

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



Agenda of:	November 13, 2008
Item No.:	10.a
Staff:	Robert Peters

REZONE AND TENTATIVE PARCEL MAP

FILE NUMBER: Z07-0055/P07-0049

APPLICANT: Donald and Suzanne McNeil

AGENT: C. J. Smith III

REQUEST: Rezone a 10.11-acre lot from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5) and a tentative parcel map creating two (2) parcels of 5.0 acres and 5.11 acres in size.

LOCATION: On the north side of Sierra Vista Road approximately 1.0 miles south of the intersection with Green Valley Road, in the Rescue area, Supervisorial District IV (Exhibit A).

APN: 070-131-08 (Exhibit B).

PARCEL SIZE: 10.11 acres

GENERAL PLAN: Low-Density Residential (LDR) (Exhibit C)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION:

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Rezone Z07-0055 and Tentative Parcel Map P07-0049 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The applicant submitted for a pre-application meeting (PA07-0012) on February 12, 2007. The applications were submitted on November 16, 2007 by C. J. Smith III, consistent with County agency recommendations at the pre-application meeting.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the rezone and tentative parcel map requests and issues for Planning Commission consideration are provided in the following sections.

Project Description: The request is to rezone the 10.11-acre lot from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5) and to process a tentative parcel map to create two (2) parcels of 5.0 acres and 5.11 acres in size (see Exhibit E). The proposed lots will utilize an existing well and septic system. Access improvements will include improving the existing encroachment of Sierra Vista Road onto Green Valley Road to increase sight distance, on-site portions of Sierra Vista Road being constructed, widened, and/or verified to 18-foot pavement width with two (2) foot shoulders, and the off-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement with one (1) foot shoulders.

Site Description: The 10.11 acre subject parcel lies on the western slope of the central Sierra Nevada Mountains in the Rescue area, on the north side of Sierra Vista Road approximately 1.0 miles south of the intersection with Green Valley Road, at an approximate elevation of 1,370 feet above mean sea level. The site slopes gently from east to west. An existing drainage course exists on the eastern portion of the property. The parcel contains an existing single-family residence and an expired temporary mobile home (TMA) which take access from existing gravel driveways from Sierra Vista Road, an existing 18-foot wide chip seal roadway in poor surface condition and in some areas appears to be less than 18-foot in width. Other existing improvements include two (2) wells, two (2) septic systems, two (2) agricultural structures, an arena, and an existing round pen. Tree coverage exists on much of proposed parcel 2, and the north and northwest sections of proposed parcel 1. Soils consist of Rescue sandy loam, two (2) to nine (9) percent slopes (ReB) and Rescue very stony sandy loam, three (3) to 15 percent slopes (RfC). Both soils have moderately slow permeability, slow to medium surface runoff, and slight to moderate erosion hazard.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	LDR	Residential, single-family residence and expired TMA
North	RE-10	LDR	Residential, single-family residence on approximately 10-acre lot
	Zoning	General Plan	Land Use/Improvements
South	RE-10/RE-5	LDR	Residential, four (4) single-family residences on lots ranging in size from 5.0 to 10.12 acres across Sierra Vista Road
East	RE-5	LDR	Residential, two (2) single-family residences on two (2) five (5) acre lots across Sierra Vista Road
West	RE-10	LDR	Residential, single-family residence with nursery on 10-acre lot

The project parcel is bounded on all sides by residential uses on residentially zoned lands. Exhibits A and B illustrate that the general project vicinity consists of five (5) to ten (10) acre parcels which reflect the zoning and land use designation of these respective areas. The project proposal would rezone the subject parcel to RE-5, consistent with parcels to the south and east, and create two (2) residential parcels in a residential setting which would not create conflicts with the surrounding land uses (Exhibit F).

Project Discussion Items: Discussion items for this project include: land use compatibility; development potential; cultural resources; slopes; access; circulation; high wildfire hazard development; septic capability; potable and fire protection water supply; air quality; oak tree canopy removal; removal of the existing temporary mobile home; and removal of existing round pen. Discussion of each project issue is further discussed in detail below:

Land Use Compatibility: The site's land use designation is Low-Density Residential (LDR) and the property is located within a Rural Region. The LDR designation allows a density of one dwelling unit per five acres on parcels ranging in size from 5.0 to 10.0 acres. As illustrated on the General Plan Land Use Designation and Zoning District Consistency Matrix, Table 2-4, which defines compatible zone districts with the correct land use designation, both the existing RE-10 and the proposed RE-5 zone districts are consistent with the LDR designation, given that the proper infrastructure and services are available to support the proposed density. The project would provide the required infrastructure consistent with the rezone and tentative parcel map request.

The existing pattern of development in the project vicinity is equally representative of five-acre parcels as it is for ten-acre parcels (see Exhibits A and B). The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for ten (10) acre zoning (RE-10), and all of the zoning in the area is consistent with the areas LDR General Plan designation. Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5.

Development Potential: As proposed, each of the parcels has the potential to be developed to contain a single-family residence with secondary residence and accessory residential and agricultural structures. Proposed parcel 2 has an existing residence and accessory residential structures. Proposed parcel 1 has an existing temporary mobile home which has been conditioned to be removed prior to filing the parcel map (see Condition of Approval No. 11, Attachment 1) and agricultural structures to remain on-site.

Cultural Resources: An archaeological survey was completed by Historic Resource Associates, dated May 2008, for the project site. This survey found no significant prehistoric or archaeological sites, features, or artifacts within the project area, nor were any historic buildings, structures, or objects discovered. Based on the archaeological survey results, it was determined that no further archaeological work would be recommended. Standard conditions of approval have been included to protect undiscovered sub-surface cultural resources (see Conditions of Approval, Attachment 1).

Slopes: The project site contains slopes less than ten (10) percent (see Exhibit G). Pursuant to General Plan Policy 7.1.2.1 and the Interim Interpretive Guidelines for that policy, development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The

proposed project would not disturb 30 percent and greater slopes. Therefore, the proposed project is consistent with the referenced policy (see Exhibit G).

Access: The primary access to the project would be from Sierra Vista Road via Green Valley Road. Proposed project access would consist of improving the existing encroachment of Sierra Vista Road onto Green Valley Road pursuant to DISM Standard Plan 103D to increase sight distance, on-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement width with two (2) foot shoulders pursuant to DISM Standard Plan 101C and a minimum structural section of six (6) inch aggregate base (AB), and the off-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement with one (1) foot shoulders pursuant to DISM Standard Plan 101C and a minimum structural section of six (6) inch AB. The proposed project is consistent with General Plan Policy 6.2.3.2 as the Rescue Fire Protection District (RFPD) and the California Department of Forestry and Fire Protection have reviewed the project and confirmed that the proposed access and onsite roadway is adequate for the development pursuant to a Wildland Fire Safe Plan and Amendment A to that plan approved on April 27, 2008 (see Exhibit H-1 and H-2).

Circulation: The Department of Transportation (DOT) reviewed the proposed project and determined it would not trip the traffic impact threshold within the General Plan. Proposed project access is discussed above under the “Access” section. The Department of Transportation provided conditions of approval that would ensure consistency with County policies and procedures with regard to grading, drainage, and design standards required for any roadway improvements (see Conditions of Approval, Attachment 1).

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT reviewed the proposed project and determined that it would not trigger the threshold described above because of its limited size.

Very High Wildland Fire Hazard Development: General Plan Policy 6.2.2.2 requires *the county shall preclude development in areas of high and very high wildland fire hazard...unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.* The subject parcel is located in the very high wildland fire hazard area. The proposed project is consistent with General Plan Policy 6.2.2.2 as the Rescue Fire Protection District (RFPD) and the California Department of Forestry and Fire Protection have reviewed and approved the Wildland Fire Safe Plan and Amendment A to that plan, dated April 27, 2008 (see Exhibits H-1 and H-2).

Septic Capability: The proposed project will utilize existing septic systems. El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the existing septic system designs for the project. The existing septic on proposed Parcel 1 will be disconnected and will remain intact when the temporary mobile home is removed. Environmental Health Division has determined that the system is adequate for future development and may remain on-site. Discussion of the temporary mobile home removal is discussed in the “Removal of the Existing Temporary Mobile Home” section below.

Potable and Fire Protection Water Supply: The project will utilize existing wells for both proposed parcels. El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the existing well production. The existing well on proposed Parcel 1 will be disconnected and will remain intact when the temporary mobile home is removed. Environmental Health Division has determined that the well is adequate for future development and may remain on-site. Discussion of the temporary mobile home removal is discussed in the “Removal of the Existing Temporary Mobile Home” section below.

The Rescue Fire Protection District (RFPD) and the California Department of Forestry and Fire Protection have reviewed and approved the Wildland Fire Safe Plan and Amendment A to that plan, dated April 27, 2008 (see Exhibits H-1 and H-2), and have determined that all new residences would need a minimum of 2,500 gallons of water stored with a 2.5 inch valve with National Hose Thread on a standpipe not closer than 50 feet nor more than 150 feet from the structure. The standpipe shall have a minimum of 20 pounds of residual pressure, and the water system must be operational at all times.

Air Quality: The El Dorado County Air Quality Management District (AQMD) reviewed the project and determined that with the implementation of standard County measures, the project would have a less than significant impact on the air quality. These measures are included as conditions of project approval within Attachment 1 of the staff report.

Oak Tree Canopy: The Tree Canopy Coverage Map dated October, 2007, lists a total of 40.5 percent of oak canopy located on the entire 10.11 acre site (see Exhibit I). As shown in Table 1, 40 percent coverage of existing oak canopy requires 80 percent retention pursuant to General Plan Policy 7.4.4.4. As each of the proposed parcels is currently developed with single-family residences (the existing temporary mobile home to be removed), no development is proposed and minimal grading may be required for on and off-site roadway improvements, no oak trees are proposed to be removed. At 100 percent, overall canopy retention shown in Table 1 exceeds the provisions of Policy 7.4.4.4.

TABLE 1: Tree Canopy Summary					
	Area	% Existing Canopy	% Required Retention	Canopy to be Remove	% Proposed to Retain
Total	10.11 Acres	40.5%	80%	None	100%

Removal of Existing Round Pen: The project site contains an existing round pen which would be bisected by the proposed property line that divides the two parcels. The project has been conditioned to require removal or relocation of the existing round pen prior to filing the parcel map (see Conditions of Approval No. 8, Attachment 1).

Removal of Existing Temporary Mobile Home: A Special Use Permit (S76-190) was approved by the Planning Commission on October 12, 1976 which allowed the mobile home as the main residence for the property. Subsequently, the applicant converted the mobile home to a temporary mobile home by Temporary Mobile Home Permit TMP91-69 and constructed a new on-site residence. The temporary mobile home permit expired on November 6, 1997, and has since been in violation of County Code 17.52 and Temporary Mobile Home Permit TMP91-69. The project has

been conditioned to require removal of the temporary mobile home from proposed Parcel 1 prior to filing the parcel map (see Conditions of Approval No. 11, Attachment 1).

General Plan: The General Plan designates the subject site as Low-Density Residential (LDR) which establishes areas for single-family residential development in a rural setting. Pursuant to General Plan **Policy 2.2.1.2**, the allowable density for the designation is one (1) dwelling unit per five (5) acres with parcel sizes ranging from five (5) to ten (10) acres. The proposed project would result in densities and minimum parcel sizes conforming to the General Plan Land Use Designation.

General Plan **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. Surrounding parcels in the immediate vicinity are developed with single-family residences on lot size consistent with the five (5) acre parcels proposed. As such, the two (2) new parcels and their residential uses would be consistent with the intended development pattern.

General Plan **Policy 5.7.1.1** requires the applicant demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development. The applicant has provided an approved Wildfire Fire Safe Plan and Amendment A to that plan addressing the emergency water and access issues for the project site and the project has been conditioned to be consistent with the requirements outlined in that Fire Safe Plan (See Exhibits H-1 and H2). Environmental Health has determined that both existing wells have adequate production to be utilized for the existing residence on proposed parcel 2, and future development on proposed Parcel 1.

General Plan **Policy 6.2.2.2** requires that the County preclude development in areas of high and very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. The applicant has provided an approved Wildfire Fire Safe Plan and Amendment A to that plan addressing the emergency water and access issues for the project site and the project has been conditioned to be consistent with the requirements outlined in that Fire Safe Plan (See Exhibits H-1 and H2).

General Plan **Policy 6.2.3.2** requires that the applicant to 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. The Department of Transportation has reviewed the project and supports the proposed parcel map provided that the applicant meet the minimum standards for the County Design and Improvement Standards Manual (DISM) Standard Plan 101C for both on and off-site improvements. The applicant has provided an approved Wildfire Fire Safe Plan and Amendment A to that plan addressing the emergency water and access issues for the project site and the project has been conditioned to be consistent with the requirements outlined in that Fire Safe Plan (See Exhibits H-1 and H2).

General Plan **Policy 7.1.2.1** does not allow development on slopes greater than 30 percent. Both of the parcels contain slopes that are less than 30 percent. Minimal grading is proposed and access improvements would not occur on slopes rater than 30 percent. Therefore, the proposed parcel map would not create disturbances to slopes greater than 30 percent (See Exhibit G).

General Plan **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards. Existing project oak tree canopy coverage is estimated at 40.5 percent (see Exhibit I). Under General Plan Policy 7.4.4.4, Option A, 80 percent of the existing canopy must be retained. As proposed, the project would retain 100 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Future development on the proposed lots would have the option of complying with either Option A or Option B of Policy 7.4.4.4.

General Plan **Policy 2.2.5.3** requires staff 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 that would support a higher density or intensity zoning district.” Also, Policy 2.2.5.3 lists 19 specific criteria to be analyzed for rezone requests. Below is an analysis of General Plan Policy 2.2.5.3 and its criteria:

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

The project will utilize existing wells for both proposed parcels. No public water source will be utilized for the project.

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

The project will utilize existing wells for both proposed parcels. No public water system will be utilized for the project.

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

The proposed project will utilize existing septic systems. No public waste water systems will be utilized for the project.

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

The Rescue Union School District currently provides school service for the area. The project, as proposed would not result in any additional residences. The development potential for the project site includes a single family residence on proposed Parcel 1 and two (2) possible secondary residences, one on each proposed parcel. The addition of three single-family residences may incrementally impact school enrollment, and school impact fees would be assessed during review of building permits.

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

The Rescue Fire Protection District (RFPD) currently provides fire protection services to the subject parcel. No exact response time to the subject property is available; however, the RFPD and the California Department of Forestry and Fire Protection have reviewed and approved the Wildland Fire Safe Plan and Amendment A to that plan, dated April 27, 2008 (see Exhibits H-1 and H-2).

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

The project is located approximately 1.0 miles from the edge of the Rescue Rural Center (see Exhibit A). The project is located within a Rural Region, and the proposed RE-5 zoning district and Low-Density Residential General Plan Designation are consistent with Rural Regions.

7. *Erosion Hazard;*

As stated in the *Soil Survey of El Dorado Area, California, 1974*, the soils on the project site are primarily comprised of Rescue sandy loam, two (2) to nine (9) percent slopes (ReB) and Rescue very stony sandy loam, three (3) to 15 percent slopes (RfC). Both soils have moderately slow permeability, slow to medium surface runoff, and slight to moderate erosion hazard. The project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project.

8. *Septic and leach field capability;*

The proposed project will utilize existing septic systems for both proposed parcels. El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the existing septic system designs for the project. The existing septic on proposed Parcel 1 will be disconnected and will remain intact when the temporary mobile home is removed. Environmental Health Division has determined that the system is adequate for future development and may remain on-site.

9. *Groundwater capability to support wells;*

The proposed project will utilize existing wells for both proposed parcels. El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the existing well production for the project. The existing well on proposed Parcel 1 will be disconnected and will remain intact when the temporary mobile home is removed. Environmental Health Division has determined that the well is adequate for future development and may remain on-site. There is no evidence that the project would substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the project area.

10. *Critical flora or fauna habitat areas;*

Based on the initial study prepared by staff, a less than significant impact on biological resources would result from the proposed project (see Exhibit J).

11. *Important timber production areas;*

The project site is not associated with any timber harvest plan nor is the site designated Natural Resources (NR) by the General Plan map which includes areas that contain economically viable natural resources such as forested areas and seeks to protect the economic viability of those resources.

12. *Important agricultural areas;*

Review of the Important Farmland GIS map layer for El Dorado County developed under the Farmland Mapping and Monitoring Program indicates that no areas of Prime, Unique, or Farmland of Statewide Importance would be affected by the Project. The site does contain Farmland of Local Importance; however, the property will be rezoned to a zoning district (RE-5) which allows by right the raising and grazing of domestic farm animals and the cultivation of tree and field crops. El Dorado County has established the Agricultural (A) General Plan Land Use Overlay District and included this overlay on the General Plan Land Use Maps. Review of the General Plan Land Use Map for the project area indicates that there are no areas of “Prime Farmland” or properties designated as being within the Agricultural (A) General Plan Land Use Overlay District area adjacent to the project site. The project would not result in the conversion of farmland to non-agricultural uses.

13. *Important mineral resources areas;*

The project site is not mapped as being within a Mineral Resource Zone (MRZ) by the State of California Division of Mines and Geology nor is the site designated Natural Resources (NR) by the General Plan map which includes areas that contain economically viable natural resources such as mineral resources and seeks to protect the economic viability of those resources.

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

The parcel contains two (2) existing single-family residences which would be separated by the proposed tentative parcel map. As proposed, each of the parcels has the potential to be developed to contain a single-family residence with a secondary residence and would not significantly impact the capacity of existing transportation systems serving the area.

15. *Existing land use pattern;*

The existing pattern of development in the project vicinity is equally representative of five-acre parcels as it is for ten-acre parcels (see Exhibits A and B). The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for ten (10) acre zoning (RE-10), and all of the zoning in the area is consistent with the areas LDR General Plan designation. More in depth analysis of the existing land use pattern is discussed in the “Land Use Compatibility” section above.

16. *Proximity to perennial water course;*

The project site does not contain, is not adjacent to, or located within one (1) mile of a known perennial water course.

17. Important historical/archeological sites;

An archaeological survey was completed by Historic Resource Associates, dated May 2008, for the project site. This survey found no significant prehistoric or archaeological sites, features, or artifacts were found within the project area, nor were any historic buildings, structures, or objects discovered. Based on the archaeological survey results, it was determined that no further archaeological work would be recommended. Standard conditions of approval have been included to protect undiscovered sub-surface cultural resources (see Conditions of Approval, Attachment 1).

18. Seismic hazards and presence of active faults; and

According to the Fault Activity Map of California and Adjacent Areas (Jennings, 1994) and the Peak Acceleration from Maximum Credible Earthquakes in California (CDMG, 1992), no active faults or Earthquake Fault Zones (Special Studies Zones) are located on the project site. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating structures in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

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

The project site is not located within a Home Owners Association which prescribes applicable conditions, covenants, and restrictions.

It has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The proposed parcel map contains two parcels which are consistent with the development standards identified with Section 17.28.210 of the Zoning Ordinance, including a minimum parcel size of five (3) acres, lot width, and minimum yard setbacks. The existing residential and agricultural structures and uses at the subject site are permitted by right under Section 17.28.190. The property contains an existing temporary mobile home which is in violation of Section 17.52; however, the temporary mobile home has been conditioned to be removed (see Condition of Approval No. 11, Attachment 1).

Findings for approval are provided in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (see Exhibit J) to assess project-related environmental impacts. Based on the Initial Study, staff finds that there is no substantial evidence that the project would have a significant impact on the environment. Therefore, a Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

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, less 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 State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Tentative Parcel Map
Exhibit F	Aerial Photo
Exhibit G	Slope Map
Exhibit H-1	Wildland Fire Safe Plan
Exhibit H-2	Wildland Fire Safe Plan Amendment A
Exhibit I	Tree Canopy Exhibit
Exhibit J	Environmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

Rezone and Tentative Parcel Map File Number Z07-0055/P07-0049-McNeil Planning Commission/November 13, 2008

I. PROJECT DESCRIPTION

1. This rezone and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit A through J dated November 13, 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 would constitute a violation of permit approval.

The project description is as follows:

Rezone the 10.11-acre parcel identified as Assessor's Parcel Number 070-131-08 from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5) and to process a tentative parcel map to create two (2) parcels of 5.0 acres and 5.11 acres in size (see Exhibit E). The proposed lots will utilize existing wells and septic systems. Access improvements will include improving the existing encroachment of Sierra Vista Road onto Green Valley Road to increase sight distance, on-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement width with two (2) foot shoulders, and the off-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement with one (1) foot shoulders.

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 (i.e. Wildand Fire Safe Plan) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. 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 Planning Services prior to filing of the parcel map.

3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
6. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
7. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.
8. The existing round pen shown on the tentative parcel map which is currently bisected by proposed property line shall be removed prior to filing the parcel map. If relocated, the round pen shall be a minimum of 50 feet from any property line.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
10. 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 *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.

11. Prior to filing the parcel map, the property owner shall remove the existing temporary mobile home from proposed parcel 1.

Air Quality Management District

12. Prior to grading permit issuance, a Fugitive Dust Mitigation Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
13. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
14. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
15. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
16. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
 - Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.
 - Retard diesel engine injection timing by two to four degrees.
 - Use electricity from power poles rather than temporary gasoline or diesel generators.
 - Use reformulated low-emission diesel fuel.
 - Use catalytic converters on gasoline-powered equipment.
 - Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - Configure construction parking to minimize traffic interference.
 - Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Department of Transportation (Specific Conditions)

17. **Road Construction:** Sierra Vista Road is currently an 18-foot wide chip seal Road in poor surface condition and in some areas, appears to be less than 18 feet in width. Construct, widen, and verify Sierra Vista Road along the project frontage (on-site) to a Design and Improvement Standard Manual (DISM) standard plan 101C standard, 18-foot paved width with 2-foot shoulders and a minimum structural section of 6-inch AB. Construction, if required, to be approved by DOT prior to the filing of the parcel map.
18. The applicant shall construct, widen, and verify the off-site portion of Sierra Vista Road to a DISM standard plan 101C standard, 18-foot paved width with 1-foot shoulders and a minimum structural section of 6-inch AB. from the project's frontage to Green Valley Road prior to the filing of the parcel map. Per section 3(A)(2)(c)(i) of the DISM, the dollar value of the off-site portion of the roadway improvements shall not exceed the cost of the on-site portion.
19. **Encroachment:** The encroachment of Sierra Vista onto Green Valley Road shall be improved to a DISM standard 103D. Bank shaving and/or vegetation removal will be required to increase sight distance.
20. **Grading Plan:** A grading and erosion control plan may be required for this project. At the time that an application is submitted for improvement plans or a grading permit, the applicant must 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) for grading disturbances greater than 1 acre.
21. **Grading Permit / Plan:** A grading permit may be required for the project. The applicant may be required to 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. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
22. **TIM Fees:** Payment of Traffic Impact Mitigation Fees will be required at time at building permit application.

Rescue Fire Protection District

23. The applicant shall provide a fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to project approval.
24. The project shall meet the requirements of the California SRA Fire Safe Regulations, The California Fire Code 2001 Edition for access and water supply

County Surveyor's Office

25. All survey monuments shall be set prior to filing the Parcel Map.
26. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
27. 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 P07-0049 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

Rezone and Tentative Parcel Map Z07-0055/P07-0049-McNeil Planning Commission/November 13, 2008

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one (1) dwelling unit per five (5) acres and parcel sizes that range from 5.00 to 10.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 7.1.2.1(disturbance of slopes in excess of 30 percent), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 REZONE FINDINGS

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

The Estate Residential Five-Acre (RE-5) zone district is consistent with the General Plan Low-Density Residential (LDR) designation which allows a density of one dwelling unit per five acres on parcels ranging in size from 5.0 to 10.0 acres. As illustrated on the General Plan Land Use Designation and Zoning District Consistency Matrix, Table 2-4, which defines compatible zone districts with the correct land use designation, the proposed RE-5 zone districts is consistent with the LDR designation, given that the proper infrastructure and services are available to support the proposed density. The project would provide the required infrastructure consistent with the rezone and tentative parcel map request. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of General Plan Policy 2.2.5.3.

The rezone is compatible with the existing pattern of development in the project vicinity which is equally representative of five-acre parcels as it is for ten-acre parcels (see Exhibits A and B). Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5. All surrounding properties share the LDR General Plan land use designation.

4.0 ZONING FINDINGS

- 4.1 The subject site is to be zoned Estate Residential Five-Acre (RE-5) which permits the proposed parcel sizes of 5.0 to 5.11 acres under Section 17.28.210(A).
- 4.2 The existing residential use at the subject site is permitted by right under Section 17.28.190(A). As proposed, the project meets all applicable development standards contained within Section 17.28.210 of the *El Dorado County Zoning Ordinance*.
- 4.3 The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for ten (10) acre zoning (RE-10), and all of the zoning in the area is consistent with the areas LDR General Plan land use designation. Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5.
- 4.4 The property contains an existing temporary mobile home which is in violation of Section 17.52; however, the temporary mobile home has been conditioned to be removed (see Condition of Approval No. 11, Attachment 1).

5.0 PARCEL MAP FINDINGS

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

The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Low-Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, traffic, emergency water supply, high wildland fire hazard, fire safe access, disturbance of slopes in excess of 30 percent, and tree canopy removal.

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

As proposed and conditioned, the tentative parcel map conforms to the development standards within the Estate Residential Five-Acre (RE-5) Zone District and the Minor Land Division Ordinance.

- 5.3 *The site is physically suitable for the proposed type and density of development.*

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant grading, disturbance on slopes in excess of 30 percent, and addresses high wildland fire hazards; and has adequate emergency water supply and access, and meets the requirements for tree canopy removal. The proposed development meets the density and minimum parcel size allowed in the LDR General Plan land use designation, and the minimum parcel size and development standards of the RE-5 zone district.

- 5.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

The proposed parcel map is not likely to cause substantial environmental damage as determined in the prepared environmental document.