Z08-0026/TM08-1476/Vista Grande Estates – As recommended by the Planning Commission on February 26, 2009

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the negative declaration together with the comments received during the public review process. The 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 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG).
- 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 located at 2850 Fairlane Court, Placerville, CA.

2.0 Tentative Map Findings

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

The project will require a Rezone from RE-5 to R1A. The R1A Zone District is consistent within the MDR General Plan Land Use Designation. The project will create five (5), one-acre residential parcels which will be consistent within the MDR land use designation. The proposed parcel sizes will be consistent with the General Plan Land Use Map and applicable General Plan policies.

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

The subdivision will create 5 residential parcels on a 5.07-acre site. The proposed density will be consistent within the MDR land use designation. The proposed road improvements will be consistent with the requirements of the General Plan. The

subdivision will be consistent with the retention and replacement provisions of Policy 7.4.4.4 and riparian areas will be protected consistent with Policy 7.3.3.4.

The project will be served by EID public water and private on-site septic systems. The septic systems have been designed to accommodate the potential demand and repair areas have been designated on each of the proposed lots.

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

The project site contains adequate buildable areas for the five (5) proposed lots. Adequate public utilities are available to serve the project and the proposed road improvements and Design Waivers will be consistent with the County Design Manual and the General Plan.

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

The project will create five residential parcels. Adequate developable areas have been provided for each of the parcels. The site will be capable of sustaining the proposed development.

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 will mitigate the potential impacts to oak canopy consistent with General Plan Policy 7.4.4.4 and the Oak Woodland Management Plan. The project will pay the rare plant mitigation fee at the time of building permit issuance as required by the Zoning Ordinance. No riparian features exist on-site that will be damaged as a result of the project. The project will mitigate for the impacts to biological resources as required by the County Code.

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

The project will widen the existing Sierrama Drive and Vista Grande Drive. The project has been designed to provide adequate access for the proposed parcels. The proposed lots that do not front a public road will be accessed via driveway access easements. The project will not include any designs or require improvements that will be detrimental to the public health, safety, or welfare of residents in the project area.

Based on the submitted Geologist Report for the project, no asbestos or ultramafic rock was found on-site, therefore the project will not be required to submit an Asbestos Dust Mitigation Plan and a Fugitive Dust Plan will be sufficient for all construction activities.

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 proposed lots have been designed in accordance with the Development Standards of the R1A Zone District and the County Design Manual. The proposed buildable areas will provide for the required 30 foot setback as required by the Fire Safe Regulations.

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 subdivision will perform road improvements to the adjoining roads and will not conflict with any easements for access through the subdivision.

3.0 Zoning Findings

3.1 The Zone Change is consistent with the General Plan.

The Rezone would amend the parcels zoning from Estate-Residential Five-Acre (RE-5) to One-Acre Residential (R1A). The Rezone is consistent within the Medium Density Residential (MDR) land use designation. The Rezone has been evaluated against the specific criteria include in General Plan Policy 2.2.5.3 and it has been determined that the adequate site conditions exist to support the increase in density.

4.0 Design Waiver Findings

- 4.1 To reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- 4.1.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create five (5) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement. No substantial pedestrian needs will result in the creation of five additional parcels and sidewalk, curb, and gutters will not be necessary in the project area.

4.1.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

4.1.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for two way vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.1.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The proposed Design Waiver will be consistent with the objectives of the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.2 To reduce the road improvements on Vista Grande Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;

4.2.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create five (5) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement. No substantial pedestrian needs will result in the creation of five additional parcels and sidewalk, curb, and gutters will not be necessary in the project area.

4.2.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

4.2.3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for two way vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.2.4. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

- 4.3 To allow the creation of parcels which do not front a road.
- 4.3.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The existing parcel is uniquely shaped. The requested waiver will be required to provide access to two of the proposed parcels.

4.3.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

Due to the unique orientation of the existing parcel, strict application of road frontage requirements cannot be met. The requested waiver will necessary to utilize the full development potential of the site.

4.3.3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The lots would be accessed via driveway easements which would provide adequate access to the parcels. The waivers would not allow for any modification that will be detrimental to the health, safety or welfare of the public.

4.3.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision

The design waiver will be consistent with the objectives of the County Design Manual, the Fire Safe Regulations and the Subdivision Ordinance. Approval of the waiver will ensure that adequate access will be available to the proposed lots which do not front Sierrama Drive or Vista Grande Drive.

Conditions of Approval

Planning Services:

1. This Subdivision Map and Rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated October 23, 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:

Rezone from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A).

Tentative Map creating 5 residential lots. The lots would be served by EID public water and individual septic systems.

The gross acreages of the proposed lots shall correspond to the table below:

Lot	Gross Area (acres)
Number	
1	1.0
2	1.07
3	1.0
4	1.0
5	1.0

Three Design Waivers would be approved as follows:

- a) To reduce the road improvements on Vista Grande <u>onsite</u> to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- b) To reduce the road improvements on Sierrama Drive <u>along project boundary</u> to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- c) To allow the creation of parcels which do not front a 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.

CONDITIONS OF APPROVAL

Planning Services

- 2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
- 3. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
- 4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit
- 5. All Development Services Planning fees shall be paid prior to filing of the Final Map.
- 6. The applicant shall submit to Planning Services the recording fee and the Department of Fish and Game 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.
- 7. The developer shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a grading permit.
- 8. All future oak canopy removal as a result of residential development of the subdivision shall pay the oak mitigation fee at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee to Planning Services prior to issuance of a building permit. This note shall be placed on the Final Subdivision Map. Planning Services shall verify this note prior to filing the final map.
- 9. 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.

- 10. 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 to the County Recreation District at the time of filing the final map.
- 11. 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.
- 12. 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 shall cooperate fully in the defense.

The Department of Transportation:

13. **Road Design Standards**: The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map: (the requirements outlined in Table 1 are minimums)

Table 1				
ROAD NAME	DESIGN	ROAD	RIGHT	EXCEPTIONS/ NOTES
	STANDARD	WIDT	OF	
	PLAN	H*	WAY**	
Sierrama Drive	Modified Std Plan	20ft	50ft	No curb, gutter and sidewalk.
(offsite along	101B (3"AC over		existing	
project	8"AB Min.)			
boundary)				
Vista Grande	Modified Std Plan	20ft	44ft	No curb, gutter and sidewalk.
Drive	101B (3"AC over		existing	
(onsite from	8"AB Min.)			
Sierrama Dr to				
end)	Std Plan 103D @			
	intersection w/			
	Sierrama Dr.			
	Std Plan 114 or			
	equivalent turnaround			

^{**} Non-exclusive road and public utility easements included

- 14. **Vehicular Access Restrictions:** Prior to filing of the map, the applicant shall record a vehicular access restriction on the Lot 3 driveway over Lot 2 and on the Lot 4 driveway over Lot 5 prior to filing of the map.
- 15. **Turnaround**: The applicant shall provide a turn around at the end of Vista Grande Drive to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
- 16. **Offsite Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
- 17. **Off-site Access Easements**: The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.

DOT STANDARD CONDITIONS

- 18. **Easements**: All applicable existing and proposed easements shall be shown on the project plans.
- 19. **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.
- 20. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
- 21. **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).
- 22. **Water Quality Stamp**: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality

Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

- 23. **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.
- 24. **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.
- 25. **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.
- 26. **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.
- 27. **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.
- 28. **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.

- 29. **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.
- 30. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

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 map or the applicant shall obtain an approved improvement agreement with security.

31. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur 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 map.

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

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

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

- 36. **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.
- 37. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

- 38. The project shall provide a potable water system that is capable of supplying the required fire flow of 1,000 gallons per minute with a 20 psi residual for a two hour period. This flow rate is in addition to the highest maximum daily consumption and is based on the premise that a single family dwelling is to be of Type V-B wood frame construction and shall not exceed 3.600 square feet in size. Any home exceeding 3,600 square feet shall supply a fire flow of 1,500 gpm. The Department shall review and approve the fire flow prior to filing the final map.
- 39. The District shall review and approve the road improvement plans. The District shall review and approve the plans prior to filing the final map.

Department of Environmental Health- Air Quality Management District

- 40. The applicant shall prepare a Fugitive Dust—Asbestos Hazard Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading plan.
- 41. The project shall adhere to all District rule during project construction.

Surveyor's Office:

42. 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.