

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: July 27, 2006

Item No.: 8.a.

Staff: Aaron Mount

REZONE/PARCEL MAP

FILE NUMBER: Z04-0010/P04-0003/Fred Simon

APPLICANT: Fred Simon

REQUEST: A rezone from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10) and a tentative parcel map creating two 10 acre parcels on a 20-acre site. (Exhibit B).

Design waiver(s) have been requested for the following:

- a. Reduction of road improvements to 18 feet.

LOCATION: The property is located on the west side of Amber Fields Drive, approximately 2,000 feet north of the intersection with South Shingle Road in the Shingle Springs area. (Exhibit A)

APN: 087-270-31

ACREAGE: 20.061 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Exclusive Agricultural (AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND: On January 23, 1996, El Dorado County adopted a comprehensive General Plan. On February 5, 1999, the Superior Court, County of Sacramento, in the matter of El Dorado County Taxpayers for Quality Growth, et al. v. El Dorado County Board of Supervisors and El Dorado County, ruled that, in certain respects, the County failed to comply with the California Environmental Quality Act (CEQA) in the adoption of its 1996 General Plan. Consequently, certification of the General Plan CEQA Environmental Impact Report (EIR) and adoption of the General Plan were set aside, and the County was directed to temporarily restrict new development pursuant to a writ of mandate. To address the Court’s findings, the County prepared a new General Plan, which was adopted on July 19, 2004. However, subsequent to plan adoption, a referendum measure that would also affect implementation of the plan was filed with the County. That referendum, which appeared on the March 8, 2005, ballot, was approved by the voters, and the County began processing applications on October 3, 2005.

This rezone and parcel map application was submitted August 13, 2002, and could not be processed until after the referendum vote was approved.

STAFF ANALYSIS

Project Description: The applicant is requesting a rezone from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10) and a tentative parcel map creating two ten acre parcels on a 20 acre site.

Site Description: The subject parcel is at an average elevation of 1,200 feet above mean sea level. Vegetation is dominated by annual grasses and blue oak. The subject parcel also contains a stand of non-native eucalyptus trees. Proposed Parcel 1 has tree canopy coverage of 25 percent, and proposed Parcel number 2 has tree canopy coverage of 2 percent. The subject parcel contains two ponds fed by an intermittent stream. Improvements include a single family residence, pool, and garage on proposed Parcel 1 and a barn on proposed Parcel 2. Access to the subject parcel is from Amber Fields Drive, Fernwood Drive and Bollard Road, all paved two lane roads.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	RR	Single family residence
North	AE/RE-5	RR/LDR	Single family residence
South	AE	LDR	SPRR Transportation Corridor/undeveloped
East	RE-5	LDR	Single family residence
West	RE-10	RR	Single family residence

Discussion: The proposed rezone and parcel map are consistent with the use and density of the adjacent land uses.

General Plan: The General Plan designates the subject site as Rural Residential (RR), which permits a minimum parcel size of 10 acres. The proposed 10-acre parcels therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: El Dorado County Environmental Health has approved a well report for proposed Parcel 2. Proposed Parcel 1 has an existing residence with an adequate water supply.

2. *Availability and capacity of public treated water system;*

Discussion: The applicant proposes well water for the project. The parcel is within the El Dorado Irrigation District sphere of influence, but public water is not required for the 10-acre parcel sizes within the Rural Residential land use designation outside of the Community Regions

3. *Availability and capacity of public waste water treatment system;*

Discussion: El Dorado County Environmental Health has approved a septic report for proposed Parcel 2. Proposed Parcel 1 has an existing residence with an approved and functioning septic system. The parcel is within the Eldorado Irrigation District sphere of influence, but public sewer is not required for 10-acre parcel sizes.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: The subject parcel is 3.5 miles from Latrobe Elementary School and 4.6 miles from Ponderosa High School.

5. *Response time from nearest fire station handling structure fires;*

Discussion: The El Dorado County Fire Protection District is responsible for providing fire protection to the subject site. The District has reviewed the proposal and indicated that the adherence to the applicable building and fire codes, as well as conditions of approval regarding installation of sprinkler systems in each residence affected by the project, will satisfactorily address all fire related safety issues. The subject parcel is five miles from Fire Station #28 in Cameron Park and four miles from the Latrobe Fire Station. No response time concerns are present.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The subject parcel is 2.3 miles from the Shingle Springs Community Region.

7. *Erosion hazard;*

Discussion: According to the Soil Survey of El Dorado County, the property contains Auburn silt loam, 2 to 30 percent slopes (AwD), Auburn very rocky silt loam, 2 to 30 percent slopes (AxD), and Sobrante silt loam, 15 to 30 percent slopes (SuC). None of these soil types is characterized as an unstable soil. The project is not located in an area with significant topographic variation in slope. Compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance will reduce any potentially significant impact to a less than significant level.

8. *Septic and leach field capability;*

Discussion: El Dorado County Environmental Health has approved a septic report for proposed Parcel 2. Proposed Parcel 1 has an existing residence with an approved and functioning septic system.

9. *Groundwater capability to support wells;*

Discussion: El Dorado County Environmental Health has approved a well report for proposed Parcel 2. Proposed Parcel 1 has an existing residence with an adequate water supply.

10. *Critical flora and fauna habitat areas;*

Discussion: The proposed rezone and tentative parcel map will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The subject parcel has no identified biological resources pursuant to the Important Biological Resources map located in Planning Services.

11. *Important timber production areas;*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: On January 11, 2006, the El Dorado County Agricultural Commission recommended approval of the proposed rezone from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10) stating there would not be a significant impact to important agricultural areas.

13. *Important mineral resource areas;*

Discussion: The project will not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation determined that the proposed rezone would not significantly impact the transportation system serving the area. The proposed rezone and parcel map would result in one additional residence of which the on-site roads are capable of supporting after improvement and off-site roads are capable of supporting with no improvements.

15. *Existing land use pattern;*

Discussion: The project area is surrounded by existing residential uses. Staff has determined that the proposed project is consistent with existing land use pattern within the project area.

16. *Proximity to perennial water course;*

Discussion: The subject parcel is six miles from the Cosumnes River, the closest perennial water course.

17. *Important historical/archeological sites; and*

Discussion: An archaeology report was prepared by Historic Resource Associates. The report concluded, after a careful survey of the entire parcel, no significant prehistoric archaeological sites, features, or artifacts were discovered, nor were there any historic buildings, structures, or objects found within the area. No sub-surface testing was completed. As such, there is a potentially unknown significant impact to historic or archaeological resources that might be located on the surface or sub-surface. In order to limit any impact mitigation measures have been added to the project.

18. *Seismic hazards and present of active faults.*

Discussion: As shown in the Division of Mines and Geology's publication *Fault Rupture Hazard Zones in California*, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault rupture, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area will be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: There are no existing CC&Rs.

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing

authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and*
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and*
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Discussion: The Agricultural Commission reviewed the proposed rezone and parcel map on January 11, 2006. Steve Burton informed the Agricultural Commission that the area where this parcel is located has been subdivided. After conducting a site visit and reviewing the application, Mr. Burton concluded that the parcel split and rezone of the Exclusive Agricultural (AE) zoned 20.06 parcel to two Estate Residential Ten-acre (RE-10) zoned 10 acre parcels would not compromise agricultural activities. Mr. Burton also stated that although the surrounding parcels are zoned AE, the parcels are no longer in Williamson Act contracts, and there does not appear to be any agricultural operations on them. A motion was made and unanimously passed that Z04-0010 and P04-0003 were consistent with General Plan Policy 8.1.4.1.

Policy 8.1.3.1: Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Discussion: The two proposed parcels are 10 acres.

Policy 8.1.3.2: Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Discussion: Proposed Parcel 2 is of sufficient size to allow a residence within the required agricultural setbacks. Proposed Parcel 1 contains an existing residence.

Policy 8.1.3.4: A threshold of significance for loss of agricultural land shall be established by the Agriculture Department and the Planning Department, with opportunity for public comment before adoption, to be used in rezone applications requesting conversion of agricultural lands to non-agricultural lands, based on the California LESA system. For projects found to have a significant impact, mitigation shall include 1:1 replacement or conservation for loss of agricultural land in active production and/or 1:1 replacement or conservation for land identified as suitable for agricultural

Discussion: The proposed rezone from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10) was recommended for approval by the Agricultural Commission on January 11, 2006. The adjacent land uses are residential, and no adjacent parcels currently contain agricultural use. The applicant has owned the subject parcel since 1979 and has only used the parcel for residential use. The parcel is not currently within a Williamson Act Contract. The proposed RE-10 zoning does

allow by right “The raising and grazing of domestic farm animals and the cultivation of tree and field crops and the sale of such goods when produced on the premises.” Staff recommends that no mitigation is required since a significant impact does not exist.

Policy 8.1.1.5: Except for parcels assigned urban or other nonagricultural uses by the Land Use Map for the 1996 General Plan, parcels 20 acres or larger containing “choice” agricultural soils (see Policy 8.1.1.2(b)) shall be zoned for agricultural use except where the Board of Supervisors determines that economic, social, or other reasons justify allowing nonagricultural development or uses to occur on the affected properties. ... Before rezoning parcels that are 20 acres or larger and contain choice agricultural soils to a zoning category that will permit nonagricultural uses, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.

Discussion: The proposed rezone was recommended for approval by the Agricultural Commission on January 11, 2006.

Policy 8.1.3.5: On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Discussion: The proposed rezone and parcel map was recommended for approval by the Agricultural Commission on January 11, 2006.

Policy TC-6a: The County shall support improvements and uses on the former Southern Pacific right-of-way and track within the county, now known as the Sacramento-Placerville Transportation Corridor (SPTC) that maintain its viability as a potential freight and passenger hauling rail facility.

Discussion: The subject parcel is adjacent to the Sacramento-Placerville Transportation Corridor. As stated in the SPTC Master Plan “Any residential subdivision shall at a minimum provide for an offer of dedication for trail easement 100 feet measured from centerline from the right-of-way.” A condition of approval has been included to address the transportation corridor easement.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Tentative Parcel Map: The tentative parcel map (Exhibit B) proposes to create two 10 acre parcels on a 20-acre site. In accordance with Section 16.44 of the Minor Land Division Ordinance, the following findings must be made by the approving authority:

1. *That the proposed tentative map, including design and improvements, is consistent with the General Plan and Specific plan where applicable;*

Discussion: The proposed tentative parcel map conforms to the 2004 General Plan.

2. *That the proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance;*

Discussion: The project proposes to rezone the subject parcel from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10). The proposed tentative map is consistent with Section 17.70.110 of the Zoning Ordinance, RE-10 Development standards.

3. *That the site is physically suitable for the proposed type and density of development; and*

Discussion: The tentative parcel map was approved by El Dorado County Environmental Health for a septic system and a well, and access is provided by a paved County maintained road off-site and paved roads within a zone of benefit on-site.

4. *That the proposed subdivision is not likely to cause substantial environmental damage.*

Discussion: Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project as conditioned will have a significant effect on the environment, and a mitigated negative declaration has been prepared.

Conclusion: Staff has determined that the required findings within Section 16.44 of the Minor Land Division Ordinance may be made for the proposed tentative parcel map.

Zoning: The subject site is currently zoned Exclusive Agricultural (AE). The applicant is proposing to rezone the parcel to Estate Residential Ten-acre (RE-10) which is consistent with the General Plan land use designation of Rural Residential. Pursuant to Section 17.70.110 of the County Code, RE-10 Development Standards, the minimum lot area is ten acres. The proposed parcel map contains two parcels of ten acres each, which is consistent with the development standards. All existing buildings meet the required 30 foot setbacks for residential structures and 50 foot setbacks for agricultural structures. The proposed undeveloped parcel has adequate building area to allow a residence taking into account all required setbacks.

Design Waiver(s) Discussion: A design waiver has been requested for a reduction of road improvements to 18 feet. All onsite roads are paved with varying widths. Amber Fields Drive has a pavement width of 22 feet, Fernwood Drive has a pavement width of 18 feet, and Bullard Drive has a pavement width of 15 feet. Due to the existing 18 and 22-foot minimum paved roadways, the applicant is requesting a design waiver reducing the required 24 foot wide improvement to 18 feet pursuant to the California Fire Safe Standards. Improvements would be required for Bullard Drive to meet California Fire Safe Standards.

Agency and Public Comments: The following agencies provided comments on this application:

- El Dorado County Environmental Management Department, Environmental Health Division
- El Dorado County Department of Transportation
- El Dorado County Fire Protection District
- County of El Dorado Office of County Surveyor
- El Dorado County Air Pollution Control District
- Pacific Gas and Electric
- El Dorado County Resource Conservation District

Copies of their written comments are available at the Planning Services office. The above agencies had no specific concerns regarding the proposed project that are not addressed and accounted for by this report and the attached findings and conditions.

Additional issues may be raised as a result of the public notice of the hearing, which will be discussed at that time

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project as conditioned will have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study (Exhibit F) prepared by staff;
2. Approve Zone Change Z04-0010, based on the findings in Attachment 2, subject to the conditions in Attachment 1;

3. Approve Parcel Map P04-0003, based on the findings in Attachment 2, subject to the conditions in Attachment 1; and
4. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - a. Reduction of road improvements to 18 feet.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Tentative Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E1-2	Assessor's Plat Maps
Exhibit F	Environmental Checklist and Discussion of Impacts
Exhibit G	Soils Map
Exhibit H	Farmland Map
Exhibit I	Parcel Map 17-36

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER Z04-0010/P04-0003

MITIGATION MEASURES

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

1. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
2. 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 review the grading plans prior to the issuance of a grading permit.

STANDARD CONDITIONS OF APPROVAL

Department of Transportation

3. Applicant must repair the half-width of the roadways fronting the property to Standard Plan 101C for the minimum width required by the conditions of the original subdivision map, specifically reconstruction of the pavement edge and the two (2) foot wide shoulder. This work must be substantially completed, as determined by the Department of Transportation, prior to the recording of the parcel map. *Subject to Planning Commission approval of design waiver(s), Standard Plan 101C may be reduced to a width of 18 feet. Fire Chief has the ability to approve a lesser road width due to physical constraints within road easements (i.e. power poles, wetlands, and slopes).*
4. Driveway entrances shall be constructed per Standard Plan 103A-2.
5. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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.

6. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
7. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
8. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible Fire Protection District. The Department of Transportation will require plans to meet Fire Safe Standards, but only the responsible Fire Protection District may waive or relax those Fire Safe Standards.
9. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, 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.
10. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
11. 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.

Fire District

12. A review fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District.
13. An NFPA 13D sprinkler system supplied by a 2,500 gallon tank shall be installed in each residence affected by the parcel map. A deed restriction for an NFPA 13D residential sprinkler system with 2,500 gallons of water storage shall be required for all new structures built on these parcels.
14. A fire safe management plan, acceptable to the fire district and the California Department of Forestry, shall be implemented. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

Planning Services

15. Applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to the County Recreation Department, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
16. A trail easement 100 feet measured from centerline from the Sacramento-Placerville Transportation Corridor right of way shall be shown on the parcel map, as required by the Sacramento-Placerville Transportation Corridor Master Plan. The trail easement is specifically measured from the centerline of Assessor Parcel Number 087-270-83 and 109-450-43 and onto the subject parcel. Said easement shall be an Irrevocable Offer of Dedication and accepted by the County Surveyor

Environmental Management

17. All drainages that may have an effect on the location of septic systems shall be shown on the parcel map.
18. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.

County Surveyor

19. All survey monuments must be set prior to filing the Parcel Map.
20. The applicant shall provide proof of access to a State- or County-maintained road as defined by Section 16.44.120(B)(2) with the legal right to improve that access as required by the County Design Manual. A Guarantee of Record provided by a title company shall be presented to the County Surveyor's Office prior to filing the final or parcel map.
21. Prior to the filing of a parcel map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall do one of the following: (a) Pay the assessment or bond in full; (b) File security with the Clerk of the Board of Supervisors; or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493(d).
22. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z04-0010/P04-0003

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 FINDING

1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a mitigated negative declaration has been filed. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 Zone Change

2.1.1 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the Planning Commission recommends approval of the zone change request to the Board of Supervisors.

2.2 Tentative Parcel Map

2.2.1 As proposed, the tentative map, including design and improvements, is consistent with the 2004 General Plan policies and land use map.

2.2.2 The proposed tentative map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance. The project proposes to rezone the subject parcel from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10). The proposed tentative map is consistent with Section 17.70.110 of the Zoning Ordinance, RE-10 Development standards.

2.2.3 The site is physically suitable for the proposed commercial condominium conversion development. The tentative parcel map was approved by El Dorado County Environmental Health for a septic system and a well, and access is provided by a paved County maintained road offsite and paved roads within a zone of benefit onsite.

2.2.4 The proposed tentative map is not likely to cause substantial environmental damage. Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project as conditioned will have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

Design Waivers

1. There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The three on-site roads related to this project are paved and within a Zone of Benefit.
2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because improvement of Bullard Drive beyond the requested 18 feet would require extensive grading due to slope, is adjacent to a manmade pond that is shown on the National Wetlands Inventory, and contains a PG&E power pole adjacent to the improved road.
3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The design waiver request reduces the road improvements to 18-feet. Two of the three on-site roads already are paved to 18-feet. California Fire Safe Standards require an 18-foot wide roadway.
4. This waiver(s) 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.