

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



<b>Agenda of:</b>	September 11, 2008
<b>Item No.:</b>	9.b
<b>Staff:</b>	Tom Dougherty

**REZONE/TENTATIVE PARCEL MAP**

**FILE NUMBERS:** Z06-0040/P06-0043/Marcyán

**APPLICANT:** Susan Marcyán

**AGENT:** Baker – Williams Engineering Group

**REQUEST:** Rezone a 46.23 – acre parcel from Residential Agricultural 20-Acre - Planned Development (RA-20 – PD) to Estate Residential Ten-acre (RE-10) and a tentative parcel map create four parcels ranging in size from 10 to 16.23 acres.

**LOCATION:** West side of State Route 193 approximately 3,250 feet east of the intersection with Penobscot Road in the Cool area, Supervisorial District IV. (Exhibit A)

**APN:** 073-020-43 (Exhibit B1)

**ACREAGE:** 46.23 acres

**GENERAL PLAN:** Rural Residential – Important Biological Corridor (RR - IBC) (Exhibits C1, C2)

**ZONING:** Residential Agricultural 20-Acre - Planned Development (RA-20 – PD) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program, based on the Initial Study prepared by staff.
2. Approve the Rezone Z06-0040 and Tentative Parcel Map P06-0043 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.

**BACKGROUND:** The original 258-acre parcel of which the subject parcel was part of was originally acquired in Official Record (O.R.) 3467-371. Subsequently there were some quit claim deeds as referenced on Record of Survey (RS) 23-65 (O.R. 3509-700, 706, 709) and four illegal parcels were created from one. Then, with O.R. 4517-169, the parcel was granted with the four current parcel descriptions August 7, 1995, in violation of the Subdivision Map Act. The parcel was legalized by the approval of Certificate of Compliance COC95-0040 on July 12, 1999.

The original 258-acre parcel was originally zoned Exclusive Agricultural (AE) and encumbered by Agricultural Preserve #137. The approval by the Board of Supervisors of application Z82-0032 cancelled the Williamson Act Contract that had created the Preserve and changed the zoning designation to Residential Agricultural 20-Acre - Planned Development (RA-20 – PD). The Planned Development overlay was added to permit the Planning Commission review of future development proposals for the 258-acre parcel. It was after that rezone approval that the 258-acre parcel was split into four, in violation of the Subdivision Map Act. The property was designated Rural Residential by the current General Plan adopted July 19, 2004 and on the previous General Plan adopted July 19, 1996.

The application was deemed complete for preliminary agency review on November 9, 2006 however, subsequent to that date it was determined that additional materials were needed to complete the CEQA-required environmental review, and a site meeting with Caltrans warranted a revised map. Those items were received in June of 2008 and the revised map was redistributed for agency review on June 26, 2008.

## **STAFF ANALYSIS**

**Project Description:** Request is to rezone the 46.23-acre parcel from Residential Agricultural 20-Acre/Planned Development (RA-20 – PD) to Estate Residential Ten-acre (RE-10) and to process a tentative parcel map to create four parcels ranging in size from 10 to 16.23 acres. The two encroachments onto State Route 193 would be improved as well as the width and surface of the interior access road and inclusion of turnouts, as well as a turnaround at proposed Parcel 4.

**Site Description:** The project site is served by an unnamed road with a 50-foot road and public utility easement that four other parcels have easement rights to. The 46.23-acre site is located between the 1,600 to 1,760-foot elevations above sea level. The parcel has been historically used for grazing the majority of continual tree-canopied areas are located in the eastern and western portions of the parcel. The rest of the parcel is covered primarily by exotic annual grasses. Proposed Parcel 3 contains the existing single-family dwelling, barn, well, septic and driveway. The highest point is at the western portion and the terrain slopes gently downward predominately in a northeast direction. There is an intermittent stream crossing the northeast corner of the

parcel, a seasonal pond at the western end of the parcel, some seasonal seeps and wetland swales within the interior, and a Georgetown Divide Public Utility District water conveying ditch that crosses the northwest corner.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RA-20	RR/IBC	Residential, single-family residence and accessory structures.
<b>North</b>	R2A/RF/RE-5	MDR/IBC	Residential. Single-family residences, Auburn Lake Trails campground. Four parcels from 5.8 to 27 acres.
<b>South</b>	RA-20/PD	RR/IBC	Residential agricultural, historical grazing, vacant. One 80-acre parcel.
<b>East</b>	RE-10	RR/IBC	Residential, single-family residence across State Route 193, one 6-acre parcel.
<b>West</b>	RA-20/PD	RR/IBC	Residential agricultural, historical grazing, vacant. One 43-acre parcel.

Discussion: Exhibits A, B1 to B3, C1 to C3 and D illustrate that the general area consists of two to twenty-acre zones and one to 160-acre land use designations ranging from the more intense areas north in Auburn Lake Trails and on the opposite side of State Route 193 to less intense areas west of this property.

**Project Issues:** Discussion items for this project include road improvements and access, fire safety, water and sewer improvements, fire safety, available public services, impacts to agricultural lands, and the current Planned Development overlay.

**Road Improvements and Access:** The parcels are accessed by two existing encroachments onto State Route 193. The westernmost encroachment leads to an unnamed 50-foot road and public utility easement that three other parcels have legal right to use as an access. That encroachment onto 193 would be required to be relocated 200 feet to the east, as shown on Exhibit F, pursuant to the direction of Caltrans to allow proper line-of-sight safety and would be required to be 24-foot wide measured at the end of the returns. The existing westernmost encroachment located at approximately PM (post mile) 4.8 would be abandoned by removing the asphalt concrete and building a berm or fence across the access at the right-of way-line.

To the east, within proposed Parcel 2, is another existing encroachment on State Route 193 to be used as a driveway access for proposed Parcel 2. The width of that existing easternmost encroachment, which is located at approximately PM 5.2, would be 12-foot wide measured at the end of the returns. The applicant has met with Caltrans in February 2008 onsite to discuss the legality of two existing encroachments and their access locations and the sight distance issues. Caltrans determined both are legal accesses but both need to be upgraded through the encroachment permit process, before the applicant can file the Parcel Map. Caltrans would ultimately have jurisdiction over where the encroachment would be located and the encroachment and drainage improvement requirements would be required to be approved and finalized prior to the applicant being able to file the parcel map.

The existing driveway/roadway is substandard in many places with respect to width. This road would be improved to at least minimum El Dorado County Department of Transportation (DOT) roadway standards; an 18-foot roadway with one-foot shoulders. The California Fire Code 2007 states the minimum fire apparatus access roadway width is 20 feet. El Dorado County Fire Department could most likely be enforcing this wider standard with the required Fire Safe Plan. The onsite roadway exceeds the maximum allowed length of a dead end roadway. Therefore, a secondary means of access must be provided. DOT would require a 25-foot wide road easement (half of the standard 50 foot easement required for a roadway) along the western boundary line of proposed Parcel 4 connecting the access road to Secret Ravine Trail to the north. Planning staff contacted the Auburn Lake Trails General Manager who has received verbal support from their Board of Directors about the reservation of easement for the potential emergency ingress/egress between Auburn Lake Trails at Secret Ravine Trail and the parcels that use the subject access road to the south. The other 25 feet of the easement would need to come from the owner of the parcel to the west voluntarily or potentially through a discretionary application in the future. If these four parcels are approved, six total parcels would use the access road as one of the new parcels would have a separate driveway access to State Route 193.

**Fire Safety:** The El Dorado County Fire Protection District (District) would require the project parcels to meet the minimum fire flow for Fire Safe standards. Pursuant to the Fire District, these standards require water delivery would be required at a minimum of 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of 2 hours. In place of fire hydrants to deliver the water at this pressure, the applicant may choose an approved residential sprinkler system with 3,000 gallons of water storage at each parcel home site with deed restrictions for a NFPA 13D residential sprinkler system for all new structures. A Fire Safe plan approved by the El Dorado County Fire Protection District and Cal Fire would be required and the access road and turnaround must meet the minimum Fire Safe standards. As designed and with fulfillment of the conditioned approval r, this project would meet the minimum Fire Safe requirements.

**Water and Sewer Improvements:** The subject parcel is within the service area boundary of the Georgetown Divide Public Utility District (GDPUD). There is an existing seasonal irrigation water account with GDPUD and the current parcel owner. The account would need to be assigned to one of the new parcels should the map be recorded and if it is assigned to one that is not adjacent to the existing facilities, an easement must be reserved for the private service line by the current owner through proposed Parcel 4 because the District's Main Ditch #2 traverses the property in the northwest portion of proposed Parcel 4 and that is where the current piping delivering the water to the account holder originates. The easement would need to be between five and ten feet wide, to the discretion of the account holder but wide enough to work on the pipes that deliver the water. GDPUD would also require a 50-foot wide easement be established for maintenance and repair of the existing water ditch. The District's domestic water facilities do not extend into the project area. Potable water would be supplied by wells. The existing single-family dwelling on proposed Parcel 3 has an existing well with a recently supplied a well production report which was reviewed by Environmental Health staff and found to be adequate. Prior to filing the parcel map, each parcel is conditioned to have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02

There are no public sewer lines in the neighborhood, and the applicant would install on-site septic systems for septic disposal for the three new parcels. Environmental Management staff reviewed the septic capability report done by Patterson Development dated September 26, 2008 that was provided for this project and found the soils to be adequate to accommodate septic disposal. The existing single-family dwelling on proposed parcel 3 has an approved septic system and the applicant supplied a well production report for the existing well which was reviewed by Environmental Health staff and found to be adequate. Prior to filing the parcel map, each lot is conditioned to have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02.

**Public Services:** The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees would be paid to the Georgetown Divide Recreation District prior to filing the parcel map.

Black Oak Mine Unified School District provides schools for residents. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

**Impacts to Agricultural Land:** General Plan Policy 8.1.4.1 directs that the County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities. On February 14, 2007, the El Dorado County Agricultural Commission reviewed and discussed the subject application requests and determined that the findings could not be made for General Plan Policy 8.1.4.1.A as the proposed increased residential use proposed could negatively impact the 80-acre parcel to the southwest and 43-acre parcel to the west as well as the unique soils of local importance within proposed Parcel 4 that are all zoned Residential Agricultural 20-acre (RA-20). Neither of those parcels are currently involved in agricultural pursuits. The Commission brought forth concern regarding other large parcels in the area (40 – 50 acres in size) and the impacts that could possibly occur to them if the parcel split occurred.

Proposed Parcel 4 contains a small amount of Sobrante silt loam (SuC) soils which are classified by the Agricultural Department as Unique and/or Soils of Local Importance. A small amount is shown to be located within the southern boundary of proposed Parcel 4 just over the existing access road however, the road easement itself will cause 30-foot setbacks to be applied to any development structure over 30-inches tall. Also, the two wetlands shown on the *Jurisdictional Wetland Delineation* map by Parus Consulting, Inc. within that proposed parcel would also require 50-foot setbacks, and the applicant has shown that there is an area for residential development that can allow a 200-foot setback from that parcel containing that soil type to the south. Review of the General Plan land use map for the project area indicates that there are no areas designated as being within the Agricultural District (A) General Plan land use overlay designation within approximately three miles of the project. The project would result in a rezone

of residential-agricultural land to Estate Residential Ten-Acre but the ten-acre sizes as well as the aforementioned facts show there would be sufficient buffering to the vacant parcels to the south. Therefore, Planning staff has determined the project would not significantly intensify the impacts to agriculturally zoned land and the rezone and tentative parcel map request could be approved.

**Noise from Transportation Sources:** The residential use that would result from an approval of this application request is listed under Table 6-1 of the General Plan as being a use subject to maximum allowable noise exposures from transportation source. Table 5.10-3 of the Draft Environmental Impact Report, May 2003, the portion of State Route 193 from State Route 49 in Cool to Greenwood in Greenwood, in order to reduce the outdoor exposure to noise levels that would meet those levels defined in Table 6.1, a 273-foot, non-building setback would be required measured from the centerline of the near-travel lane. This setback restriction would include pools as well. Pursuant to the submitted tentative parcel map, this equates to a 225-foot setback from the western parcel boundary along the whole length of State Route 193.

Planning staff, Caltrans and DOT all had concerns for the safety of the egress/ingress locations on State Route 193. The ingress safety would be addressed with the adoption of the recommended conditions from Caltrans discussed above in the *Access* section.

**Visual Impacts to and From State Route 193:** Planning staff has concerns about the visual screening of the homes from the State Route 193, as well as the screening from the homes to the highway. It has been determined that the recommended 225-foot non-building setback from the west parcel boundary required by the Noise element of the General Plan, combined with the existing natural vegetation, would also have the potential to adequately address the visual impacts to and from State Route 193.

**The Planned Development Overlay:** Planning staff has determined that the Planned Development overlay was added by the approval of Z82-0032 to permit review by the Planning Commission for future development with a Planned Development application because of the potential impacts to the surrounding residential agricultural parcels. As discussed in the Background Section above, the original Planned Development Layer had been put on the original 258-acre parcel and had subsequently been split into four parcels in conflict with the Subdivision Map Act. The existing single-family dwelling was approved by a building permit and Planning staff has determined that similar residential development on ten-acre parcels could be approved in the same manner, and the Planned Development application requirement from that Overlay could be eliminated, for the reasons discussed above in the *Impacts to Agricultural Land* section. Because the Planned Development overlay would be eliminated, none of the four parcels could be less than ten-acres in size.

**General Plan:** The General Plan currently designates the subject site as Rural Residential – Important Biological Corridor (RR - IBC). RR permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for residential and agricultural development where available infrastructure is limited. The proposed 10 to 16.23-acre parcels would conform to the existing General Plan land use designation of RR. The parcel is also located within the Important Biological Corridor (IBC) overlay which applies to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors and the

project in relation to that overlay designation are discussed below in the Policy 7.4.2.9 section. As conditioned and mitigated, this project would 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:

**Policy 2.1.1.7** directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Wildfire Safe Plan. As discussed above in the Project Issues section and as conditioned and with strict adherence to County Code, the project would meet the criteria. As a ten+ acre development, little infrastructure is needed.

**Policy 2.2.5.3** directs the County to 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 would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;
4. Distance to and capacity of the serving elementary and high school;
5. Response time from the nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use patterns;
16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and present active faults; and
19. Consistency with existing Conditions, Covenants, and Restrictions.

The adjacent parcels in all directions except north of the subject parcels are also designated for rural residential uses by the General Plan. Those to the north are designated for Medium Density Residential and are located in the Auburn Lake Trails subdivision. Public irrigation ditch water, and power, telephone exist at the site. With the required improvements of the Tentative Parcel Map, substandard emergency ingress/egress on the roads within the project area would be improved. All those roads would be resurfaced and widened to improve public safety from State Route 193 into the parcel. The existing dead end, substandard road does not meet the Fire Safe standards and has no secondary accesses for emergency evacuations and to allow proper response times and capabilities for the local emergency responders. The project proposes to

improve all circulation roadways within the project area to minimum Fire Safe standards and to reserve an easement for a secondary emergency ingress/egress to connect to Secret Ravine Trail in Auburn Lake Trails.

The change from RA-20 - PD to RE-10 would not have a significant affect on the existing biological resources as the majority of the development activity proposals would allow would occur in previously disturbed areas and the project is mitigated and conditioned to assure the potential impacts to the natural features are reduced to less than significant levels. The County Code induced setbacks would not permit infringement without analysis and review by a qualified biological professional.

The El Dorado County Department of Transportation, Caltrans and the El Dorado County Fire Protection District, have no outstanding concerns with the current proposal as conditioned. The location in a Rural Region, the fact that the area has previously been studied for rural residential type impacts by the General Plan Draft Environmental Impact Report, the current availability of existing phone, electrical facilities and infrastructure, the improved access for emergency responders, and the improved public safety that would occur from the required conditions of approval for the Tentative Parcel Map, show the rezone request is appropriate the project site.

The Initial Study – Environmental checklist review and the submitted studies as referenced, determined that the project, as conditioned and mitigated, and with strict adherence to County Codes, would not have a significant impact on important agricultural and mineral resource areas, perennial water course, important historical/archeological sites, seismic hazards and present fault. There are no consistencies issues that exist with Conditions, Covenants, and Restrictions, since none currently exist.

**Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. The four parcel creations would be in keeping with the General Plan intended development pattern expected in lands designated as Rural Residential and is compatible and consistent with the dominant pattern of parcel development for the area.

**Policy 5.7.1.1** directs the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. **Policy 6.2.3.2** directs that 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. As discussed above in the Project Issues section, upon fulfillment of the conditions of approval and the requirements of the approved Wildfire Safe Plan, the proposed parcels would have adequate access and emergency evacuation capabilities.

**Policy 6.5.1.8** directs that new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise to the levels specified in Table 6-1. Planning staff has determined that the 225-foot non-building setback along the east parcel boundary would meet the intent of this policy, and mitigates noise impacts.

**Policy 7.3.3.4** directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands. The applicants submitted a *Jurisdictional Wetland Delineation* map by Parus Consulting, Inc. that determined a total of 4.84 acres seasonal wetlands that could be classified as Waters of the U.S. within the parcel. Planning staff determined that because the applicant was not proposing recorded building envelopes or development areas, Mitigation Measures 2, 3, and 4 would be recommended which, upon fulfillment, would mitigate the potential impacts to wetlands to a less than significant level. The full discussion of the project impacts in relation to Policy 7.3.3.4 is contained in section IV in the attached Draft Mitigated Negative Declaration.

**Policy 7.4.2.9** establish the Important Biological Corridor (IBC) overlay which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. The subject parcel has an existing single-family dwelling, infrastructure, utilities, and accessory buildings. The fencing and interior road systems exist and the property has been historically used for grazing. The entire parcel is located within the IBC however; the rezone would not directly impede the intentions of this policy in a significant manner, because the rezone and parcel map approvals would allow parcels ten-acres in size and larger which permits the potential for large areas to be left as they exist today and all the riparian areas, which contain the majority of the tree cover, will be protected by development by the General Plan required 50-foot non-development setback line to be recorded on the parcel map. Significant disturbances not typical of the existing surrounding developed parcels would not be expected.

**Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards and requires that 85 percent of the existing oak tree canopy coverage for the 46.23-acre project area be retained as a result findings of the *Tree Canopy Exhibit* map, revised April 20, 2007 which reported a 29 percent oak canopy coverage or 13.27 acres. The report estimated that approximately 0.61 acre of oak canopy would potentially be removed as part of this project proposal which is 4.6 percent of the canopy and thus would meet the General Plan retention standards. The applicants have the choice to use Options A or B at a 1:1 ratio to mitigate the impacts of the tree canopy removed. With the adoption of the recommended Mitigation Measure No. 5 in the Conditions of Approval, the project would be compliant with Policy 7.4.4.4. The full discussion of the project impacts in relation to Policy 7.4.4.4 is contained in section IV in the attached Draft Mitigated Negative Declaration.

**Policies 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5:** The stated policies direct that agriculturally zoned lands be buffered by ten-acre sized parcels, 200-foot setbacks and will not create conflicts between residential and agricultural activities. Potential conflicts with agriculture because of the approval of the project are discussed above in the Project Issues section. Staff has found the proposed project would not cause significant conflicts with agriculturally-zoned lands and could be approved as proposed.

**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.

**Zoning:** The subject site is currently zoned Residential Agricultural 20-Acre - Planned Development (RA-20 - PD). The rezone request seeks to change that designation to Estate Residential Ten-Acre (RE-10) and eliminate the Planned Development overlay. RE-10 permits a minimum parcel size of 10 acres. The proposed 10 to 16.23-acre lots would conform to the new zoning and the development standards in Section 17.70.110 for minimum lot width of 150 feet, minimum parcel size of ten acres, building setback requirements of 30 feet from parcel boundaries and road easements as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060. The elimination of the Planned Development overlay would then allow construction of residential structures with a building/grading permit without the need for a Planned Development application and Planning Commission review.

**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 tentative subdivision map creating four lots. The details of those findings are contained in Attachment 2.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of biological and cultural resources. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

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 \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes 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.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibits B1, B2, B3 .....	Assessor's Parcel Maps
Exhibit C1 .....	General Plan Land Use Designations
Exhibit C2 .....	General Plan Agricultural Overlay Map
Exhibit C3 .....	General Plan Biological Corridor Map
Exhibit D .....	Zoning Designations Map
Exhibit E .....	Record of Survey 23/65
Exhibit F .....	Tentative Parcel Map Dated October 11, 2005
Exhibit G .....	Tentative Parcel Map with Aerial Dated October 11, 2005
Exhibit H .....	Soils Map
Exhibit I1, I2, I3 .....	Site Visit Photos
Exhibits J1 and J2 .....	Aerial Photo
Exhibit K .....	Greenwood USGS Quadrangle
Exhibit L .....	Initial Study Checklist (CEQA)

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL AND MITIGATIONS**

**FILE NUMBER P06-0043/Marcy Tentative Parcel Map**  
September 11, 2008 Planning Commission Hearing

### **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 September 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of this project allows the following: rezone of the 46.23-acre parcel referenced as Assessor's Parcel Number 073-020-43 from Residential Agricultural 20-Acre - Planned Development (RA-20 – PD) to Estate Residential Ten-Acre (RE-10) and a tentative parcel map to subdivide the 46.23-acre parcel into four parcels ranging in size from 10 to 16.23 acres. None of the four parcels shall be less than ten-acres in size.

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.

#### **Conditions from the Mitigated Negative Declaration**

2. Prior to disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. A total of 4.84 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors.

Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. **[MM Bio 1].**

**Monitoring:** The applicant shall provide a copy of the 404 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project.

3. A 50-foot non-building/disturbance setback line shall be recorded on the parcel map that begins at all high-water marks or the outer boundary of any adjacent wetlands along the unnamed tributary that transverses the northeast corner and is shown on the Greenwood U.S.G.S Quadrangle and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the parcel map, Site Plan Review, grading and building plans where applicable. **[MM Bio 2].**

**Monitoring:** Prior to filing of parcel map, Site Plan Review (SPR), grading and/or building plan approval, Planning Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable.

4. A Streambed Alteration Agreement shall be obtained from CDFG, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers. **[MM Bio 3].**

**Monitoring:** The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

5. The applicant shall pay the in-lieu fee for 0.61 acre oak canopy removed. The fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

**Monitoring:** The applicant shall provide to Development - Planning Services proof of payment of the in-lieu fee prior to issuance of a grading permit. **[MM Bio 4].**

6. The historic resource identified as CA – ELD - 449 in the Amended Cultural Resources Study and Limited Archeological Testing of the Marcyan Four – Way Split Project on

APN 037-020-43, (Historic Resource Associates, Dana Supernowitz, January 2007) shall be preserved by the following methods [MM Cult Res 1]:

- a) Prior to initiation of any grading or other work on the project area, the area shown as CA – ELD - 449 must be fenced off with temporary construction fencing to ensure its protection from inadvertent impact from grading, vegetation clearance, or road construction.

**Monitoring:** Planning Services staff shall verify that the location of the historic resource is noted on any development plan prior to issuance. The applicant shall verify with a qualified archeologist that the aforementioned historic resource is accurately located on the submitted site plan. The applicant shall supply a letter from the qualified archeologist to Planning Services that the location noted on the map is accurate. The County grading permit inspector shall verify the presence of the temporary construction fencing.

- b) A non-building area must be placed over the site area, preventing any use or impact to that portion of the lot. The non-building area shall be shown on the Parcel Map with a note describing that the area is for the preservation of the historic resource identified as CA – ELD - 449 in the Amended Cultural Resources Study and Limited Archeological Testing of the Marcyan Four – Way Split Project on APN 037-020-43, (Historic Resource Associates, Dana Supernowitz, January 2007).

**Monitoring:** Planning Services shall verify that the location of the historic resource is accurately noted on the final Parcel Map. The applicant shall supply a letter from the qualified archeologist to filing of the Parcel Map.

- c) A permanent fence shall be installed to protect the site identified as CA – ELD - 449 in the Amended Cultural Resources Study and Limited Archeological Testing of the Marcyan Four – Way Split Project on APN 037-020-43, (Historic Resource Associates, Dana Supernowitz, January 2007), prior to filing the Parcel Map.

**Monitoring:** The applicant shall supply a letter from the qualified archeologist to Planning Services that the location of the permanent fence for the preservation of the historic resource identified as is accurately located and the fence is installed prior to filing the parcel Map.

7. A 225-foot non-building setback from the western parcel boundary along the full length of where it adjoins State Route 193 shall be shown on the final map. [MM Noise-1].

**Monitoring:** El Dorado County Planning Services Division will be responsible for assuring that the 225-foot non-building setback is shown on the final map prior to approval. The final map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views

from State Route 193, pursuant to the adopted Mitigated Negative Declaration. A not shall be made that this setback restriction would include pools as well.

### **Planning Services Site Specific and Standard Conditions**

8. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
9. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or filing of the parcel map filed until said fees are paid.
10. 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 the parcel map.
11. The applicant shall make the actual and full payment of Development Services Department processing fees for the rezone and the tentative parcel map application prior to filing the parcel map.
12. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call 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 appropriate measures are taken or the site is determined not to be of significance.
13. 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.
14. 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.

### **El Dorado County Department of Transportation**

15. Onsite Access Improvements: The applicant shall widen the on-site access roadway to a width of 18 feet with one-foot shoulders per El Dorado County Design Std Plan 101C. for its entire length onsite. This access 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. NOTE: The Fire Department has adopted the new California Fire Code 2007 which requires all access roads to be a minimum of 20 feet wide, which is greater than DOT's requirement of 18 feet. Please be advised the Fire Department may require a wider roadway.
16. Secondary Access: The applicant shall provide a 25-foot road easement (half of the required 50-foot easement) along the western boundary line of proposed Parcel 4 connecting the onsite access road to Secret Ravine Trail to the north. The applicant shall construct an access road within the easement per Design Standard Plan 101C. This access 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.
17. Turnaround: The applicant shall provide a turn around at the end of the onsite access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
18. Road & Public Utility Easement: The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map. Slope easements shall be included as necessary.
19. Encroachment Permit: The applicant shall obtain an encroachment permit and shall construct said encroachment from the on-site access roadway onto Highway 193 as required by Caltrans, prior to filing the map.
20. Vehicular Access Restriction: Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of State Route 193, excluding the locations of the approved access encroachments.

21. Easements: All applicable existing and proposed easements shall be shown on the project plans.
22. 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 filing 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.
23. 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.
24. 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.
25. 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.
26. 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 map.
27. Road Improvement Agreement & Security: The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
28. 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.
29. 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, or the applicant shall obtain an approved improvement agreement with security, prior to filing the parcel map.

30. 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.
31. 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.
32. 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.
33. Drainage, Cross-Lot: Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public

roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the map.

34. Drainage Easements: Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
35. 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.
36. Electronic Documentation: Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
37. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

#### **El Dorado County Fire Protection District**

38. The applicant shall submit review fee of \$120.00.
39. Fire flow for this project is 1,000 gpm @ 20 psi for two hours.
40. The applicant shall provide documentation from the Fire District to show that the system will meet required fire flow for this project prior to filing the Parcel Map.
41. Additional hydrants will be required for this project. All parcels to be within 500 feet of a hydrant.
42. In place of condition #41, the applicant may choose an approved residential sprinkler system with 3,000 gallons of water storage at each parcel home site.
43. The applicant shall develop and implement a El Dorado County Fire Protection District and Cal Fire approved Fire Safe Plan for the project parcels. Said plan shall be reviewed and approved by the District prior to filing the parcel map. A Notice of Restriction

(NOR) shall be recorded that ensures implementation of the Fire Safe Plan. The NOR shall be reviewed and approved by the El Dorado County Fire Protection District prior to filing the Parcel Map.

44. Any gates that are not shown shall require Fire District approval and/or approval of a special use permit through El Dorado County.

**Georgetown Divide Public Utility District (GDPUD)**

45. The existing seasonal irrigation water account with GDPUD is required to be assigned to one of the new parcels prior to filing the parcel map. If the account is assigned to one of four parcels that is not adjacent to the existing facilities, an easement must be reserved for the private service line from the existing ditch connection facilities to the account holder's parcel. The easement shall be between five and ten feet wide, to the discretion of the subject tentative parcel map applicant. The location of the easement on the parcel map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.
46. A 50-foot wide easement that equally straddles GDPUD's Main Ditch #2 which traverses the property in the northwest portion of proposed Parcel 4 as shown in Exhibit F shall be dedicated to GDPUD and recorded on the parcel map for access purposes to maintain and repair the facilities within the easement. The location of the easement on the parcel map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.

**California Department of Transportation (Caltrans)**

47. The locations of the two encroachments from the subject parcel onto State Route 193, and all associated easements within the State right-of-way shall be accurately shown and described on the parcel map and shall be reviewed and approved by Caltrans through the encroachment permit process. The improvements identified in the encroachment permit project plans shall be constructed prior to filing the Parcel Map.
48. An encroachment permit shall be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right-of-way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. To secure an application the applicant shall contact Encroachment Permits Central Office at (530) 741-4403 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right-of-way. The previous westernmost encroachment located at approximately PM 4.8 shall be abandoned by removing the asphalt concrete and building a berm or fence across the access at the right-of-way line. The width of the proposed relocated driveway at approximately 200 feet east of PM 4.8 shall be 24 feet wide measured at the end of the returns. The width of

the existing easternmost encroachment located at approximately PM 5.2 shall be 12 feet wide measured at the end of the returns.

49. The applicant shall request a "Notice of Completion" from the Encroachment Permit Office once all work related to the encroachment permit application has been completed as shown on the approved plans.
50. A Drainage Report shall be prepared and submitted to Mr. Gurdeep Bhattal, Caltrans District 3 Hydraulics Branch, at (530) 741-4056, at the time of the request for an encroachment permit, for review and approval. The Report shall address the following concerns:
  - a) Within the project area, a 24-inch culvert at Post Mile 4.9, and a 48-inch culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project shall not be directed towards these culverts.
  - b) Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project shall be provided.

**El Dorado County Office of the County Surveyor**

51. All survey monuments must be set prior to filing the Parcel Map.
52. 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 their office prior to filing the Parcel Map.
53. 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 the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

## **ATTACHMENT 2 FINDINGS**

### **FILE NUMBERS Z06-0040/P06-0043/Marcyan Tentative Parcel Map September 11, 2008 Planning Commission Hearing**

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 Mitigated Negative Declaration together with the comments received 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for single family residential and agricultural development in a rural setting. The proposed 10 to 16.23-acre parcels conform to the General Plan land use designation.
- 2.2 As conditioned and mitigated and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, 2.2.5.3, 2.2.5.21, 5.7.1.1, 6.2.3.2, 6.5.1.8, 7.3.3.4, 7.4.2.9, 7.4.4.4, 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5 concerning adequate roadways, utilities and other public services, compatibility

with the surrounding neighborhood, availability of emergency water, adequate emergency access, noise impacts, wetland impacts, retaining the character of land located designated as IBC, mitigation for the loss of indigenous oak tree canopy, and impacts to agriculturally-zoned lands. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

### **3.0 Zoning Findings**

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed 10 to 16.23-acre lots would conform to the new zoning and the development standards in Section 17.70.110 for minimum lot width of 150 feet, minimum parcel size of ten acres, building setback requirements of 30 feet from parcel boundaries and road easements as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

### **4.0 Administrative Findings**

#### **4.1 Rezone Finding**

- 4.1.1 **That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan** because the Estate Residential Ten-Acre (RE-10) Zone is consistent with the Rural Residential (RR) land use designation based on the Consistency Matrix, Table 2-4. The RE-10 zone allows parcels to be a minimum of ten acres in size while the RR designation allows 10.0 to 160 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 five acres or larger 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, 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 and cultural resources, slope preservation, and adequacy of public services and utilities.

#### **4.2 Tentative Parcel Map Findings**

- 4.2.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Ten-Acre (RE-10) zone district, there is adequate emergency and standard vehicular access provided, and public facilities and existing utilities to support the residential uses.
- 4.2.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses on site or are conditioned to provide them prior to filing the parcel map.

- 4.2.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadways to all parcels will require minor modifications to the existing rough-graded roadway including surfacing and width improvements. The impacts from all other potential impacts have been analyzed in the Initial Study and, as conditioned, mitigated and with strict adherence to County Code, have been found to be less than significant.