

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



Agenda of: August 28, 2008
Item No.: 7a
Staff: Gordon Bell

GENERAL PLAN AMENDMENT/REZONE/PARCEL MAP

FILE NUMBER: A07-0008/Z07-0022/P07-0023/Michigan Bar Subdivision

APPLICANT: David and Kimberly Cort

AGENT: Ted Woessner, Carlton Engineering

REQUEST:

1. Amendment to the land use designation from HDR (High Density Residential) [approximately six acres] to RR (Rural Residential) in the Latrobe Rural Center and re-designate that portion Rural Region.
2. Rezone a portion of the property from RE-10 (Estate Residential Ten-Acres) designated as HDR to One Family Residential (R1), and change a portion zoned RA-40 (Residential Agricultural 40-acre minimum) to RE-10 (Estate Residential Ten-Acres).
3. Tentative parcel map to divide a 37.28-acre parcel into 4 parcels ranging in size from 5.43 to 10 acres.

LOCATION: West side of Latrobe Road 550 feet north of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District II. (Exhibit A)

APN: 087-121-01

ACREAGE: 37.28 acres

GENERAL PLAN: Rural Residential (RR) and High Density Residential (HDR) (Exhibit B)

ZONING: RE-10 (Estate Residential Ten-Acres) and RA-40 (Residential Agricultural 40-acre minimum) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (MND)

SUMMARY RECOMMENDATION:

Recommended Conditional Approval

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description: The project request is for a General Plan Amendment, Rezone, and Parcel Map. Discussed below are important project characteristics.

General Plan Amendment (Exhibit G): Request to amend the land use designation from HDR (High Density Residential) [approx. 6 acres] to RR (Rural Residential) in the Latrobe Rural Center and re-designate that portion Rural Region (Exhibit H).

Rezone (Exhibit G): Request to amend the zoning designation from RE-10 (Estate Residential Ten-Acres) designated as HDR to One Family Residential (R1), and change portion zoned RA-40 (Residential Agricultural 40-acre minimum) to RE-10 (Estate Residential Ten-Acres).

Tentative Parcel Map (Exhibit D): Request to divide a 37.28-acre parcel into 4 parcels ranging in size from 5 to 10 acres. Parcel sizes would be as follows: Parcel 1- 10.00 acres, Parcel 2 – 10.00 acres, Parcel 3 – 10.00 acres, and Parcel 4 – 5.43 acres.

Slopes: The majority (85%) of the slopes onsite are less than 20 percent. Only 2.3 percent of the slopes onsite exceed 30 percent. As such, adequate area exists throughout the site to construct roads, residences and appurtenant structures on slopes of less than 30 percent, thus reducing potential erosion impacts. Mitigation requiring a development exclusion area on 30 percent or greater slopes has been included in order to mitigate impacts associated with erosion and sedimentation concerns.

Private Water/Private Septic Systems: The project would be served by individual wells on each of the parcels. The applicant has conducted pump tests on Proposed Parcels 1 through 3. These pump tests indicate that there would be adequate water in the area to serve the proposed parcels.

A wastewater disposal study prepared by the applicant indicates that there would be suitable area and soil types on each of the parcels to develop a septic system. These septic systems would be setback appropriate distances from watercourses and proposed wells as prescribed by County policies and regulations.

Road Improvements: Access to the parcels would be provided via a private roadway to be constructed from Latrobe Road. The roadway will be constructed to County DOT standards, and would cross the existing wetland area located adjacent to Latrobe Road. Culverts would be installed to allow for drainage flows to be maintained through the wetland area, and to collect and direct the drainage from the roadway into the wetland area (Exhibit E, Preliminary Grading Plan).

Site Description: The project site is situated between 730 and 870 feet on a grassy knoll between an unnamed ravine and the headwaters of an ephemeral tributary of Clark Creek. Slopes on the site vary from twelve percent (12%) on the east-facing hillside along Latrobe Road to twenty-seven percent (27%) on the west-facing slope above the ravine in the southwest corner of the project site. An ephemeral pond with stacked-rock edges was found in the northeast corner of the property, and an ephemeral pool was found near the southeast corner of the project site (Exhibit F, Aerial Photograph).

Vegetation on the project site consists of the California annual grassland series, with the dominant grass in low-lying wet areas being annual ryegrass (*Lolium perenne*) which is replaced by soft chess (*Bromus hordeaceus*) and medusa grass (*Taeniatherum caput-medusae*) further upslope. The tree canopy is limited to four Valley oaks (*Quercus lobata*) found along Latrobe, a plum (*Prunus cerasifera*), several black walnuts (*Juglans californica*), and a grove of persimmons (*Diospyros virginiana*) at the southeast corner of the project site. The shrub canopy consists of several hoary coffeeberry shrubs (*Rhamnus tomentella* ssp. *Tomentella*) near an old well on the west property boundary.

The soils on the project site are classified within the Auburn and Argonaut Series. The soils are Auburn silt loam, 2 to 30 percent slopes (AwD), Auburn very rocky silt loam, 2 to 30 percent slopes (AxD) and Argonaut very rocky loam, 3 to 30 percent slopes (AmD). Auburn silt loam is found on the lower portions of the knoll and is replaced by Auburn very rock silt loam further up the slope. Argonaut very rocky loam is found on the top of the knoll. The soils are not classified as hydric.

There are no structures on the project property with the exception of an old shed (circa 1920-30's) which has been deemed to have no architectural significance.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE10, RA-40	RR, HDR	Vacant land/Grazing land
North	RA-40, RE10	RR, HDR, MDR	Rural residence, Agriculture
South	RE10, C	HDR, C	Rural residence, Agriculture
East	RA-40	RR	Rural residence, Agriculture
West	RA-40	RR	Rural residences

Discussion: The project site is surrounded by large agricultural lots on the south, west, and north. To the east, there is higher density rural residential development, including some commercial and institutional uses within the Latrobe Rural Center. The proposed project would create a more appropriate transition zone between the higher density development to the east and the larger agricultural parcels to the west by creating medium to low density rural residential parcels adjacent

to the Latrobe Rural Center instead of high density development as currently designated by the General Plan.

General Plan: The project includes a amend the change land use designation from HDR (High Density Residential) [approx. 6 acres] to RR (Rural Residential) in the Latrobe Rural Center and re-designate that portion Rural Region. The proposed general plan amendment would remove land currently designated High Density Residential from the Rural Center and re-designate it as Rural Residential, thus shrinking the rural center and re-designating land for rural uses, which is consistent with low-intensity agricultural uses in the vicinity of the project site (grazing activities).

A discussion of the project’s consistency with applicable General Plan Policies is outlined in the table below:

General Plan Policy	Consistency
<p>Policy 2.1.1.7: Development within Community Regions, as with development elsewhere in the County, may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.</p>	<p>Consistent. Adequate infrastructure exists to serve the proposed project as discussed below and in the MND prepared for the project. Latrobe Road and South Shingle Springs Road are adequate to serve traffic generated by the project, and water and sewage disposal would be provided by private systems to be developed on individual parcels.</p>
<p>Policy 2.2.5.2: All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.</p>	<p>Consistent. Pursuant to this policy, the project has been reviewed for consistency with applicable general plan policies which are included in this table.</p>
<p>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.</p>	<p>Consistent. The project has been evaluated per the criteria in Policy 2.2.5.3. See following section for a discussion of the project’s consistency with these criteria.</p>
<p>Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with</p>	<p>Consistent. As discussed above, the project, as designed, would resolve potential future incompatibilities with surrounding land uses by creating an appropriate transition zone from High Density Residential land use designations</p>

<p>existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.</p>	<p>to Low Density Residential and large lot Agricultural uses.</p>
<p>Policy TC-Xb: To ensure that potential development in the County does not exceed available roadway capacity, the County shall: C. Review development proposals to ensure that the development would not generate traffic in excess of that contemplated by the Capital Improvement Program for the next ten years or cause levels of service on any affected roadway segments to fall below the levels specified in this plan.</p>	<p>Consistent. The project has been reviewed by the El Dorado County Department of Transportation. They have determined that the project would not generate traffic in excess of that contemplated by the CIP, nor would it decrease levels of service on area roadways.</p>
<p>Policy 5.2.1.2: An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.</p>	<p>Consistent. The applicant has performed pump tests on wells drilled on 3 of the 4 parcels which seem to indicate that an adequate water supply source would be available for residential development on each of the proposed parcels.</p>
<p>Policy 5.7.2.1: Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.</p>	<p>Consistent. The Latrobe Fire Protection District, which is located approximately ¼-mile from the project site, has indicated that it has the capability to serve the proposed project with the development of adequate water supply systems on each of the proposed parcels or a shared water supply system.</p>
<p>Policy 5.8.1.1: School districts affected by a proposed development shall be relied on to evaluate the development's adverse impacts on school facilities or the demand therefore. No development that will result in such impacts shall be approved unless: 1. To the extent allowed by State law, the applicant and the appropriate school district(s) have entered into a written agreement regarding the mitigation of impacts to school facilities; or 2. The impacts to school facilities resulting from the development are mitigated, through conditions of approval, to the greatest extent allowed by State law.</p>	<p>Consistent. The Latrobe School District was contacted and they have indicated that they have the capacity to serve the proposed development. School fees would be required to be paid for each of the proposed parcels.</p>
<p>Policy 6.2.3.1: As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.</p>	<p>Consistent. The Latrobe Fire Protection District, which is located approximately ¼-mile from the project site, has indicated that it has the capability to serve the proposed project with the development of adequate water supply systems on each of the proposed parcels or a shared water supply system. Adequate access would be developed for the project according to fire codes and conditions of approval</p>

	included in Attachment 1.
Policy 6.2.3.2: As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.	Consistent. The applicant shall develop the project in accordance with the proposed site plan and DOT and Fire conditions of approval.
Policy 7.1.2.1: Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.	Consistent. A condition prohibiting development on slopes greater than 30% has been included in Attachment 1. Adequate area exists on the parcels to develop on slopes of less than 30%, as the majority of the project site is moderately sloped.
Policy 7.3.3.4: The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas. Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.	Consistent. A 50-foot setback has been incorporated into the project design from identified wetland areas. An exception has been made to allow for the access road to cross this wetland area, with appropriate drainage improvements to be made to ensure that flows are not impeded.
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.	Consistent. All parcels adjacent to larger agricultural parcels are 10 acres in size.
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.	Consistent. No development is proposed at this time. Future residential development would be required to meet the 200’-setback, unless a reduced setback is granted by the Agricultural Commission.
Policy 8.2.2.5: New parcels adjacent to parcels zoned for agriculture shall not be created unless the size of the parcel is large enough to allow for an adequate setback from the surrounding agricultural parcels for any incompatible uses.	Consistent. All parcel sizes are large enough to allow for adequate setbacks from agricultural parcels.
Policy 8.2.2.6: Residential uses that are established adjoining grazing land shall have agricultural fencing per County Standards.	Consistent. A condition requiring a note on final plans to this effect has been included in Attachment 1.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Rezone: The project request includes a rezone which pursuant to **General Plan Policy 2.2.5.3** requires that the following criteria to be evaluated prior to approval of a Rezone request:

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

Discussion: The project would not utilize a public water source, but would instead be served by private wells.

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

Discussion: The project would not connect to public treated water systems.

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

Discussion: The project would not connect to public wastewater treatment systems.

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

Discussion: The project site is located within the Latrobe School District. The District has indicated that they have the ability to accommodate additional students generated by the proposed project. Prior to building permit issuance for each of the proposed lots, payment of school fees would be required.

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

Discussion: The project site is located within the Latrobe Fire Protection District. The nearest fire station is located in Latrobe at 7660 South Shingle Road, approximately ¼-mile from the project site. The District has reviewed the project and has determined with the required conditions of approval, the District would be able to provide adequate fire protection to the site.

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

Discussion: Portions of the project site are located within the Latrobe Rural Center.

7. *Erosion hazard;*

Discussion: The grading necessary for the onsite and offsite road improvements and building pads would be required to comply with applicable grading and erosion control policies established by the County. The Department of Transportation would review the grading plans to verify conformance with established policy. Adherence to these rules would ensure that erosion hazards would be prevented. The majority of the slopes onsite are less than 30 percent and conditions have been added to prohibit construction on slopes greater than 30 percent.

8. *Septic and leach field capability;*

Discussion: The project would be served by private septic wastewater facilities. A Wastewater Disposal Study has been prepared by the applicant that indicates that adequate area and soil types exist on each of the parcels for wastewater disposal. The El Dorado County Department of Environmental Health would be required to review septic reports for individual homes prior to issuance of building permits.

9. *Groundwater capability to support wells;*

Discussion: The project would be served by private wells on each of the parcels. The applicant has conducted well tests on three of the four parcels, and pump tests on these wells indicate that adequate water would be available to serve homes on each of the parcels. Prior to issuance of building permits for individual homes on each of the proposed parcels, the property owners would be required to demonstrate that adequate water supply exists for each parcel.

10. *Critical flora and fauna habitat areas;*

Discussion: The project site is not located within a rare plant mitigation area. A biological study prepared for the proposed project did not identify any critical flora or fauna habitat areas onsite. The study did identify areas on the project site that demonstrate wetland characteristics. With the exception of the proposed roadway serving all parcels, this wetland area would be avoided by the proposed project.

11. *Important timber production areas;*

Discussion: The project site does not contain nor is it adjacent to any important timber production areas.

12. *Important agricultural areas;*

Discussion: The project site is not located adjacent to any important agricultural areas. The El Dorado County Agricultural Commissioner's office reviewed the project on June 11, 2008 and recommended approval of the project based on the fact that the project would create an appropriate transition zone between the rural center and large agricultural parcels to the east and to the south.

13. *Important mineral resource areas;*

Discussion: The project site does not contain nor is it located adjacent to any important mineral resource areas.

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

Discussion: The Department of Transportation has reviewed and determined that completion of the required road improvements and payment of Traffic Impact Mitigation Fees prior to building permit issuance would reduce impacts to the existing traffic system in the area. There are currently no capacity issues on the area roadways, nor are any future impacts anticipated.

15. *Existing land use pattern;*

Discussion: The project site is surrounded by land designated for rural uses to the north, west, and south; and higher density residential and commercial uses to the east. The proposed rezone would be entirely consistent with that land use pattern by creating a transition zone between high and low density uses.

16. *Proximity to perennial water course;*

Discussion: There are no perennial water courses on or near the project site.

17. *Important historical/archeological sites;*

A Cultural Resources Study was prepared for the project which found that an existing shed on the project site was of the required age to be qualified as a historical feature. However, the report concluded that the feature did not have the architectural integrity to qualify as being historically significant. No archaeological sites were found on the property during a survey of the site.

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

Discussion: The project site does not contain or is adjacent to seismic hazards or active faults. Adherence to standard construction practices would prevent any seismic related hazards.

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

Discussion: The project parcels do not have any existing CC&Rs, nor are any proposed at this time.

Development Standards (RE-10 Zone District): Section 17.70.110 A-H of the Zoning Ordinance establishes the requirements for development within the RE-10 Zone District:

A. *Minimum lot area, ten acres*

The project would create three (3) parcels with a 10-acre lot area, thus meeting the minimum lot area requirement.

B. *No maximum building coverage.*

Future development of the residential lots would include single family residences and accessory buildings. The project would not conflict with this requirement.

C. *Minimum Lot Width, one hundred feet.*

All proposed lots would have a lot width well in excess of one hundred feet.

D. *Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)*

All structures would be required to meet all setback requirements and would be reviewed for consistency during building permit review. Adequate area exists on all lots to meet these setback requirements.

E. *Minimum agriculture structural setbacks of fifty feet on all yards;*

The large parcel sizes afford the ability to meet this requirement of a fifty foot setback on all yards if necessary.

F. *Maximum building height, forty- five feet (45') (Ord 4236, 1992)*

No development is proposed on the lots. Future development on each lot would require compliance with the maximum height requirements of the RE-10 zone.

G. *Minimum dwelling unit area, six hundred square feet of living area and two rooms:*

Future development of each lot would require compliance with the minimum dwelling unit size of the RE-10 zone.

H. *Location of the Parcel in Relation to Surrounding Land Use. The success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential ten acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be*

considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprises. Noncompatible uses are defined as, but not limited to:

- 1. Residential structures,*
- 2. Nursing homes,*
- 3. Public and private schools,*
- 4. Playgrounds,*
- 5. Swimming pools,*
- 6. Fish ponds. (Ord. 3606 §15, 1986; Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))*

Future development of each lot would require compliance with this standard.

Development Standards: Section 17.28.040 A-E of the Zoning Ordinance establishes the requirements for development within the R1 Zone District:

- A. *Minimum lot area, six thousand square feet when the lot is served with public water supply and sewage system; ten thousand square feet when either the proposed water supply is a well located on the lot, or the proposed sewage disposal system is a septic tank located on the lot; twenty thousand square feet when the proposed water supply is a well and the proposed sewage disposal system is a septic tank, both located on the lot;*

The proposed lot within the R1 zone district would be 5 acres, well in exceedance of the required 20,000 square feet requirement.

- B. *Maximum lot coverage, thirty-five percent (including accessory buildings);*

Future proposals for structures on the lot within this zone district would be required to meet this requirement.

- C. *Minimum lot width, sixty feet;*

The lot width would exceed this requirement.

- D. *Minimum yards: front, twenty feet; sides, five feet, except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); rear, fifteen feet (15'); (Ord. 4236, 1992)*

Structures would be required to meet all setback requirements and would be reviewed for consistency during building permit review. Adequate area exists on all lots to meet these setback requirements.

- E. *Maximum building height, forty feet (40'). (Prior code §9411(c); Ord. 4236, 1992)*

No development is proposed on the lots. Future development on each lot would require compliance with the maximum height requirements of the R1 zone.

Conclusion: As discussed above, staff finds that the project can be found to conform with the intent of the Zoning Code and that the necessary findings can be made to support the request for a General Plan land use designation amendment, a rezone, and tentative parcel map creating four parcels. The details of those findings are contained in Attachment 2.

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:

Latrobe Fire Protection District
El Dorado Transit
El Dorado County Department of Transportation
El Dorado County Resource Conservation District
Office of the County Surveyor
El Dorado County Agricultural Commission

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

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 referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,876.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.⁰⁰ recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources

RECOMMENDATION: Staff recommends the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;

- 3. Approve General Plan Amendment A07-0008 and Rezone Z07-0022 based on the findings in Attachment 2;
- 4. Approve Tentative Parcel Map Application P07-0023, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and

SUPPORT INFORMATION

Attachments:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DTentative Parcel Map
Exhibit EPreliminary Grading Plan
Exhibit FAerial Photo
Exhibit GLand Use & Zoning Exhibit
Exhibit HRural Center/Rural Region
Exhibit IDraft Mitigated Negative Declaration

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number A07-0008/Z07-0022/P 07-0023
Planning Commission/August 28, 2008**

Conditions of Approval:

1. The project, as approved, consists of the following:

This General Plan land use designation amendment, rezone, and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A-G (General Plan Amendment/Rezone/Tentative Parcel Map) dated August 28, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Project Description: Approval of this project allows the following: amendment to the General Plan land use designation from HDR (High Density Residential) [approx. 6 acres] to RR (Rural Residential) in the Latrobe Rural Center and re-designate that portion Rural Region on the 37.28-acre lot referenced as Assessor's Parcel Number 087-121-01; a rezone to amend the zoning designation from RE-10 (Estate Residential Ten-Acres) designated as HDR to One Family Residential (R1), and change the portion zoned RA-40 (Residential Agricultural 40-acre minimum) to RE-10 (Estate Residential Ten-Acres), and a tentative parcel map to subdivide the existing 37.28-acre parcel into four parcels ranging in size from 5.43 to 10-acres. Access for all parcels shall be provided via a private roadway from Latrobe Road to be improved to DOT standards.

2. All site improvements shall conform to Exhibit D and E.

Environmental Review (Mitigation Measures)

3. **MM Bio-1:** The applicant shall delineate all wetland areas on the parcel map. A 50-foot structural setback line shall also be delineated on the parcel map, and a note stating that no structural improvements are to be allowed within that structural setback area shall be filed with the parcel map.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-2:** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. Prior to issuance of grading and building permits the applicant shall receive all necessary permits from California Department of Fish and Game.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

5. **MM Bio-3:** Prior to approval of permits for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity within the south stream drainage area. A copy of the 404 Permit or waiver shall be submitted to El Dorado County Planning prior to issuance of grading and building permits.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

6. **MM Geo-1:** All development shall be excluded on slopes of 30% or greater as shown on Exhibit E (Tentative Parcel Map). This requirement shall be shown as a note on the Parcel Map and all building and grading plans.

Timing/Implementation: Prior to filing of the parcel map, Planning Services shall verify compliance with this condition.

Enforcement/Monitoring: El Dorado County Planning

Planning Services Site Specific and Standard Conditions

7. A note shall be recorded on the final map stating the following, "A buffer area of two hundred feet will be required on the inside of a boundary where land zoned estate residential ten acres abuts planned agricultural zone lands which are currently not in horticultural and timber production."
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.

9. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the final parcel map.
10. The applicant shall make the actual and full payment of planning processing fees for the general plan amendment, rezone and the tentative parcel map application prior to filing the parcel map.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a parcel map, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

12. The applicant shall meet all requirements of the Latrobe Fire Protection District.

El Dorado County Department of Transportation

Project Specific DOT Conditions

13. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate the 30 foot wide road and public utility easement for the on-site portion of Michigan Bar Road, prior to the filing of the parcel map. This offer will be rejected by the County.
14. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the parcel map. Slope easements shall be included as necessary.
15. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed private roadway onto Latrobe Road to the provisions of County Design Std **103D**. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
16. **Access Roadways:** The roadway shall be constructed per El Dorado County Design and

- Improvements Manual (DISM) **101C** with a minimum road width of 18-ft with 1-foot shoulders on both sides and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
17. **Roadway Slopes:** Pursuant to Design Std Plan 101C, Note 4: Roads with Average Daily Trips (ADT) of less than 601 may have slopes exceeding 12% not to exceed 15% for lengths up to 600 ft if they are paved with a minimum of 2.5" AC on 6" AB. The roadway slopes exceeding 12% shall be indicated as proposed to be paved on the improvement plans and/or proposed map prior to filing.
 18. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the parcel map
 19. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
 20. **Intersections:** Per the DISM Section 3.B.1, intersections shall be at least 150 feet apart at street centerline on local roads and 300 feet apart on collector roads. Latrobe Road is a collector road. The proposed road shall therefore be a minimum of 300 feet from existing road on the north side of Latrobe.
 21. **Turnarounds:** Turnarounds shall be provided at the end of the roadways per DISM 114 or approved equivalent to the satisfaction of DOT and the fire department.
 22. **Intersection Angles:** Pursuant to the DISM Section 3.B.2, roadways shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 70 degrees. The bearings on the centerline of proposed roadway shall be shown on the map prior to filing the parcel map.
 23. **Centerline Gradients:** Pursuant to DISM Section 3.B.3, the centerline gradient of a roadway terminating at an intersection shall not exceed 5% at any point within the intersection for a distance of 50 feet from the point of intersection. The gradient within turnarounds shall not exceed 8%. Centerline gradients shall be shown on the map prior to filing the parcel map.

24. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Latrobe Road, excluding the location of the approved access encroachments.

DOT STANDARD CONDITIONS

25. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
26. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
27. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
28. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
29. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
30. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the parcel map.
31. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the parcel map.
32. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
33. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a

professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

34. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
35. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
36. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
37. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

calculations shall include the following:

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

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the map or the applicant shall obtain an approved improvement agreement with security.

38. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the parcel map.
39. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the parcel map.
40. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
41. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis

along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

42. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
43. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete. The proposed project is located in Fee Zone Area 7, and at current rates, a fee of \$17,410 per single-family dwelling is required.

El Dorado County Office of County Surveyor

44. All survey monuments must be set prior to filing the Parcel Map.
45. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
46. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that **“all conditions placed on P 07-0023 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

Environmental Management

Air Quality

47. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

Hazardous Materials

48. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

ATTACHMENT 2

FINDINGS FOR APPROVAL

**File Number A08-004/Z07-0026/P07-0025
Planning Commission/August 28, 2008**

1.0 CEQA Finding

- 1.1** El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2** The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1** The land use amendment which relocates the Rural Center boundary, thus decreasing the area of the rural center and increasing land designated as rural residential is consistent with Objectives 2.1.2 and 2.1.3 in that the land use designation changes actually reflect the existing character and lotting pattern of the area. The proposed project creates a more appropriate transition from higher density residential uses within the Latrobe Rural Center to lower density rural residential and agricultural uses outside the Rural Center. The proposed tentative parcel map, as conditioned, is consistent with the Rural Residential General Plan land use designation for parcel size, density and land use.
- 2.2** The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.2, 2.2.5.3, 2.5.2.21, TC-Xb, 5.7.2.1, 5.8.1.1, 6.2.3.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, 8.1.3.1, 8.1.3.2, 8.2.2.5, 8.2.2.6 and because, upon completion of the conditions, there will be adequate roadways,

utilities, and other public service infrastructure available. The project presents a logical transition from High Density Residential land use designations within the Rural Center to larger Agricultural land use designations located outside the Rural Center.

3.0 Zoning Findings

- 3.1** The project is proposed to be zoned Estate Residential Ten-Acre (RE-10) and One Family Residential (R1), which establishes a minimum parcel size of 10 acres and 20,000 square feet respectively. The project would create four parcels ranging in size from 5.43 to 10 acres in size which is consistent. All parcels would meet the minimum parcel sizes of their respective zone districts. All four parcels have the size and natural conditions to allow single-family development to meet the development standards in Section 17.70.110 and 17.28.040.

4.0 Tentative Map Findings

- 4.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they meet or exceed the minimum parcel size required for the RE10 and R1 zone districts and, as conditioned, there will be adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the parcels.
- 4.2 The site is physically suitable for the proposed type and density of development** because the parcels have the capability to provide private facilities (water and wastewater disposal) to support the residential uses. Other utilities currently exist on and adjacent to the proposed parcels.
- 4.3.1 The proposed tentative map is not likely to cause substantial environmental damage** because the project site has limited resources, and those that do exist onsite will be avoided to the maximum extent possible with adherence to mitigation measures and conditions of approval.