

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



<b>Agenda of:</b>	February 26, 2009
<b>Item No.:</b>	9
<b>Staff:</b>	Robert Peters

**REZONE AND TENTATIVE PARCEL MAP**

**FILE NUMBER:** Z07-0057/P07-0052 - Cold Springs Estates

**APPLICANT:** Living Care I, LLC (Demetre Harambakis)

**AGENT:** Gene Thorne & Associates

**REQUEST:** Rezone a 5.08-acre lot from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A) and a tentative parcel map creating four (4) parcels ranging in size from 1.01 to 1.71 acres. Design waivers have been requested for the following:

- 1) Not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road;
- 2) Allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio;
- 3) Allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way;
- 4) Allow the use of a modified Standard Plan 101B for Boulder Lane (20-foot travel surface, 1 foot shoulders); and
- 5) To allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway.

Also, a request to eliminate a pedestrian/bike path required by General Plan Transportation and Circulation Element Policy TC-4i which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible.

**LOCATION:** On the west side of Boulder Lane, southwest of the intersection with Cold Springs Road, in the Placerville Area, Supervisorial District III (Exhibit A).

**APN:** 323-250-42 (Exhibit B)

**PARCEL SIZE:** 5.08 acres

**GENERAL PLAN:** Medium-Density Residential (MDR) (Exhibit C)

**ZONING:** Estate Residential Five-Acre (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:**

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

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 2;
3. Approve Rezone Z07-0057 and Tentative Parcel Map P07-0052 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
4. Approve the following design waivers as the required findings have been made as noted in Attachment 3:
  - 1) Not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road;
  - 2) Allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio;
  - 3) Allow the use of a modified Standard Plan 101B for Boulder Lane (24-foot travel surface, 1 foot shoulders); and
  - 4) To allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway.
5. Deny the following design waiver as the required findings cannot be made as noted in Attachment 2:
  - 1) Allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way.

**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 5.08-acre lot from Estate Residential Five-Acre (RE-5) to One-Acre Residential and a tentative parcel map to create four (4) parcels ranging in size from 1.01 to 1.71 acres (see Exhibit E). Five (5) design waivers have been requested for the following: 1) Not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road; 2) Allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio; 3) Allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way; 4) Allow the use of a modified Standard Plan 101B for Boulder Lane (20-foot travel surface, 1 foot shoulders); and 5) To allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway. The applicant has submitted a design waiver supporting documentation for proposed design waivers (see Exhibit F). Proposed design waivers are discussed in the design wavier section below.

Also, the applicant is requesting relief from the application of General Plan Transportation and Circulation Policy TC-4i which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible.

**Site Description:** The 5.08-acre subject parcel is located in the Placerville Community Region at the intersection of Boulder Lane and Cold Springs Road, at an approximate elevation of 1,750 feet above mean sea level. The parcel contains an existing single-family residence which currently takes access from takes access from Boulder Lane via an existing gravel road (see Exhibit G). The primary on-site biological communities include blue oak woodland and annual grassland. No riparian areas are found on the project site. Oak woodland canopy currently covers approximately 1.96 acres (38.7 percent) of the project site. The site is moderately sloped and contains some slopes in excess of 40 percent along the northern and eastern property lines (see Exhibit H). Project site soils consist of Diamond Springs very fine sandy loam (DfD) 15 to 30 percent slopes, and Boomer gravelly loam, 15 to 30 percent slopes (BhD).

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	MDR	Single-Family Residential
<b>North</b>	RA-20	AL-A	Cold Springs Road. Single-Family Residences on Agriculturally zoned parcels. No agricultural operations appear to be occurring on-site.
<b>South</b>	RE-5	MDR	Vacant Residential Land
<b>East</b>	R1A	MDR	Single-Family Residential
<b>West</b>	RE-5	MDR	Single-Family Residential

The project parcel is bounded on the west and east by residential land uses on residentially zoned lands (RE-5 or R1A), and bounded on the south by vacant residentially zoned lands (RE-5) (see Exhibits D and G). All of the surrounding parcels to the west, east and south are designated by the General Plan as MDR (see Exhibit C). The parcel immediately to the north of the project parcel, identified as APN 323-250-41, was created by an offer of dedication to the County and is considered a roadway parcel containing a portion of the Cold Springs Road right-of-way (see Exhibits A, B and G). Across Cold Springs Road to the north are two (2) parcels which are agriculturally zoned Residential Agricultural Twenty-Acre (RA-20), and designated by the General Plan as Agricultural Lands (AL) with an Agricultural District (-A) Land Use Overlay (see Exhibits C, D, and G). Currently, neither parcel appears to have any agricultural operations occurring on-site. The project proposal would rezone the subject parcel to R1A, consistent with parcels across Boulder Lane to the east, and create four (4) residential parcels in a residential setting. Project site adjacency to agricultural lands is discussed further in the “General Plan” section below.

**General Plan:** The project site is located within the Placerville Community Region and is designated Medium-Density Residential (MDR) by the General Plan which establishes areas suitable for detached single-family residences with larger lot sizes enabling limited agricultural land management activities. The MDR designation is considered appropriate within Community Regions and pursuant to General Plan **Policy 2.2.1.2**, allows one (1) dwelling unit per one (1.0) acre with parcel sizes ranging from one (1.0) to five (5.0) acres. The proposed project would conform to the allowed densities and minimum parcel sizes of the MDR designation.

General Plan **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. Surrounding parcels immediately east and southeast of the project site which take access from Boulder Lane are developed with single-family residences on lot sizes consistent with the greater than one (1.0) acre parcels proposed. The two (2) acre parcel immediately east of the project site has made a tentative parcel map application with Planning Services to create two (2) parcels one (1) acre in size (P07-0017). The parcel immediately south of the project parcel is an undeveloped residential parcel designated MDR by the General Plan which would be the last remaining RE-5 parcel taking access off of Boulder Lane. As such, the four (4) new parcels and their residential uses would be consistent with the intended development pattern in the immediate neighborhood taking access off of Boulder Lane.

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 El Dorado Irrigation District (EID) public water services.

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

El Dorado Irrigation District provided a letter dated March 26, 2007 stating that public water services and required fire flow are available to the serve the proposed project with a water

line extension from the 8-inch water line in Cold Springs Road. (*Facility Improvement Letter, Cold Springs Estates, March 26, 2007*).

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 Gold Trail Union School District currently provides school service for the area. The project site is not located within 0.5 miles of an elementary or high school. The project, as proposed, would result in the addition of three (3) single-family residences which would incrementally impact school enrollment, and school impact fees would be assessed during review of building permits for new residence construction. The affected school district was contacted as part of the initial consultation process, and no specific comments were received.

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

The El Dorado County Fire Protection District currently provides fire protection services to the subject parcel. No exact response time to the subject property is available; however, the El Dorado County Fire Protection District has placed conditions on project approval and the project has been conditioned to conform to the Fire District Conditions of approval and to require an approved Wildfire Fire Safe Plan addressing the emergency water and access issues for the project site prior to filing the parcel map.

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

The project site is located within the Placerville Community Region and is designated a MDR by the General Plan which establishes areas suitable for detached single-family residences with larger lot sizes enabling limited agricultural land management activities. The MDR designation is considered appropriate within Community 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 Boomer gravelly loam, 15 to 30 percent slopes (BhD), with slow permeability, medium surface runoff, moderate erosion hazard, and low to moderate shrink-swell potential. Also, the northwest corner of the parcel contains Diamond Springs very fine sandy loam, 15 to 30 percent slopes (DfD), with moderately slow permeability, medium to rapid surface runoff, moderate to high erosion hazard, and low shrink-swell potential. The project site can adequately support the required road improvements and the residential uses proposed for this project. The project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, is not anticipated to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, nor would the project be located on expansive soils. All future improvement activities would be required to implement the requirements established by the *El Dorado County Grading,*

*Erosion and Sediment Control Ordinance* and any future building designs to implement Uniform Building Code Seismic construction standards.

8. *Septic and leach field capability;*

The proposed project will utilize existing and proposed septic systems for proposed parcels. El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the existing and proposed septic system designs for the project.

9. *Groundwater capability to support wells;*

The project will utilize El Dorado Irrigation District (EID) public water services.

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;*

Adjacent parcels to the north of the project site are agriculturally zoned Residential Agricultural Twenty-Acre (RA-20), and designated by the General Plan as Agricultural Lands (AL) with an Agricultural District (-A) Land Use Overlay. Conflicts between the proposed project and the agriculturally zoned parcels are discussed in the General Plan Policy 8.1.3.1 discussion below.

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 creation of three (3) additional parcels would not significantly impact capacity of the exiting transportation system serving the area.

15. *Existing land use pattern;*

The existing pattern of development in the project vicinity is representative of five (5) acre parcels and one (1) acre parcels. This existing pattern of development is discussed in detail in the “Zoning” section below.

16. *Proximity to perennial water course;*

The project site does not contain or is not adjacent to a known perennial water course. Weber Creek, the nearest known perennial water course, is greater than 0.5 miles from the project site.

17. *Important historical/archeological sites;*

The applicant submitted a “Cultural Resources Study of APN 323:250:42, Placerville, El Dorado County, California” prepared by Historic Resource Associates in January 2007. According to the study “No significant prehistoric or historic archaeological sites, features, or artifacts were found, nor were any historic buildings, structures, or objects discovered.” (*Cultural Resources Study of APN 323:250:42, Placerville, El Dorado County, California 95667, January 2007*). No further cultural resource study was recommended.

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

As shown in the Division of Mines and Geology’s publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped for El Dorado County. 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 buildings 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.

General Plan Policy **5.3.1.2** requires “the creation of lots less than five acres in sized in Medium-Density Residential areas relying on septic system shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than five acres.” The proposed project will utilize existing and proposed septic systems on one (1) acre or greater parcel sizes. El Dorado County Environmental Management Department – Environmental Health Division reviewed and approved the existing and proposed septic system designs for the project. Also, the project proposes the use of public water facilities from the EID, therefore, the proposed parcel sizes can be less than five (5) acres in size. Also, General Plan Policy **5.3.1.7** states “In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.” Although the project site is located within the Placerville Community Region, review of submitted EID System Map dated March 23, 2007, illustrates that public wastewater collection facilities are not immediately available to serve the project.

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, 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, and General Plan **Policy 6.2.3.2** requires that the applicant 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 proposed project would be served public water services for domestic and fire-flow by the El Dorado Irrigation District with a water line extension from the existing eight (8) inch waterline in Cold Springs Road. On-site road improvements to Boulder Lane are required for general and emergency access to the project. 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) modified Standard Plan 101B with 20-foot roadway with one (1) foot shoulders for the on-site portion of Boulder Lane. El Dorado County Fire Protection District has placed conditions on project approval, and the project has been conditioned to conform to the Fire District Conditions of approval and to require an approved Wildfire Fire Safe Plan addressing the emergency water and access issues for the project site prior to filing the parcel map.

General Plan **Policy 7.1.2.1** does not allow development on slopes greater than 30 percent unless required for project access. Proposed Parcels 1 and 4 contain slopes that are greater than 30 percent; however, proposed development does not occur in areas containing these protected slopes. Therefore, the proposed parcel map would not create disturbances to slopes greater than 30 percent (See Exhibit H).

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 1.96 acres or 38.7 percent of the 5.08 acre site (see Exhibit I). Under General Plan Policy 7.4.4.4, Option A, 85 percent of the existing canopy must be retained. As proposed, the project would retain 85.2 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. However, the applicant has requested design waivers to allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way. DOT does not support the proposed design waiver (the proposed design waiver is addressed more specifically in the “Design Waiver” section below). Reconfiguration of the proposed Boulder Lane roadway would result in additional oak canopy removal which would fall outside the retention rate of General Plan Policy 7.4.4.4, Option A (see Exhibits E, F, G and I). If the project results in oak canopy removal in excess of the required retention provisions of Policy 7.4.4.4, the applicant would be required to mitigate for additional oak canopy removal and Option B would be utilized, or a combination of Option A and B would be utilized in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

General Plan **Policy 7.5.1.3** requires that cultural resource studies shall be conducted prior to approval of discretionary projects, and that the avoidance and protection of sites shall be encouraged. The applicant submitted a “Cultural Resources Study of APN 323:250:42, Placerville, El Dorado County, California” prepared by Historic Resource Associates in January 2007. According to the study “No significant prehistoric or historic archaeological sites, features, or artifacts were found, nor were any historic buildings, structures, or objects discovered.” (*Cultural Resources Study of APN 323:250:42, Placerville, El Dorado County, California 95667, January*



2007). No further cultural resource study was recommended. In the event sub-surface historical, cultural, or archeological sites or materials are disturbed during earth disturbances and grading activities on the site, standard conditions would be included within Attachment 1 of the staff report to reduce any potential impacts to a less than significant level.

On February 3, 2009, the Board of Supervisors will review proposed amendments to General Plan **Policy 8.1.3.1** and a criteria resolution which have been reviewed and recommended for approval by both the Agricultural Commission and the Planning Commission. The proposed amendments to General Plan Policy 8.1.3.1 would read *“Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in residential density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. A parcel size of less than ten (10) acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings as that are recommended by the County Agricultural Commission and adopted by resolution of the Board of Supervisors. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.”* The Board of Supervisors will also review the criteria resolution which outlines the criteria for consideration of a reduction of minimum parcel size agricultural buffer requirement of Policy 8.1.3.1 (see Exhibit J).

The proposed criteria resolution would allow the approving authority to approve parcels less than ten (10) acres in size for parcels located within Community Regions adjacent to agriculturally zoned lands that would not intensify conflict with an adjacent agricultural operation (see Exhibit J, Section C.1). The project site is located within the Placerville Community Region. The proposed parcel map would create four (4) parcels ranging in size from 1.01 acres to 1.17 acres, resulting in parcels less than ten (10) acres in size which would be adjacent to lands zoned Residential Agricultural Twenty-Acres (RA-20). Community Regions are identified in the General Plan as areas where the urban and suburban land uses will be developed. Further, General Plan Policy 2.1.1.2 establishes Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County. The project site is located across Cold Springs Road from the agriculturally zoned parcels, and the project parcel is currently less than ten (10) acres in size and contains a single-family residential land use. There appear to be no active agricultural pursuits currently on the adjacent agriculturally zoned parcels. The project would result in three (3) additional residential parcels; however, the project has been designed so that proposed Parcel 1 has an east to west parcel configuration eliminating multiple residential parcel adjacencies to agriculturally zoned lands across Cold Springs Road, and the conceptual residential pad site on proposed Parcel 1 is located approximately 100 feet from those agriculturally zoned lands.

General Plan **Policy 8.1.4.1** requires that the County Agricultural Commission shall review all discretionary development applications involving land zoned for or designated agricultural, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. The project was reviewed at the Agricultural Commission meeting of April 9, 2008, where the Commission unanimously denied the project as proposed based on the conflict with the original General Plan Policy 8.1.3.1, which at the time did not include the flexibility of creating a parcel size less than ten (10) acres in size or the criteria resolution (see Agricultural Commission Recommendation, Exhibit K). The reduction in the buffer parcel size would generally require the County Agricultural Commission to recommend to the approving authority the creation of a parcel(s) less than ten (10) acres adjacent to agriculturally zoned lands; however, the applicant has requested that the project be

forwarded to the approving authority without having the Agricultural Commission review the project for the second time under the new provisions of General Plan Policy 8.1.3.1.

General Plan Transportation and Circulation **Policy TC-4i** seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. The project is located within the Placerville Community Region (see Exhibit C) and Policy TC-4i would apply. The applicant is requesting relief from the requirement to include a pedestrian path (sidewalks)/bike paths along this roadway due to infeasibility. The project site is not located within an area which is designated by the El Dorado County Bicycle Transportation Plan, adopted January 25, 2005, for inclusion of bike paths. Also, there is no curb, gutter, and sidewalks within the immediate area of the project site. Requiring the inclusion of the sidewalks/bike paths would result in extraordinary construction costs for improvements that would not connect to any existing pedestrian or bike path network. Therefore, Planning Services recommends that the applicant be relieved from the requirements to include sidewalks or bike paths along Cold Springs Road due to infeasibility. The applicant is also requesting a design waiver to remove the requirement for a 10-foot shoulder along Cold Springs Road for the pedestrian/bike paths along the project frontage on Cold Springs Road. The design waiver request discussion is located in the "Design Waiver" section of this report. Findings for granting of relief have been provided in Attachment 2.

Conclusion: It has been determined that the project is consistent with the applicable General Plan Policies as identified. However, this proposed creation of parcels less than ten (10) acres in size adjacent to agriculturally zoned lands has not been reviewed and approval recommended by the County Agricultural Commission based on the proposed amendments to General Plan Policy 8.1.3.1 and criteria resolution. This policy amendment and criteria resolution would allow the approving authority to approve parcels less than ten (10) acres in size for parcels located within Community Regions adjacent to agriculturally zoned lands that would not intensify conflict with an adjacent agricultural operation as discussed above, and could allow approval of this project as proposed. Planning Services staff believes that findings for approval can be made for the project based on the newly adopted amendments to General Plan Policy 8.1.3.1 and the criteria resolution. Findings for Approval have been provided in Attachment 2.

**Zoning:** The project proposal includes a request to rezone the project site from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A) and create four (4) parcels which are consistent with the development standards identified with Section 17.28.080 of the Zoning Ordinance, including a minimum parcel size of one (1) acres, lot width, and minimum yard setbacks. The existing and proposed residential uses at the subject site are permitted by right under Section 17.28.060.

The existing pattern of development in the project vicinity is representative of five (5) acre parcels as well as one (1) acre parcels (see Exhibits A, B, C, D, and G). The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for one (1) acre zoning (R1A), and all of the zoning in the area is consistent with the areas MDR General Plan designation. Specifically, properties across Boulder Lane are zoned R1A and are currently one (1) acre in size or have the potential to be split into one (1) acre parcels, and if the project was approved, as proposed, all but one (1) lot being served off of Boulder Lane would be zoned R1A with parcel sizes consistent with that zoning. Also, the existing two (2) acre parcel immediately east of the project site across

Boulder Lane currently has an application in with Planning Services to create two (2) parcels one (1) acre in size (P07-0017).

Findings for approval are provided in Attachment 2.

**Design Waiver:** Five (5) design waivers from the Design and Improvement Standards Manual (DISM) have been requested for the proposed project. The applicant has submitted Design Waiver Request and Findings attached to this staff report as Exhibit F. Findings of consistency for the proposed design waivers which would be approved with project approval are provided in Attachment 2. The requested design waivers are as follows:

1. Not require the inclusion of a ten (10) foot shoulder along the subject property frontage on Cold Springs Road.

Discussion: DOT supports the proposed design waivers. DISM standard plan 101B would require the construction of a ten (10) foot shoulder with sidewalks along the Cold Springs Road project frontage; however, the project site is not located within an area which is designated by the El Dorado County Bicycle Transportation Plan, adopted January 25, 2005, for inclusion of bike paths, nor is there curb gutter and sidewalks in the immediate area of this project.

2. Allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio.

Discussion: Proposed Parcels 1 and 3 would be irregular shaped parcels in that the proposed parcels would exceed the 3:1 depth to width ratio required by the DISM. The average lot depth to width ratios would be approximately 3.3-3.5 to 1, only slightly larger than what is allowed by the DISM. The applicant has submitted supporting documentation for the proposed design waiver (see Exhibit F). The applicant has demonstrated that the proposed lots would comply with the required 100-foot lot width and the required 30-foot setback requirements and provide for adequate buildable areas on the site. The proposed lots would meet all the Development Standard requirements of the proposed R1A zone district. Also, the configuration of proposed Parcel 1 would eliminating multiple residential parcel adjacencies to lands immediately north of the project site which are zoned Residential Agricultural Twenty-Acres (RA-20) and designated by the General Plan as Agricultural Lands (AL) with an Agricultural District (-A) Land Use Overlay. Planning Services has reviewed the Design Waiver request and has recommended approval.

3. To allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way to be created from portions of APN 323-250-42 and 323-250-45.

Discussion: DOT does not support the proposed design waiver. DOT's position is that the proposed access road must follow and be within the proposed/existing easements.

4. To allow the use of a modified Standard Plan 101B for Boulder Lane (20-foot travel surface, 1-foot shoulders).

Discussion: DOT supports the proposed design waiver because of the relatively low Average Daily Trips (ADT) and limited development potential along Boulder Lane. The project has been conditioned to include this requirement.

5. To allow the use the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway.

Discussion: DOT supports the proposed design waiver; however, DOT will require the applicant to irrevocable offer to dedicate in fee 30 feet of right-of way and along the project frontage of Cold Springs Road along with applicable slope easements.

**County Department/Outside Agency Comments:** The following agencies have provided comment on the application: El Dorado County Environmental Management, El Dorado County Agricultural Commission, El Dorado County Department of Transportation, El Dorado County Resource Conservation District, El Dorado County Fire Protection District, and El Dorado County Surveyor (see Exhibit K). Applicable project conditions of approval have been included in Attachment 1.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (see Exhibit L) to assess project-related environmental impacts. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

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 \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 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 of Approval

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 .....Design Waiver Requests  
Exhibit G .....Aerial Photo  
Exhibit H .....Slope Map  
Exhibit I .....Oak Canopy Retention Analysis, Preservation, and  
Replacement Plan  
Exhibit J .....Criteria for the Consideration of a Reduction of  
Minimum Parcel Size Ag Buffer Requirement  
Exhibit K .....County Department/Outside Agency Comments  
Exhibit L .....Environmental Checklist and Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **Rezone and Tentative Parcel Map File Number Z07-0057/P07-0052-Cold Springs Estates Planning Commission/February 26, 2009**

#### **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 February 26, 2009, 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 5.08-acre parcel identified as Assessor's Parcel Number 323-250-42 from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A) and to a tentative parcel map to create four (4) parcels ranging in size from 1.01 to 1.71 acres.

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.

#### **II. MITIGATED NEGATIVE DECLARATION CONDITONS OF APPROVAL**

2. If construction begins outside the February 1 to August 31 breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, then the bird is considered adapted to construction disturbance.

If construction is scheduled to begin between February 1 to August 31 then a qualified biologist shall conduct a preconstruction survey for active nests at the project site and within 250-foot radius of the construction site from publicly accessible areas within 30 days prior to construction. If no active nests of a bird of prey or Migratory Bird Treaty Act (MBTA) bird are found, then no further mitigation measures are necessary.

If an active nest of a bird of prey or MBTA bird is found in the project study area, then the biologist shall flag the active nest tree so that a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest tree if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.

No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest.

The construction contractor shall install stakes or temporary flagging, fencing, etc., at the edge of the minimum 250-foot or 100-foot ESA. The ESA shall be maintained throughout the construction period.

The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.

*Timing/Implementation: If construction begins during the nesting season (February 1 to August 31), the preconstruction survey shall be conducted no more than 30 days prior to clearing and grubbing and submitted prior to grading permit issuance.*

*Enforcement/Monitoring: El Dorado County Planning Services*

### **III. PROJECT CONDITIONS OF APPROVAL**

#### **Planning Services**

3. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Parks and Recreation Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the parcel map.
4. Any oak trees removed from the site shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of a combination of the options a and c, or options b and c below, will reduce impacts to a less than significant level:
  - a. For tree replacement under Policy 7.4.4.4, Option A, of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist

contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, shall be provided to Planning Services prior to issuance of a grading permit.

- b. In lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.
  - c. The applicant shall mitigate the impacts to oak woodland exceeding the retention requirements of Policy 7.4.4.4, Option A, of the General Plan, by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.
5. If Option A above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the re-planted oak saplings and/or oak acorns for this project.
  6. If Option A above is utilized, Covenants, Conditions, and Restrictions (CCRs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CCRs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the replanted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.
  7. A meter award letter or similar documentation shall be provided to Planning Services by EID prior to filing the parcel map.
  8. 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.
  9. 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.

10. 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).
11. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed with Planning Services.
12. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.
13. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 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.
14. The applicant shall submit an approved Wildfire Fire Safe Plan prepared by a Registered Professional Forester (RFP) and approved by the El Dorado County Fire Protection District and/or California Department of Forestry and Fire Protection.
15. 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.

#### **Air Quality Management District**

16. 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).

17. 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.
18. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
19. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
20. 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)**

21. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a “Parcel Map Guarantee” which shall be submitted to the County Surveyor’s Office with the first map check for the parcel map.
22. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee 30 feet of right-of-way and any slope easement along the entire frontage of Cold Springs Road as determined by Department of Transportation, prior to filing the parcel map. This offer will be accepted by the County.
23. **On-site Access Improvements: When the design waiver is granted,** the applicant shall construct the on-site portion of Boulder Lane to a 20-foot wide roadway with 1-foot shoulders on each side consistent with the provisions of the El Dorado County Design and

Improvement Standards Manual (DISM), **Standard Plan 101B, without curb, gutter and sidewalk**, in effect at the time improvement plans are submitted for review and approval. 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.

24. **Turnaround:** The applicant shall provide a turn around on the 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.
25. The applicant shall be subject to encroachment permit, Standard Plan 103D. The applicant shall submit plans and encroachment permit application for this work prior to or concurrently with application for grading permit for site work, and plans shall be approved by the County prior to commencement of on-site grading. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
26. **Road and 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.

#### **Department of Transportation (Standard Conditions)**

27. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
28. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map.
29. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, 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 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.
30. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
31. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.

32. **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.
33. **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 final map.
34. **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.
35. **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.
36. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
37. **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.
38. **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.

39. **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.
40. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance.
- The ultimate drainage outfall of the project.

Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

41. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, 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 final map.
42. **Drainage Easements:** 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 final map.

43. **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.
44. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
45. **Off-site Improvements (Security):** Prior to the filing of the parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
46. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant’s expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to

complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

47. **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.
48. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

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

49. Prior to filing the parcel map, the applicant shall submit review fee of \$120.00 to the Fire District.
50. Prior to filing the parcel map, show documentation from EID that water system will meet 1000 gpm@ 20 psi for two hours fire flow.
51. If fire flow can not be met, the applicant shall use a NFPA 13D home sprinkler system in place of fire flow. This condition will require a deed restriction, prior to filing the parcel map.
52. Boulder Lane shall be a minimum of 20-foot all weather surface.

#### **County Surveyor's Office**

53. All survey monuments shall be set prior to filing the Parcel Map.
54. 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 P07-0052 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 Z07-0057/P07-0052-Cold Springs Estates Planning Commission/February 26, 2009**

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 Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated 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 The County finds that through feasible conditions and mitigations placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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 Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation allows a maximum density of one (1) dwelling unit per one (1) acre and parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 2.2.5.3 (future rezoning), 5.3.1.2 (lots less than five-acres relying on septic systems), 5.3.1.7 (public wastewater facilities in Community Regions), 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), 7.4.4.4 (oak tree canopy retention and replacement), 7.5.1.3 (cultural resource studies), the proposed amendment to 8.1.3.1 (buffer agriculturally zoned lands) and the criteria resolution, and 8.1.4.1 (Agricultural Commission review). 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.

General Plan Transportation and Circulation Policy TC-4i seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. Application of Policy TC-4i has been determined to be infeasible based on the application submittal materials and the analysis presented in the staff report.

### **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 One-Acre Residential (R1A) zone district is consistent with the General Plan Medium-Density Residential (MDR) designation which allows a density of one dwelling unit per one acre on parcels ranging in size from 1.0 to 5.0 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 R1A zone districts is consistent with the MDR 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 representative of five (5) acre parcels as well as one (1) acre parcels (see Exhibits A, B, C, D, and G). The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for one (1) acre zoning (R1A), and all of the zoning in the area is consistent with the areas MDR General Plan designation. Specifically, properties across Boulder Lane are zoned R1A and are currently one (1) acre in size or have the potential to be split into one (1) acre parcels, and approval of the project will result in all but one (1) lot being served off of Boulder Lane having R1A zoning and conforming parcel sizes.

### **4.0 ZONING FINDINGS**

- 4.1 The subject site is to be zoned One-Acre Residential (R1A) which permits the proposed parcel sizes of 1.01 to 1.71 acres under Section 17.28.080(A).
- 4.2 The existing and proposed residential uses at the subject site are permitted by right under Section 17.28.060(A). As proposed, the project meets all applicable development standards contained within Section 17.28.080 of the *El Dorado County Zoning Ordinance*.

## **5.0 PARCEL MAP FINDINGS**

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

All necessary improvements have been considered by the reviewing disciplines to determine that this tentative parcel map is consistent with the policies of the 2004 General Plan, as analyzed and described in the staff report and the General Plan findings above.

- 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 One-Acre Residential 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 allows suitable emergency water, emergency access, and septic disposal area, conforms to oak tree canopy removal and replacement standards, and avoids significant disturbances to slopes in excess of 30 percent, and fits within the context of the surrounding residential land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the MDR General Plan land use designation and conforms to the minimum parcel size and development standards of the R1A zone district. Future development would require consistency with applicable General Plan policies and Zoning Ordinance Requirements.

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

The proposed parcel map is not anticipated to cause substantial environmental damage as determined in the Initial Study and Mitigated Negative Declaration prepared by staff.

## **6.0 DESIGN WAIVER APPROVAL FINDINGS**

- 6.1 To not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road.**

- 6.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The subject site is located within the Placerville Community Region and DISM standard plan 101B would require the construction of a ten (10) foot shoulder with sidewalks along the Cold Springs Road project frontage; however, the project site is not located within an area which is designated by the El Dorado County Bicycle Transportation Plan, adopted January 25, 2005, for inclusion of bike paths, nor is there curb gutter and sidewalks in the immediate area of this project. There is no ten (10) foot shoulder in the project vicinity on Cold Springs

Road. The project frontage on Cold Springs Road is a cut slope which ranges from just a few feet in height to over ten (10) feet in height. Requiring the widening of the on-site section of Cold Springs Road would result in extensive grading and removal of oak canopy. Significant additional grading and removal of oak canopy would result from the inclusion of a ten (10) foot shoulder. The applicant has requested to be relieved of the requirement per General Plan Policy TC-4i for the inclusion of sidewalks/bike paths along this project frontage and Planning Services is in support of this request. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F. DOT supports the proposed design waivers with the inclusion of an irrevocable offer to dedicate in fee 30 feet of right-of-way and any slope easements along the entire frontage of Cold Springs Road as determined by DOT, prior to filing the parcel map.

- 6.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and oak canopy removal to construct a ten (10) foot shoulder for pedestrian and bike paths that would not connect to any existing pedestrian or bike paths.

- 6.1.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The removal of the requirement for a ten (10) foot shoulder along Cold Springs Road would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The removal of this shoulder would not impact any existing pedestrian or bicycle path network.

- 6.1.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

## **6.2 To allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio.**

- 6.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The subject site is unique in that there is an existing residence near the approximate middle of the parcel, and the existing parcel shape constrains proposed parcel design. Also, the project has been designed so that proposed Parcel 1 has an east to west parcel configuration eliminating multiple residential parcel adjacencies to agriculturally zoned lands across Cold Springs Road. The proposed design waiver allows creation of three additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, One-Acre Residential (R1A), and consistent with the General

Plan Designation of Medium Density Residential (MDR) which allows 1 to 5 acre parcels. The applicant has submitted a “Design Waiver Request and Findings” attached as Exhibit F.

- 6.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from denial of the division of the subject parcel creating four (4) additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, One-Acre Residential (R1A), and consistent with the General Plan designation of Medium-Density Residential (MDR) which allows 1 to 5 acre parcels.

- 6.2.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The lot width to depth ratio Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public.

- 6.2.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County’s implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The greater than 3:1 lot depth to width ratio will create parcels that will be consistent with the development standards of the R1A zone district and applicable policies of Chapter 17 of the County Code.

- 6.3 To allow the use of a modified Standard Plan 101B for Boulder Lane (20-foot travel surface, 1 foot shoulders).**

- 6.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The subject site is unique in that there it is located within the Placerville Community Region which would normally require a 28-foot roadway per the DISM. However, due to the relatively low average daily trips (ADT) and limited development potential along Boulder Road, requiring a roadway width of 28 feet may be excessive, and construction of this requirement would result in extraordinary costs to the applicant for a four (4) lot parcel split. The applicant has submitted a “Design Waiver Request and Findings” attached as Exhibit F.

- 6.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from construction of a 28-foot roadway to

serve the limited number of parcels taking access off of Boulder Lane. This requirement would result in extraordinary costs to the applicant for a four (4) lot parcel split.

- 6.3.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The reduction of roadway width for Boulder Lane serving a limited number of parcels lot will not result in a situation that would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The required 20-foot roadway with 1-foot shoulders would be sufficient to meet fire safe standards for access and has been reviewed and approved by both the El Dorado County Fire Protection District and the Department of Transportation.

- 6.3.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

**6.4 To allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway.**

- 6.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The subject site is located within the Placerville Community Region and DISM standard plan 101B would require the construction of a roadway standard of 36-foot roadway width. Cold Springs Road is currently a 23-foot wide regional roadway. The roadway width does not vary significantly between Placerville Drive and Coloma. The General Plan Transportation and Circulation TC-1 identifies the roadway as a 2-lane regional road requiring only spot improvement and does not indicate systematic improvements to this roadway until at least 2025. The frontage improvement would be isolated and would not serve a greater network of roadway at the requested width. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F. DOT supports the proposed design waivers with the inclusion of an irrevocable offer to dedicate in fee 30 feet of right-of-way and any slope easements along the entire frontage of Cold Springs Road as determined by DOT, prior to filing the parcel map.

- 6.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and oak canopy removal to construct the increased roadway section that would not connect to any greater network of roadway at the requested width.

- 6.4.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The removal of the requirement for widening Cold Springs Road would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The project has been conditioned to require an Irrevocable Offer of Dedication of 30 feet of right-of-way along the Cold Springs Road project frontage with applicable slope easements to allow road widening at an appropriate time in the future.

- 6.4.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

## **7.0 DESIGN WAIVER DENIAL FINDINGS**

- 7.1 To allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way.**

- 7.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The applicant has not submitted sufficient information to allow DOT to determine that there are special conditions or circumstances peculiar to the property which would justify approval of the proposed design waiver. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F. DOT does not support the proposed design waivers. DOT maintains that the proposed access road must follow and be within the proposed/existing easements.

- 7.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardships in developing the property; however, the application of the requirements would result in additional oak canopy removal for road construction as the design waiver was intended to align the roadway to avoid several large oak trees within the proposed right-of-way.

- 7.1.3 *The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The proposed design waiver is not be anticipated to be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public.

- 7.1.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The proposed design waiver would not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.