of 13 residences upon build-out. As such, the proposed reduced road right-of-way and reduced roadway width will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.

5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road easement and width will avoid the need to acquire additional easements from adjacent property owners and also reduce potential project grading impacts.

5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement and width will not require neighboring properties to dedicate additional easements and will minimize project grading impacts. A reduced easement and road width is also consistent with the rural character of the surrounding community. The construction of sidewalks on this roadway is unnecessary to serve 13 additional parcels and is inconsistent with the rural surroundings of the area.

5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

**5.3 Reduce the right-of-way for proposed on-site "Road A" to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.**

5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate on-site circulation and fire protection to the subdivision. Four-foot sidewalks are sufficient to serve the subdivision within a rural community.

- 5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* A 60-foot wide right-of-way would result in the loss of five feet of front-yard landscaping as well as impacts to the lake and wetland areas. The requested reduction in right-of-way would reduce potential impacts to these natural resources while still providing adequate on-site circulation.
- 5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement will not require the loss of five feet of front-yard landscaping and will minimize project grading impacts to the lake and wetland areas. A reduced easement width is also consistent with the rural character of the surrounding community.
- 5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.