

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**

Agenda of:	April 26, 2007
Item No.:	11. b.
Staff:	Roman Anissi

REZONE AND TENTATIVE PARCEL MAP

FILE NUMBER: Z06-0026/P06-0023

**OWNER/
APPLICANT:** Harold and Jackie Palmer/
Jared Swarbrick

AGENT: Patterson Development

REQUEST: Request to rezone a 5.0-acre lot from Estate Residential Five-acre (RE-5) to Single-family Two-acre Residential (R2A) and a tentative parcel map to subdivide the lot into one 2.42-acre and one 2.58-acre parcel. (Exhibit A)

A design waiver has been requested for the following:

a. Reduce the road width from 24 feet to 20 feet (Standard Plan 101C).

LOCATION: East side of Sierra Oaks Drive 385 feet north of the intersection with China Hill Road, in the Diamond Springs-El Dorado Community Region, Supervisorial District II. (Exhibit B)

APN(s): 092-060-64

ACREAGE: 5.0 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit D)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Negative Declaration

**SUMMARY RECOMMENDATION:
BACKGROUND:** Conditional Approval

This property is parcel 1 of a two-parcel map that was created by a tentative parcel map (P72-46) approved on May 26, 1972, by the County Surveyor. The parcel map (1-37) was recorded on May 30, 1972. Parcels 1 and 2 of final parcel map (1-37) each consist of 5.0 acres in total lot area.

STAFF ANALYSIS

Project Description: The request is to rezone the 5.0-acre lot from Estate Residential Five-acre (RE-5) to Single-family Two-acre Residential (R2A) and to process a tentative parcel map to create a 2.42-acre and a 2.58-acre parcel. A residence, shed, and barn that exists on the property would be located on the smaller 2.42-acre new parcel 1. The new 2.58-acre parcel 2 would remain vacant for future development.

Site Description: The site gently slopes from a high point of 1,640 feet near the rear property line to a low point of 1,610 feet near the front property line. The majority of the property has an average slope between 1 to 10 percent, while 5.8 percent of the site is 11 to 20 percent slopes. Only a small portion, or 0.1 percent, of the property consists of slopes that exceed 30 percent, and these areas are located near the dammed section of the pond of which a portion would be located on the new parcel 2. Oak woodland tree canopy covers 27 percent or 59,522 square feet, and most of this canopy is clustered near the middle of the property. A man-made drainage channel bisects and flows diagonally from the northeast corner of the property, collects within a dammed pond at the center of the property, and drains off-site at the southwest corner of the property within a culvert that extends underneath Sierra Oaks Drive.

Adjacent Land Uses: Exhibits E and F illustrate that the general neighborhood consists of a variety of zones and land use designations ranging from the more intense areas one mile north in the El Dorado business district along the Pleasant Valley Road corridor to less intense areas near and around this property. The area in between El Dorado and the project site is a mix of land uses and densities, including some larger agricultural tracts that surround this neighborhood. Within this neighborhood and areas to the north, there are land uses and zones that allow for a mix of low to medium densities. Single-family Two-acre Residential (R2A) zoning exists on two properties located about 400-feet southwest of this property. Exhibit K illustrates surrounding lots and lot sizes. The three properties on the west are around 2.5 acres in size, and the properties located on the north, south, and east are each 5.0 acres. The following table identifies current zoning, land use designations, and uses on adjacent parcels:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	MDR	Single-family residence on a 5.0-acre lot.
North	RE-5	MDR	Single-family residence on a 5.0-acre lot
South	RE-5	MDR	Single-family residence on a 5.0-acre lot
East	RE-5	MDR	A vacant 5.0-acre lot
West	RE-5	MDR	Three (3) single-family residences on three lots ranging in size between 2.35 and 2.48 acres

Project Issues: Discussion items for this project include land use and zone compatibility, road improvements and a request for a design waiver, fire sprinkler system, water and sewer improvements/fire safety, site design for grading and improvements, asbestos overlay review, and available public services.

Land Use and Zone Compatibility

This site's land use designation is MDR and the property is located within the Diamond Springs-El Dorado Community Region. The MDR allows a density of one dwelling unit on parcels ranging in size between 1.0 and 5.0 acres. As illustrated on the General Plan Consistency Matrix Table 2-4, which defines compatible zones with the correct land use, the R2A zone is consistent with MDR designation, given that the proper infrastructure and services are available to support this more intense zone. This project would provide the required infrastructure required for the request.

The existing pattern of development in this neighborhood is more representative of 1.0- to 2.5-acre parcels rather than the larger 5.0-acre parcels required by the RE-5 Zone. Of the 18 properties located within a 500-foot radius of this property, 11 of those lots range between 1.0 to 2.5 acres in size; one is 4.8 acres, and only six are 5.0 acres or over. Two properties located just about 400 feet away from this property are currently zoned R2A.

Road Improvements and Design Waiver

The property owner would be required to make full road improvements along the property frontage to meet Standard Plan 101C prior to recording the final map. An evaluation of the structural road section would also determine whether the property owner would need to upgrade the road section to meet County standards. The existing paved improvement of the road section is 20 feet wide and there is enough space between the road and the closest oak trees to provide the additional two feet of gravel required by Standard Plan 101C on the side of Sierra Oaks Drive. No disturbance of oak trees or oak woodland tree canopy would occur based on required road improvements necessary for this project.

Fire Sprinklers to Address Fire Safety

This property is the fifth lot located about 400 feet along a dead-end road section of Sierra Oaks Drive. The portion of China Hill Road that is nearest this property is not considered a dead-end road, because portions of this road connect to Gold Country, Kingvale, and Mother Lode on the west which establishes a through road network with primary and secondary access. As such, the Diamond Springs-El Dorado Fire Prevention District, Department of Transportation, and Planning Services found that by installing a residential fire sprinkler system for any new residence on either parcel 1 or parcel 2 would provide proper fire safety on this property. As designed and conditioned, this project would meet the minimum Fire Safe requirements.

Water and Sewer Improvements/Fire Safety

The El Dorado Irrigation District (EID) has identified that a six-inch public water line exists within Sierra Oaks Drive. The EID Facilities Improvement Letter (FIL) for this project recognizes that

major water line upgrades for a distance of 3,300 feet would be required to meet the minimum fire flow for Fire Safe standards. These standards require water delivery at a minimum 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of 2 hours for a home that is 3,600 square feet and over or 1,000 gpm at 20 psi for 2 hours for a home that is less than 3,600 square feet.

In consulting with EID and Fire Prevention District staff, these major improvements would not be required, because any new residential development on either of the two new parcels would be required to install a fire sprinkler system instead. A Notice of Restriction (NOR) would be recorded with the parcel map to ensure that this requirement is met with future building permits. EID will allow this project to connect to the public water line to obtain potable as well as the water that would be required to charge the building's sprinkler system. The Fire Prevention District would also allow a second option of installing a 3,000-gallon water storage tank to deliver water for the system.

There are no public sewer lines in the neighborhood, and the applicant would install an on-site septic system for septic disposal. Environmental Management staff reviewed the percolation test data that was provided for this project and found the soils to be adequate to accommodate septic disposal.

Sensitive Site Design for Grading and Improvements

The proposed footprint of the new home on parcel 2 is located in the front portion of the property and remains outside of the required 30-foot front, side, and rear yard setbacks. It is also located about 25 feet from the man-made drainage channel that crosses the property and drains off-site from the southwest corner of the site. In considering this channel, staff consulted the US Fish and Wildlife Services 1995 National Wetland Inventory Map for the Placerville Quad. The review identified no jurisdictional wetlands of the US on or adjacent this property. In addition, staff reviewed the Interim Interpretive Guidelines adopted June 22, 2006, for protection of riparian and wetland for *Policy 7.3.3.4*. These interim guidelines specifically exclude man-made drainage channels in the definitions for intermittent streams and watercourses.

As a result, staff has determined that the 25-foot building setback is adequate for the protection of the channel. Septic areas shall not encroach any closer than 50 feet to the channel and/or 100 feet from the pond. Future development must be designed to meet County grading and drainage standards in order to address pre- and post-construction Best Management Practices (BMPs) during and following development activity. BMPs would be designed to meet County grading and drainage standards to address the Regional Water Quality Control Board (RWQCB) requirements to control surface run-off. Project conditions have been added to the permit to address these requirements.

Asbestos Overlay Review

This property is located within the asbestos review area and the County's Air Quality Management District (AQMD) reviewed the application and provided project conditions. The AQMD will require that an Asbestos Dust Mitigation Plan (ADMP) be prepared for the project to meet County standards prior to the issuance of any grading and/or improvement permits. In preparing the ADMP, the applicant would be required to retain a registered geologist to investigate the site and determine whether naturally occurring asbestos occurs at this location. The findings and the recommendations from the geologist's report would be implemented into the ADMP.

Public Services

There are a number of public amenities in the form of public parks and recreational opportunities within the County, and many are close to the area. As with all subdivisions, this project shall be required to pay Quimby fees for the acquisition of parklands. In addition, the El Dorado Union High School District provides public high school services, and the Mother Lode Union School District provides two elementary and one middle school for residents. School impact fees shall be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

General Plan: This project is consistent with the policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below.

In support of the matrix and consistency, *Policy 2.2.5.3* requires rezones to consider a comprehensive list of 19 evaluation measures. Of the 19 conditions that the General Plan requires analysis about for rezone applications, only conditions 1, 2, 4 thru 6, 8, 15, and 16 need a response based on the scope of this project. Either conditions 3, 7, 9 thru 14, 17, 18, and 19 do not apply, are not applicable, or there is nothing that needs to be done to address the issue. Below is a discussion about General Plan policies and project conditions that apply to this project:

- The FIL letter addresses Conditions 1 and 2. The new parcel 2 would connect to the existing six-inch water line for potable water and water that will be required to charge the sprinkler system. This discussion also addresses *Policy 5.2.1.3*, which requires projects within the Community Region connect to the public water line should one exist.
- Condition 4 requires adequate school facilities to serve the project. The El Dorado Union High School and the Mother Lode Union School districts currently provide school service for the area. The addition of one single-family residence would incrementally impact school enrollment, and school impact fees would be assessed during the review of building permits.
- Condition 5 is addressed because the property is within the Diamond Springs-El Dorado Fire Prevention District. In addition, a condition requiring the installation of a fire sprinkler system for new residential development would add to the level of fire protection available for the project.
- The project is located within the Diamond Springs-El Dorado Community Region, and the R2A Zone within the MDR is appropriate. This satisfies Condition 6, which recommends that higher densities be located within or close to Community or Rural Regions.
- Conditions 7 and 18 identify the issues of erosion hazards, seismic hazards, and the presence of active faults. The soil type on the area in which development would occur is Auburn very rocky silt loam (AxD). This soil type is extremely rocky and stable, has a slow to medium surface run-off rate, and there is a very low likelihood of erosion on this soil type. Because

this project is located within the quarter mile buffer of an active fault line, any future residential development must also be designed to meet Uniform Building Code Seismic IV construction standards in order to address seismic safety. Finally, an Asbestos Dust Mitigation Plan (ADMP) shall be prepared for this project in order to meet the County's Air Quality Management District (AQMD) standards for naturally occurring asbestos within the fault buffer. This project is located in a stable area and would be designed to meet erosion, seismic, and fault design standards in addressing the applicable conditions of the General Plan.

- Environmental Management considered the soil percolation data provided for this project and found the site consists of suitable soils to address Condition 8 for septic capability. The septic system would remain outside of a 50-foot buffer established for the man-made drainage channel and shall not encroach into the 100-foot pond buffer in order to address Condition 16.
- Condition 15 considers the existing pattern of land use and development for the surrounding area. This property, as well as the general neighborhood, is suitable for the more intense R2A Zone because a majority of the immediate area already consists of lots that range between 1.0- and 2.5-acres in lot area. This also addresses *Policy 2.2.5.21* for project compatibility within this neighborhood.

Only 0.1 percent of the property consists of slopes that exceed 30 percent located adjacent to the dam for the on-site pond. Future development on the site would not impact these slopes. This project meets the *Policy 7.4.4.4* for oak woodland preservation by not impacting any oak trees or oak woodlands on site or adjacent the property along the road easement. All oak trees and oak woodland tree canopy shall be retained for this project. Since this site is within Mitigation Area 2, in-lieu fees would be assessed during building permit review phase in order to address *Policy 7.4.1.1* for impacts to rare plants.

A 2006 Records Search was provided by the applicant to address *Policy 7.5.1.3*. The search identified that there is a low potential for prehistoric and historic resources. No further site assessments are recommended for this project, and typical conditions have been added to the project permit to address procedures for subsurface discoveries.

Zoning: As designed, this project meets regulations of the Zoning Ordinance and requests no deviations from the development standards established for the R2A Zone. The location of the future residence on new parcel 2 would observe the minimum required 30-foot front, side, and rear yard setbacks. Any building permits to be reviewed for residential development must consider all applicable development and zoning standards prior to the issuance of any building permits on either of the two new parcels. This includes, but is not limited to reviews for parking, fencing, lighting, allowed uses, and other applicable regulations established for the R2A Zone.

Agency and Public Comments: Appropriate conditions from each reviewing agency are included in the project permit. The following agencies provided comments and/or conditions for this project:

Diamond Springs-El Dorado Fire Prevention District
El Dorado County Department of Transportation
El Dorado County Environmental Management
El Dorado County Air Quality Management District
Office of the County Surveyor
El Dorado Irrigation District

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study (Exhibit M) to determine any project-related impacts on the environment. Based on the Initial Study, staff determined that this project would have a less than significant impact on the environment and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was forwarded to the California Department of Fish and Game for review and comments. In accordance with State Legislation (California Department of Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is used to help defray the cost of managing and protecting the state's fish and wildlife resources and will be forwarded to the California Department of Fish and Game via the County Recorder's Office.

RECOMMENDATION

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

1. Adopt the findings, including CEQA (Attachment 2);
2. Adopt the Negative Declaration based on the Initial Study (Exhibit L); and
3. Approve Z06-0026/P06-0023 subject to the conditions in Attachment 1; and
4. Deny the request for a design waiver to reduce the road width from 24 feet to 20 feet to Standard Plan 101C, based on Section 4 of the findings.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Plan Set
Exhibit B	Vicinity Map
Exhibit C	Aerial Map
Exhibit D	General Plan Land Use Map
Exhibit E	Zone Map
Exhibit F	500-foot Parcel Size Map
Exhibit G	Half- and One-Mile General Plan and Zone Map
Exhibit H	1995 USFWS National Wetlands Inventory Map
Exhibit I	Fault Line and Fault Buffer Map
Exhibit J	Soils Map
Exhibit K	Assessor's Map/Parcel Map 1-37
Exhibit L	Initial Study (CEQA)

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER Z06-0026/P06-0023

CONDITIONS OF APPROVAL

Project Description

1. This rezone and tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-L dated April 26, 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:

Approval of this project allows only the following: rezone of the 5.0-acre lot referenced as Assessor's Parcel Number 092-060-64 from Estate Residential Five-acre (RE-5) to Single-family Two-acre Residential (R2A) and a tentative parcel map to subdivide the 5.0-acre lot into one 2.42-acre and one 2.58-acre parcel. The existing residential single-family structure, a shed, and a barn will be located on the new 2.42-acres parcel 1. Parcel 2 will remain vacant for future single-family-residential development to occur outside of the required 30-foot front, side and rear yard setback areas with septic areas to be located no closer than 50 feet from the man-made drainage channel and no closer than 100 feet from the pond. New development will connect to the existing El Dorado Irrigation District (EID) 6-inch water line located in Sierra Oaks Drive and septic disposal areas will occur on the property and outside of the 50-foot drainage and 100-foot pond buffer areas. Access onto the property will be provided by an improved driveway to be constructed on the Sierra Oaks Drive frontage.

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 must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The 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.

3. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to the County Recorder processing the final map.
4. Prior to the issuance of building permits, the applicant shall make a payment from Quimby in-lieu fees to Planning Services for one unit. The Quimby fee shall be based on the most recent assessed land value per acre based on information provided by an independent appraisal or information provided by the El Dorado County Assessor's Office. The formula that Planning will use to determine the in-lieu fee is as follows:

$$\left[5 \text{ acres} \times \frac{(1 \text{ unit} \times \# \text{ persons per unit})}{1000 \text{ persons per acre}} \right] \times \$\text{assessed valuation per acre} = \$\text{in-lieu fee}$$

5. Prior to the approval of a final parcel map, the applicant shall provide evidence that a connection to the existing EID 6-inch water line located within Sierra Oaks Drive for potable water is established. The EID and Diamond Springs/El Dorado Fire Protection District have determined that the minimum fire flow for this project is 1000 gallons per minute (gpm) for a period of 2-hours while maintaining 20 pounds per square inch (psi) or residual pressure. The existing system can only deliver 500 gpm at 20 psi for 2-hours. In order to provide this fire flow, the applicant must upgrade the 6-inch water line to 10-inches for a length of 2100 feet and to 8-inches for a length of 1200 feet. In lieu of the upgrade, the Diamond Springs/El Dorado Fire Prevention District will require a Notice of Restriction (NOR) to be placed on the final map that will require any new residential building install a fire sprinkler system and the EID will allow a connection to the 6-inch water line to charge the system.
6. All on-site oak trees shall be retained in place and shall not be removed from the property with the approval of this rezone and tentative parcel map. In addition, all oak trees along the road easement and property frontage of Sierra Oak Drive shall be retained in place and shall not be removed with the necessary road improvement required by this rezone and tentative parcel map.
7. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant 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.

8. 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.

Department of Transportation

9. The applicant shall improve the entire property road frontage of Sierra Oaks Drive to 24 feet wide with four feet of shoulders to *Design and Improvements Standards Manual (DISM)* Standard Plan 101C prior to filing the final parcel map.
10. The applicant shall install all necessary signage such as stop signs, street name signs, and/or 'not a county maintained road' sign as required by the Department of Transportation prior to filing the final parcel map.
11. The applicant shall confirm that the existing roadway structural section is adequate and meets County road standards, or shall improve the road accordingly to the current County Department of Transportation and/or Fire Safe regulations, prior to filing the final parcel map.
12. The applicant shall make an Irrevocably Offer to Dedicate (IOD) the on-site road and public utility easement for Sierra Oaks Drive along the entire property frontage. This offer will be rejected by the County.
13. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, that is required for access to County or State maintained roads. If a Zone of Benefit, Home Owner Association or informal road maintenance association does not exist or cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.
14. The applicant 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 the commencement of the commercial grading permit.
15. 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. The improvements shall be substantially completed, to the approval of the Department of Transportation and the Division of Building Services, prior to occupancy.

16. The applicant shall provide a soils and geological hazards 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.
17. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
18. 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 for drainage into the County right of way and Building Services Division of the Development Services Department for on-site drainage.
19. Upon completion of required improvements and prior to the County accepting such improvements, the applicant shall provide a compact disc (CD) to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in .pdf format with record drawings to be provided on the same CD in .tif format.
20. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
21. 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 of each year, the applicant shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review. Recommendations from the RCD will be forwarded to the Department of Transportation, which shall approve or conditionally approve such a plan and shall require the applicant to implement the plan prior to October 15 of each year.
22. All construction activities shall be conducted according to the County noise regulations and shall be limited to the following hours and days: 7:00 am to 5:00 pm on any weekday; 8:00 am to 5:00 pm on Saturdays; and prohibited on Sundays and holidays.

23. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.

Diamond Springs-El Dorado Fire Prevention District

24. Prior to the issuance of building permits and issuance of the final parcel map, the applicant must consult with the Diamond Springs-El Dorado Fire Prevention District about required fees, plan reviews, and/or site visits for this project.
25. A Notice of Restriction (NOR) shall be recorded with the parcel map stating that prior to the approval of any new residential building permit on either parcel 1 or 2 that the Diamond Springs-El Dorado Fire Prevention District will be consulted and that any new residential buildings shall be required to install a NFPA 13D residential sprinkler system either with a direct connection to the EID 6-inch water line or connection to a 3,000-gallon water storage tank to the satisfaction of the Diamond Springs-El Dorado Fire Prevention District.

Environmental Management

26. Show all drainages on the parcel map that may have an effect on the location of septic systems.
27. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.
28. Prior to approval of grading and/or improvement plans, the applicant shall provide an Asbestos Dust Mitigation Plan (ADMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). In preparing the ADMP, the applicant must retain a certified geologist in order to conduct an investigation for naturally occurring asbestos. The findings and recommendations of such an investigation are to be implemented into the ADMP.
29. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
30. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
31. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacturer's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered

equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.

County Surveyor

32. All survey monuments must be set prior to filing the parcel map.
33. Prior to the approval of the building permits, grading permits, and/or filing of the final parcel map, the applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road, as defined in 16.44.120(B)2 with a legal right to improve that access as requirement by the *El Dorado County Design and Improvements Standards Manual (DISM)*.
34. Prior to filing the final 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 Z06-0026/P06-0023

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:

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 The Initial Study identifies that this project proposes a less than significant impact on the environment.

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.

2.0 REZONE FINDING

2.1. *That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.*

The Single-family Two-acre Residential (R2A) Zone is consistent with the Medium Density Residential (MDR) land use designation based on the Consistency Matrix, Table 2-4. The R2A zone allows parcels to be a minimum of 2 acres in size while the MDR designation recommends 1.0 to 5.0 acres depending on the availability of infrastructure and public resources. The rezone is compatible with the surrounding pattern of development where a majority of parcels are 1.0 to 2.5 acres within a 500-foot radius of the property. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure and design, this project meets the applicable conditions of *Policy 2.2.5.3*. This project also meets applicable policies outlined by the General Plan including, but not limited to, those established for wetland buffers, preservation of oak woodland tree canopy, slope preservation, and adequacy of public services and utilities.

3.0 TENTATIVE PARCEL MAP FINDINGS

3.1 *The proposed tentative parcel map, including design and improvements, is consistent with the General Plan.*

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative parcel map, including design and improvements, is consistent with the policies of the General Plan. The General Plan MDR land use designation allows a maximum density of one

dwelling unit for parcels that are between 1.0 and 5.0 acres in size. The tentative map provides a 2.42-acre parcel 1 and 2.58-acre parcel 2, both of which address the allowed density and parcel size which is allowed within the MDR. This project will require that improvements for infrastructure such as for the road, water utility connection to the EID, a fire sprinkler system, be implemented during the processing of the final parcel map or during the review of building and grading permit applications. No impacts to biological resources, including oak trees, will be required, and County grading and drainage standards will be implemented to ensure that pre- and post-construction Best Management Practices (BMPs) are implemented in the design of future development on the property.

3.2 The proposed tentative parcel map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.

With the rezone, the new parcels 1 and 2 will be zoned R2A and existing development meets the zone regulations for development standards with the process of this project. Future residential development on either new parcel shall remain outside of the required setbacks and shall observe the established development standards of the underlying zone. By requiring necessary road improvements of 24-foot plus shoulders to Standard Plan 101C, a connection to the 6-inch water line for water delivery, installation of a fire sprinkler system, and designing any future residential component with pre- and post-construction Best Management Practices (BMPs) to meet County standard, this project meets the policies of the minor land division ordinance.

3.3 The site is physically suitable for the proposed type and densities of development.

This property is well suited within an established neighborhood in order to accommodate the R2A zone with the MDR designation. The proposed subdivision of the 5.0-acre lot into two new parcels can accommodate the existing single-family residential development on the new 2.42-acre parcel 1, while allowing the new 2.58-acre parcel 2 to remain vacant for future residential development. The pond, man-made drainage channel, oak trees and oak woodland tree canopy, and 30 percent slopes will not be impacted by this project because of proper site design and the amount of available land on the property that would allow for future residential development. The .1 percent of the property that comprises of 30 percent slopes is located adjacent the dam and will be partially located on parcel 1 and 2. Future development shall not impact these sloping areas. The property has an average slope between 1 and 10-percent and gently slopes from the rear toward the front property line. The location of the building envelop are situated outside of the front, side, and rear setbacks and directs direct development to the least sensitive parts of the property. Future development on parcel 2 will not affect site resources that exist closer to the center of the property. There is adequate land available on the property to allow for future residential development on parcel 2 to include areas available for developing a residence and providing adequate septic disposal areas that will observe a 50-foot buffer from the man-made drainage channel and 100-feet from the pond.

3.4 The proposed subdivision is not likely to cause substantial environmental damage

As designed, the two-parcel map will not have a significant impact on the environment. Any future development will be directed to the least sensitive portions of the property. Oak trees and oak

woodland tree canopy shall be protected in place on and adjacent to the project site. Since the project is located within rare plant Mitigation Area 2, an in-lieu fee will be assessed during the building permit review phase which is suitable for impacts within this area. In addition, this project will not impact any drainage or wetlands either on- or off-site because future development activity shall incorporate proper Best Management Practices (BMPs) in order to contain or divert run-off to County and Regional Water Resources Control Board (RWQCB) standards.

4.0 DESIGN WAIVER FINDINGS

The Design and Improvements Standards Manual (DISM) requires that full road improvements be made to meet Standard Plan 101C and the request to reduce the road width from 24 feet to 20 feet to Standard Plan 101C cannot be justified based on the following:

4.1 *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.*

There are no special conditions or circumstances that are specific to this property and the road easement in order to justify the waiver because the full road improvements can be made without the need to impact any sensitive resources, including oak trees.

4.2 *Strict application of the design or improvement requirement of this chapter would cause extraordinary and unnecessary hardship in developing the property.*

There will be no extraordinary or unnecessary hardships in making the full road improvements to Standard Plan 101C placed on the property owner. The additional improvements will require a limited amount of road improvement along the road easement and property frontage to be widened with an additional of 2 feet of gravel added to each side of Sierra Oaks Drive to meet the design standard.

4.3 *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 required improvements to widen the road to Standard Plan 101C will occur within the road easement and will not be injurious to adjacent properties and will not be detrimental to the health, safety, convenience, and welfare of the public.

4.4 *The 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.*

Justification of the requested design waiver cannot be made and this decision 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.