



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit 17-013 (3800 Golden Hill Road – Cava RV Resort) - Council consideration of OTR 17-013 request to remove one oak tree (Tree No. 1077) and amendment of development plan to add an additional RV site, in conjunction with the development of a 323 unit RV Park.

Date: August 1, 2017

Facts

1. The Cava RV Resort is located at 3800 Golden Hill Road; see Vicinity Map, Attachment 1.
2. In March of 2009, the City Council approved Planned Development (PD) 08-001 approving the development of a 332 space RV Resort on the 68-acre site.
3. Concurrent with PD 08-001 the applicants requested that the City Council allow for the removal of thirty-six (36) of over 200 oak trees located on the site. The City Council approved Resolution 09-030 allowing for the removal of thirty-six trees based on the trees being in poor condition as determined by the Arborist at the time, A&T Arborists.
4. The project was approved to build 332 RV sites, however in order to allow larger RV sites, Sun Paso is in the process of constructing 323 sites. With the removal of Tree 1077, Sun Paso is proposing to add one additional site, for a total of 324. Along with the tree removal is a request for Council to approve a modification to PD 08-001 adding the additional site. See Location Map, Attachment 2 and revised Site Plan, Attachment 3.
5. Tree No. 1077 was originally evaluated by A&T Arborists as part of the Arborist Report for the entitlement process of the project. At that time in 2008 the tree was rated 6 out of 10, indicating the tree was healthy, and considered in good condition.
6. The project is currently under construction to build and the project Arborist, Chip Tamagni of A&T Arborists, is involved with the monitoring and protection requirements of the remaining oaks. Mr. Tamagni has evaluated Tree No. 1077 (a 47-inch Blue Oak) more closely, and based on the trees condition "with less than 5% of the canopy alive" is recommending that the tree be removed. See Arborist Letter, Exhibit A, to Resolution A (Attachment 5).
7. Chip Tamagni, on behalf of Sun Paso Robles, LLC is requesting that the City Council waive the \$600 oak removal fee. In his letter (Attachment 4) he indicates that per Section 10.01.050.B. that the existing condition of the tree is not the fault of the current owner, since there has been "zero construction impacts" to Tree 1077.

8. Planning Staff inspected the site to review the tree. Since the tree was shown to be saved on an approved development plan and the tree shows signs of growth, the Director could not make the determination that the tree is “clearly dead or diseased beyond correction,” and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the tree “healthy” and require that the City Council make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D.

Tree No. 1077 – deciduous Blue Oak Tree



Revised Site Plan Showing Site 324:



Options

1. Approve Draft Resolution A, approving OTR 17-013, authorizing the removal of Tree No. 1077 (47-inch Blue Oak) based on the tree being in poor health, as indicated in the Arborist Report and require the \$600 removal permit fee to be paid, and eight (8) 1.5-inch diameter Blue Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 12.5-inches) be planted on site at the direction of the Arborist, and approve Draft Resolution B approving a modified site plan adding an additional RV site (Site 324).
2. Approve Draft Resolution A, approving OTR 17-013, authorizing the removal of Tree No. 1077 (47-inch Blue Oak) based on the tree being in poor health, as indicated in the Arborist Report and **waive** the \$600 removal permit fee to be paid, and require the replanting of eight (8) 1.5-inch diameter Blue Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 12.5-inches) on site at the direction of the Arborist, and approve Draft Resolution B approving a modified site plan adding an additional RV site (Site 324).
3. Denial OTR 17-013 with findings and require the oak trees to remain and be protected.
4. Refer back to staff for additional analysis.

Analysis and Conclusions

The applicant has provided a written request that the Council waive the deposit requirement based on his determination that the condition of the tree (disease) is not the fault of Sun Paso, LLC. See letter from Chip Tamagni, Attachment 4.

Section 10.01.050 allows the Council to make exceptions to deposit requirements under the following circumstances:

- B. Exception to deposit requirements: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide a deposit if he or she can provide documentation from a Certified Arborist on the City Council's approved list concluding that the tree's death or disease is not their fault.

Sun Paso LLC is currently in the process of constructing the RV Resort project, and according to the Arborist, construction activities were not the cause of the trees decline. The Arborist indicates that the trees decline was a result of the drought.

The City Council has full discretion to determine whether the trees warrant removal or not and whether the deposit should be required. If the Council does not approve the removal, the project can move forward with the development.

According to Section 10.01.050.D, there are several factors that the City Council needs to review when considering the removal of a "healthy" oak tree. These factors along with Staff's analysis of each factor are listed below:

D. If a request is being made to remove one or more healthy oak trees for which a permit to remove is required, the director shall prepare a report to the City Council, outlining the proposal and his recommendation, considering the following factors in preparation of his recommendation.

1. *The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation;*

Based on the Arborist indicating that the trees are in poor condition with only 5% of the tree canopy being alive, the trees appear to be good candidates for removal.

2. *The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees;*

It is possible for the project to be constructed in a manner that could retain the trees. The Arborist concludes that the trees are in poor condition. Given that the tree is currently in poor condition, and furthermore, it is anticipated that the tree will be completely dead soon, removal would seem to be the best option.

3. *The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed;*

The removal of the trees would not result in negative effects on soil retention, water retention or surface water flows for the neighborhood.

4. *The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole;*

If the tree is allowed to be removed, hundreds of other trees would remain on the site.

5. *Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.*

The removal of the trees will require replacement trees to be planted on site. Additionally; the remaining oak trees on site will be protected.

Option 1, and 2:

Approve tree removal and addition of one RV site. After taking in consideration recommendation by the project Arborist to remove the trees, and consideration of the factors listed in Section 10.01.050.D (listed above) authorize the removal of the Tree No. 1077 and add Site 324. It will be up to the Council to determine if the Applicant's request to waive the fee for the project is warranted.

Option 3:

Deny tree removal. The project was originally approved with the preservation of Tree No. 1077. It may be necessary to redesign the site plan for the buildings in the vicinity of the tree to lessen the impacts to the critical root zone as suggested by the Arborist.

Option 4:

Council may wish to refer the item back to staff for additional analysis.

Fiscal Impact

There is not a fiscal impact to the City related to this oak tree removal request. Oak trees can provide value to a property, and be an aesthetic value to the City as a whole. If the Council wishes to waive the \$600 application fee, the time and materials for providing the staff report to the Council would be covered from the General Fund.

Recommendation

Option 1. Based on the Arborist's recommendation and the factors listed in this staff report removal of the trees is justified with the planting of new replacement oak trees. Additionally, adding Site 324 seems reasonable since it would result in 324 RV sites, which is less than the 332 sites originally entitled.

Approve Draft Resolution A, approving OTR 17-013, authorizing the removal of Tree 1077 (47-inch Blue Oak) based on the trees being in poor health, as indicated in the Arborist Report and require eight (8) 1.5-inch diameter Blue Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 12-inches) be planted on site at the direction of the Arborist, and approve Draft Resolution B, approving the addition of Site 324.

Attachments

1. Vicinity Map
2. Lot Location Map
3. Site Plan
4. Chip Tamagni Letter
5. Draft Resolution A - Approval the removal of the tree
 - a. A&T Arborist Report
6. Draft Resolution B – Approval of the addition of RV Site 324.
 - a. Amended Site Plan adding Site 324





KEY MAP

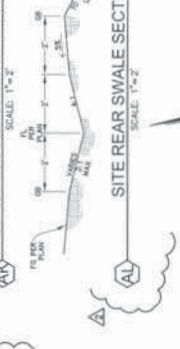
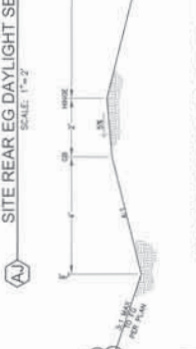
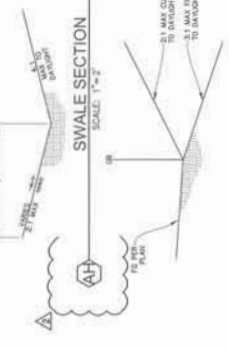


(N.T.S.)



GRADING LEGEND

- 10 - 2% SLOPE
- 11 - 4% SLOPE
- 12 - 6% SLOPE
- 13 - 8% SLOPE
- 14 - 10% SLOPE
- 15 - 12% SLOPE
- 16 - 15% SLOPE
- 17 - 20% SLOPE
- 18 - 25% SLOPE
- 19 - 30% SLOPE
- 20 - 35% SLOPE
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- 22 - 45% SLOPE
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- 24 - 55% SLOPE
- 25 - 60% SLOPE
- 26 - 65% SLOPE
- 27 - 70% SLOPE
- 28 - 75% SLOPE
- 29 - 80% SLOPE
- 30 - 85% SLOPE
- 31 - 90% SLOPE
- 32 - 95% SLOPE
- 33 - 100% SLOPE



- NOTES:**
1. REFER TO SHEET C3 FOR SWALE DETAILS
 2. REFER TO SHEET C3 FOR SWALE DETAILS
 3. SEE SHEET C3 FOR SWALE WALL, RETENTION INFORMATION AND TYPICAL CROSS SECTION.
 4. SWALE WALLS SHALL BE CONSTRUCTED TO 2' MIN. 30" ABOVE FINISH GRADE TO PROVIDE PROTECTIVE FILL AT HIGH END PER PLAN.
 5. 4" SLOPE PVC SD
 6. 18" COP SD
 7. 24" COP SD



FOR UNDERGROUND IMPROVEMENTS SEE SHEET C36

CAVA ROBLES RV RESORT
GRADING & DRAINAGE
EAST

C5

SCALE: 1" = 40'

DESIGNED BY: CEB
DRAWN BY: CEB
CHECKED BY: CEB
DATE: 08/11/11

APPROVED BY: [Signature]
DATE: 08/11/11

REVISIONS

NO.	DATE	DESCRIPTION
1	08/11/11	FINAL PLAN
2	08/11/11	ADDITIONAL SITE & TREE REMOVALS

NCE NORTH COAST ENGINEERING INC.
CIVIL ENGINEERING - LAND SURVEYING - PROJECT DEVELOPMENT

725 Creston Rd., Suite B
Poso Robles, CA 93446
(805) 239-3127
(805) 927-8651

KEY MAP

TREE REMOVAL TABLE

TREE NUMBER	DIAMETER (IN)	LOCATION
1077	48.6	AT SITE 204
1301	32.1	AT SITE 186
1304	41.1	AT SITE 206
1311	48.2	BETWEEN SITES 176 & 182

VALVE ENGINEERING NOTICE
ALL SITES UNPAID PER OH SHEETS C00 AND C01

SEE SHEET C4

SEE SHEET C3

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

SEE SHEET C4

Attachment 5

Draft Resolution A

RESOLUTION 17-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE 47-INCH DIAMETER BLUE OAK TREE
AT 3800 GOLDEN HILL ROAD – CAVA RV RESORT (OTR 17-013)
(SUN PASO LLC – APN 025-423-023 & 022)

WHEREAS, Sun Paso, LLC has submitted a request to remove one oak tree within the Cava RV Resort, located at 3800 Golden Hill Road; and

WHEREAS, the tree proposed to be removed is one 47-inch diameter Blue Oak; and

WHEREAS, Chip Tamagni, Certified Arborist, has evaluated Tree No. 1077 and based on 95% of the trees canopy being dead, is recommending that the tree be removed as indicated in Arborist letter, Exhibit A; and

WHEREAS, if the tree is approved to be removed, there are hundreds of other oak trees on the site that would be preserved; and

WHEREAS, since the tree was shown to be saved on an approved Development Plan and the tree shows signs of growth, the Community Development Director could not make the determination that the tree is “clearly dead or diseased beyond correction,” and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the tree “healthy” and require that the City Council make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Findings. The City Council finds the factors outlined in Section 10.01.050.D, and the information provided by the Arborist, justify the removal of the 47-inch Blue Oak tree, based on the tree being in poor health and in danger of falling, as indicated in Exhibit A.

Section 3. Mitigation. Eight (8) 1.5-inch diameter blue oak tree replacement tree shall be planted on site at the direction of the Arborist to mitigate the visual impact of the tree’s removal.

APPROVED this 1st day of August, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibits

A. Chip Tamagni Arborist Letter



Received
06/29/17
City of Paso Robles
Community Development

6-29-2017

Daren Nash, City of Paso Robles Planning Department

This report is in regard to tree #1077, blue oak (*Quercus douglasii*) at the Cava Robles RV Park currently under construction. Our company trimmed and removed approximately 100 trees on the site prior to any grading activity. This work was done back in the summer of 2016. We trimmed extremely lightly on this tree as it was very stressed at that time therefore limiting pruning to only deadwood. When the initial tree survey was done for this project back in 2008, this tree rated a 6/10 equal to the best trees on the site. Unfortunately it has declined since then most likely due to drought that has killed several other trees on site. During the initial phases of construction, we recommended that this tree receive some supplemental watering. Spurrco accomplished that exactly as we recommended utilizing one of their water trucks. We pointed out the decline to both Darren Nash and Warren Frace during a job walk last fall.

Today, less than 5% of the canopy remains alive and within a couple of months, the tree will be dead. This tree had zero construction impact causing the decline as the trees health has been deteriorating for several years before the project got off the ground. Per the Paso Robles Oak Tree Ordinance, we are requesting removal for this next to dead tree. The developers are willing to plant mitigation trees for the 47 inches of removal diameter but are requesting a waiver of the \$600.00 fee per section 10.01.050 B as the decline and ultimate death of the tree was definitely not their fault.

Chip Tamagni
Certified Arborist #WE 6436-A
California State Pest Control Advisor #75850
Certified Hazard Risk Assessor #1209
Cal Poly B.S. Forestry and Natural Resources Management

Attachment 6

Draft Resolution B

RESOLUTION 17-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A MINOR MODIFICATION TO THE DEVELOPMENT PLAN FOR PD 08-001
TO ADD RV SITE 324 – CAVA RV RESORT
(SUN PASO LLC – APN 025-423-023 & 022)

WHEREAS, PD 08-001 was approved by the City Council in February 2009, via Resolutions 09-025, 09-026 & 09-027; and

WHEREAS, the Cava RV Resort is currently under construction and is located at 3800 Golden Hill Road; and

WHEREAS, on August 1, 2017, the City Council approved the removal of Tree No. 1077, based on the tree being in poor condition; and

WHEREAS, with the removal of the tree, the applicant is requesting that the City Council approved a modified Development Plan to add RV Site 324, as shown in Exhibit A; and

WHEREAS, as a result of the City Council approving the removal of Tree No. 1077, the side development plan can be expanded consistent with the intent of the original project approval; and

WHEREAS, since the addition of the RV Site would result in 324 RV sites, which is less than the 332 sites originally entitled with PD 08-001, and since adding Site 324 will not result in additional impacts to the remaining oak trees on the site, a public hearing is not required; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2 Findings. Based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the City Council makes the following findings as required by Government Code Sections 66474 and 65457:

1. Modifying the site development plan to add site 324 to correspond with the removal of Tree No. 1077, would result in 324 RV sites, which is less than the 332 sites originally entitled with PD 08-001, and since adding Site 324 will not result in additional impacts to the remaining oak trees on the site.

Section 3. Approval. The City Council does hereby approve a modified Site Development Plan for PD 08-001, subject to the following conditions of approval:

1. The Site Development Plan for PD 08-001 can be modified as shown on Exhibit A of this resolution.

APPROVED this 1st day of August, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibits

- A. Site Development Plan adding Site 324



GRADING LEGEND

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- 200 - 935% SLOPE
- 201 - 940% SLOPE
- 202 - 945% SLOPE
- 203 - 950% SLOPE
- 204 - 955% SLOPE
- 205 - 960% SLOPE
- 206 - 965% SLOPE
- 207 - 970% SLOPE
- 208 - 975% SLOPE
- 209 - 980% SLOPE
- 210 - 985% SLOPE
- 211 - 990% SLOPE
- 212 - 995% SLOPE
- 213 - 1000% SLOPE

SWALE SECTION
SCALE: 1"=2'



SITE REAR EG DAYLIGHT SECTION
SCALE: 1"=2'



SITES 191-196 REAR SLOPE/SWALE SECTION
SCALE: 1"=2'



SITE REAR SWALE SECTION
SCALE: 1"=2'



- NOTES:**
1. REFER TO ALL OTHER GRADING DETAILS
 2. REFER TO SHEET C3 FOR GROUND WALL RETENTION INFORMATION AND TYPICAL CROSS SECTION.
 3. EXISTING GROUND PROFILES TO BE SHOWN AT 1"=40' SCALE PER PLAN.
 4. 1" SLOPE PER 50'
 5. 1" SLOPE PER 100'
 6. 1" SLOPE PER 150'

FOR UNDERGROUND IMPROVEMENTS SEE SHEET C36

CAVA ROBLES RV RESORT
GRADING & DRAINAGE

EAST

SCALE: 1" = 40'

DESIGNED BY: NCE
DRAWN BY: NCE
CHECKED BY: NCE
DATE: 08/11/11

C5

DATE: 08/11/11

PROJECT: CAVA ROBLES RV RESORT

SCALE: 1" = 40'

DESIGNED BY: NCE
DRAWN BY: NCE
CHECKED BY: NCE
DATE: 08/11/11

REVISIONS

NO.	DATE	DESCRIPTION
1	08/11/11	PLAN SUBMITTAL
2	08/11/11	ADDITIONAL SITE & TREE REMOVALS
3	08/11/11	ADDITIONAL SITE & TREE REMOVALS

NCE NORTH COAST ENGINEERING INC.
CIVIL ENGINEERING - LAND SURVEYING - PROJECT DEVELOPMENT

725 Creston Rd., Suite B
Poso Robles, CA 93446
(805) 239-3127
(805) 927-8651

KEY MAP

TREE REMOVAL TABLE

TREE NUMBER	DIAMETER (IN)	LOCATION
1077	48.6	AT SITE 204
1301	32.1	AT SITE 186
1304	41.1	AT SITE 206
1311	48.2	BETWEEN SITES 176 & 182