

**ELDORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: July 23, 2009
Item No.: 8
Staff: Aaron Mount

REZONE/TENTATIVE MAP

FILE NUMBER: Z08-0004/TM08-1466/Blackhawk Estates

APPLICANT: Bruce Wirtanen

AGENT: Patterson Development

REQUEST:

1. Rezone from Exclusive Agricultural District (AE) to Estate Residential Five-Acre District (RE-5) and Estate Residential Ten-Acre District (RE-10);
2. A tentative map creating 9 lots, ranging in size from 5 acres to 11.5 acres for APN 078-200-71 (Exhibit B); and
3. Approve design waiver requests to:
 - a. Allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5; and
 - b. Reduce the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual.

LOCATION: On the north and south side of Blackhawk Lane, approximately 0.25 miles east of the intersection with Mt. Aukum Road (E16) in the Pleasant Valley area, Supervisorial District II. (Exhibit A)

APN: 078-200-70 and -71 (Exhibit I)

ACREAGE: 77.42 acres

GENERAL PLAN: Medium Density Residential (MDR)/Low Density Residential-Important Biological Corridor (LDR-IBC)/Rural Residential- Important Biological Corridor (RR-IBC) (Exhibit E)

ZONING: Exclusive Agricultural (AE) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

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 1;
3. Approve Rezone Z08-0004 for APNs 078-200-70 and -71, based on the Findings in Attachment 2;
4. Approve Tentative Map TM08-1466 for APN 078-200-71, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
5. Approve design waiver requests to:
 - a. Allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5; and
 - b. Reduce the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual.

BACKGROUND: The project parcels current configuration was created by Parcel Map PM47-138 which was the result of a lot line adjustment. The project site was within two Williamson Act Contracts that have completed roll outs and are no longer under contract.

STAFF ANALYSIS

Project Description

Rezone: Request to rezone two parcels totaling 77.42 acres from Exclusive Agricultural (AE) to Estate Residential Five-Acre (RE-5) and Estate Residential Ten-Acre (RE-10) consistent with the underlying General Plan land use designations of Medium Density Residential (MDR), Low Density Residential-Important Biological Corridor (LDR-IBC), and Rural Residential- Important Biological Corridor (RR-IBC).

Tentative Subdivision Map: As shown in Table 1, Tentative Subdivision Map to subdivide a 74.38 acre site into nine single-family residential parcels ranging from five acres to 11.09 acres in size. A design waiver has been requested to allow the creation of parcels with a length in excess of three times the width. The applicant would be required to construct a new on-site access road of which a majority is currently a private driveway. All lots would be served by public water and individual septic systems.

Table 1
Blackhawk Estates TM Lot Area Summary

Lot Number	Gross Area (Total lot area in acres)
1	5.92
2	5.00
3	10.003
4	11.09
5	10.73
6	10.81
7	10.68
8	5.04
9	5.1

Site Description: The 77.42 acre subject site ranges in elevation from 2,400 to 2,600 feet above mean sea level and is located adjacent to the Pleasant Valley Rural Center. The project site contains two parcels, 3.04 and 74.38 acres in size, each containing a single family residence. The project parcels were a portion of two Williamson Act contracts that have completed roll outs. The surrounding property is rural residential and rangeland.

A majority of the subject sites contains undulating terrain with annual grassland and scattered stands of trees. The area to the south and west of Black Hawk Lane, lies on Placer diggings and contains ponderosa pines and valley oaks. The east side of the project site rises steeply and is covered by oak-foothill pine woodland. The project site contains several ephemeral drainages and two seasonal wetlands. No impacts are proposed to the seasonal wetlands. A road crossing is proposed over one of the ephemeral drainages.

Adjacent Land Uses:

Table 2

	Zoning	General Plan	Land Use/Improvements
Site	AE	MDR/LDR/RR	Single Family Residence/Orchard
North	R2A/AE	MDR/LDR/RR	Single Family Residences/Grazing
South	R2A/AE	MDR/RR	Single Family Residences
East	RA-20	RR	Single Family Residences
West	R2A/AE	MDR/LDR	Single Family Residences

Discussion: The project is partially within and adjacent to the Pleasant Valley Rural Center. The requested rezone and tentative map are consistent with the existing land use designations and development in the project area. The project area is a mix of residential and agricultural uses. The proposed lots are compatible with the surrounding development for an area planned for low density and rural residential land use and located in an area adjacent to a Rural Center.

Project Issues: Discussion items for this project include access and circulation, agricultural impacts, fire safety, wastewater disposal, water supply, and wetland setbacks.

Access and Circulation: The project proposes to use the existing private roadway/driveway of Blackhawk Lane as the primary access point. County standards would require that Blackhawk Lane be improved to County Design Standard 101-C with a road width of 26 feet and a shoulder width of 7 feet due to the length of the proposed road at 2,400 foot. This road does not exceed the maximum length pursuant to Section 3.A.12 of the Design and Improvements Standards Manual (DISM), which states that a rural subdivision may have a dead end road exceeding 500 ft (but less than 2,640 ft) if the road will serve less than 24 lots provided that 10 ft wide shoulders are developed on either side (rural subdivision) for a total roadway width of 40 ft. However, the newly adopted California Fire Code 2007 Appendix D requires all dead end roads exceeding 500 feet in length must be 26 feet wide with a surface capable of supporting 75,000 lbs in all weather conditions. Therefore, these two conditions will be blended to require a 26 ft all-weather surface with 7 ft shoulders on either side, for a total roadway width of 40-ft. Blackhawk Lane connects to Mt Aukumn Road, which is a County maintained road.

Agricultural Buffers: General Plan Policies (Agricultural/Forestry Element) 8.1.3.1 and 8.1.3.2 provides for protection of adjacent agriculturally zoned lands by directing that new development be buffered by ten acre parcel sizes and 200-foot setbacks. The subject application was reviewed by the El Dorado County Agricultural Department and heard at the May 14, 2008 Agricultural Commission meeting. A recommendation was made to approve the zone change but to deny the subdivision map due to inconsistency with Policy 8.1.3.1 which requires ten-acre parcels adjacent to agriculturally zoned lands.

As seen on Exhibit C the project site is adjacent to agriculturally zoned lands on the west, north, and east sides. Proposed lots adjacent to agriculturally zoned parcels to the north and east are least 10 acres in size and consistent with policy 8.1.3.1. The reason for the Agricultural Commission's recommendation for denial of the subdivision was Lots 1 and 9 which are adjacent to agriculturally zoned parcels to the west. APN 078-200-70 is adjacent to the west and was acquired by the applicant and added to the rezone request. The remaining agriculturally zoned parcel to the west is APN 078-200-69 which is within the AE zone district but contains a land use designation of LDR and MDR and a majority of the parcel is within the Pleasant Valley Rural Center. Recent interpretation by the Board of Supervisors has concluded that General Plan Policies 8.1.3.1 and 8.1.3.2 do not apply where the adjacent agriculturally zoned parcel was assigned an urban or other non-agricultural land use designation on the Land Use Map for the 2004 General Plan (MFR,HDR,MDR,LDR,C,R&D,I,TR,AP or PF). Therefore, Proposed Lots 1 and 9 are consistent with the interpretation as the adjacent agriculturally zoned parcels have a land use designation of MDR and LDR.

Fire Safety: The site is located in the El Dorado Irrigation District (EID) service area. There are existing domestic water delivery facilities that abut the northwest corner of the project parcel. The lots would have to meet the required fire flow needed for fire protection as determined by the El Dorado County Fire Protection District. Pursuant to the Fire District, these standards would include the installation of fire hydrants every 500 feet with hydrants supplied by a water delivery system capable of maintaining a fire flow of 1,000 gallons per-minute for duration of two hours for homes less than 3,600 square feet and 1,500 gallons per minute for two hours for those over 3,600 square feet. According to the EID Facility Improvement Letter, the subdivision would be required to construct a water line extension from the 8 inch water line located on the northwest corner of the project parcel. The project has been conditioned to meet this requirement prior to filing the Final Map.

Cal Fire staff requested that the roads and clearances around structures meet the SRA Fire Safe Regulations and portions of the 2007 California Fire Code as adopted by the County of El Dorado. El Dorado County Fire Protection District has required that a Fire Safe Plan prepared by a District-approved Fire Safe Planner be prepared and then approved by the District as well as by Cal Fire staff. This plan would address the reduction of the intensity of potential wildfires by reducing the volume and density of flammable vegetation within the project vicinity. The project has been conditioned to meet this requirement prior to filing the final map.

Wastewater Disposal: Public sewer service is not available in the Pleasant Valley Area. The applicant provided an onsite wastewater treatment system feasibility report that studied the potential for one septic system for each of the nine lots which was reviewed and approved by the El Dorado County Environmental Health Division.

Water Supply: Water for the project would be provided by the El Dorado Irrigation District (EID). EID has indicated that they have the ability to serve the project with existing mains as long as the applicant meets Fire Protection District standards for a water system within the proposed development. This system would tie into existing lines located on the project parcel with no offsite upgrades required. An EID Facility Improvement Letter (FIL) makes it clear that is not a

commitment to serve, but does address the location and approximate capacity of existing facilities that may be available to serve the proposed project. In terms of water supply, as of January 1, 2007, there were 2,426 equivalent dwelling units (EDUs) available in the Western/Eastern Water Supply Region. The FIL states that the project, as proposed on the date of the notice, would require nine additional equivalent dwelling units (EDUs). The resulting lots for the current proposal would be required to establish separate domestic water service accounts with EID. The applicant would be responsible for the installation of all improvements to the District's *Water, Sewer and Recycled Water Design and Construction Standards* necessary to provide these services. The exact improvements required would be determined by an applicant-supplied Facility Plan Report of the system which would be given to EID to analyze to see if the proposed system is adequate to supply the domestic water at the correct pressure to satisfy the El Dorado County Fire Protection District fire flow requirements.

Wetland Setbacks: General Plan Policy 7.3.3.4 requires development projects to be set back a minimum of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. The proposed map identifies the riparian and wetland features with proposed setbacks consistent with this policy with the exception of one alternative setback request. An alternative setback has been requested for a portion of the access road that would be within 25 feet of a seasonal wetland. Findings have been made for consistency with General Plan Policy 7.3.3.4 and the setback reduction request which has been supported by the submitted biological resources study. All other potential development on the project parcel would meet the required setbacks. As conditioned the final map would be required to show the riparian and wetland features and their respective setbacks on the map.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR), Low Density Residential-Important Biological Corridor (LDR-IBC), and Rural Residential-Important Biological Corridor (RR-IBC), which permits respective minimum parcel size of 1, 5, and 10 acres. The proposed parcels therefore conform to the General Plan land use designation. The following General Plan policies apply to this project:

Rezone: General Plan **Policy 2.2.5.3** requires that the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

Table 3

<p>1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to</i></p>	<p>Consistent: An El Dorado Irrigation District (EID) Facility Improvement Letter states, "This letter is not a commitment to serve, but does address the location and approximate capacity of existing facilities that may available to serve your project. In terms of water supply, as of January 1, 2005, there were 2,434 equivalent dwelling units (EDUs) available in the</p>
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<p><i>increase service for existing land use demands;</i></p>	<p>Western/Eastern Water Supply Region. Your project as proposed on this date would require 9 EDUs of water supply.”</p>
<p>2. <i>Availability and capacity of public treated water system;</i></p>	<p>Consistent: As discussed above, the El Dorado Irrigation District (EID) has adequate EDUs to serve the proposed project. Facility improvements which would be required by the EID include the development of a water line extension from the 8-inch water line abutting the northwest corner of the project parcel.</p>
<p>3. <i>Availability and capacity of public waste water treatment system;</i></p>	<p>Consistent: The project would not connect to public wastewater treatment systems as it proposes individual septic systems for each lot.</p>
<p>4. <i>Distance to and capacity of the serving elementary and high school;</i></p>	<p>Consistent: The project is located within the Gold Oak Union School District. Students would attend Gold Oak Elementary School and Pleasant Valley Middle School. High school students are served by the El Dorado Union High School District.</p>
<p>5. <i>Response time from nearest fire station handling structure fires;</i></p>	<p>Consistent: The El Dorado County Fire Protection District would be responsible for serving the project. The closest fire station would be Station 19, located approximately 3/4 miles from the project site on Pleasant Valley Road. The District was contacted as part of the initial consultation process. As such, the District has reviewed the project and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of fire hydrants, provision of established fire flow, submittal of a fire safe plan, and construction of road improvements as required by the El Dorado County Department of Transportation (DOT), would satisfactorily address all fire related safety issues.</p>
<p>6. <i>Distance to nearest Community Region or Rural Center;</i></p>	<p>Consistent: The project site is located within and adjacent to the Pleasant Valley Rural Center. As proposed, the project is a residential project similar in character to existing and proposed medium, low-density, and rural residential uses surrounding the project site.</p>

<p>7. <i>Erosion hazard;</i></p>	<p>Consistent: The site is relatively flat to moderately-sloped with site development. At this time no development is proposed on slopes greater than 30% as adequate area exists on all parcels to avoid steeper sloped areas (Exhibit H). Parcel development will be required to adhere to El Dorado County General Plan policies prohibiting development on slopes greater than 30%. All existing drainage courses will be adequately protected from development through the incorporation of appropriate development setbacks with the exception of culverts under proposed roadways. Due to the fact that parcel sizes are five acres and larger, and development will not occur on steep slopes, erosion hazards are considered to be slight and localized on individual parcels.</p>
<p>8. <i>Septic and leach field capability;</i></p>	<p>Consistent: The proposed lots would be served by individual septic systems for each lot. The El Dorado County Environmental Management Department has reviewed the land capability report and representative percolation tests performed for the project, and concurs that there will be adequate septic and leach field capability on each of the lots.</p>
<p>9. <i>Groundwater capability to support wells;</i></p>	<p>Consistent: The project will be served by El Dorado Irrigation District (EID) public water facilities. No wells are proposed.</p>
<p>10. <i>Critical flora and fauna habitat areas;</i></p>	<p>Consistent: The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is within Rare Plant Mitigation Area 2. The applicant conducted a survey for special-status species. The survey did not encounter any special-status plant or animal species on the project site.</p>
<p>11. <i>Important timber production areas;</i></p>	<p>Consistent: The project site does not contain or is adjacent to any important timber production areas.</p>
<p>12. <i>Important agricultural areas;</i></p>	<p>Consistent: The project site is not located in an agricultural district. The Agricultural Commission reviewed the proposed project</p>

	<p>request, and did not have any concerns related directly to the rezoning of this agriculturally-zoned property to a residential zoning designation. Agriculturally zoned parcels with active agricultural operations exist to the north and south of the project site. The project design is consistent with General Plan Policy which requires 10-acre buffer parcels and 200 foot setbacks adjacent to agriculturally zoned parcels. These design features will ensure that there are insignificant impacts to adjacent agricultural operations. Recent Board of Supervisors interpretation of General Plan Policies 8.1.3.1 and 8.1.3.2 allow the creation of parcels less than ten acres where the adjacent agriculturally zoned parcel was assigned an urban or other non-agricultural land use on the Land Use Map for the 2004 General Plan. This interpretation applies to Proposed Lots 1 and 9.</p>
<p>13. <i>Important mineral resource areas;</i></p>	<p>Consistent: The project site does not contain or is located adjacent to any important mineral resource areas.</p>
<p>14. <i>Capacity of the transportation system serving the area;</i></p>	<p>Consistent: The El Dorado County Department of Transportation concluded that the recommended conditions of approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area. The on-site road, Blackhawk Lane, connects to Mt Aukumn road which is a major two lane road. The DOT determined that the project did not exceed the threshold to require a traffic study. El Dorado Transit has reviewed the project and had no specific conditions of approval regarding the project.</p>
<p>15. <i>Existing land use pattern;</i></p>	<p>Consistent: The project site is surrounded by land designated and utilized for medium, low, and rural-density residential uses. The proposed rezone, with the proposed density, would be entirely consistent with that land use pattern.</p>
<p>16. <i>Proximity to perennial watercourse</i></p>	<p>Consistent: There are a number of ephemeral watercourses and wetlands on the project site as discussed in the Mitigated Negative Declaration (Biological Resources section). Development will maintain a 25 to 50-foot setback from all</p>

	wetlands.
17. <i>Important historical/archeological sites</i>	Consistent: A cultural resources investigation of the project site identified no significant cultural sites on the project parcels.
18. <i>Seismic hazards and present of active faults</i>	Consistent: 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 in 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. <i>Consistency with existing Conditions, Covenants, and Restrictions</i>	Consistent: The project is consistent with existing CC&Rs. Any new CC&Rs prepared for the project would be subject to review and approval by the DOT, County Counsel, and Planning Services..

Important Biological Corridors: Policy 7.4.2.9 states that the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay. The specific criteria to be considered include; but are not limited to, the following in Table 4:

Table 4

Guideline	Project Design Feature
Increased minimum parcel size	Consistent: The proposed parcel sizes ranging from 5 to 11 acres are of a sufficient size to retain habitat connectivity as determined by the submitted biological resource study.
Higher canopy-retention standards and/or different mitigation standards for oak woodlands	Consistent: The required retention standard for this site given its parcel size is 90%. As no oak trees are proposed to be removed, 100 percent retention will be achieved.
Lower thresholds for grading permits	Consistent: Initially grading will be limited to onsite and offsite road improvements. Future grading will be reviewed as building permits

	are submitted.
Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss	Consistent: No wetland/riparian habitat loss will occur as a result of the project. One ephemeral stream crossing is proposed that will be mitigated to a less than significant level.
Increased riparian corridor and wetland setbacks	Consistent: Consistent: Proposed building sites are located well away from existing riparian corridors.
Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Dept. of Fish & Game).	Consistent: No rare plants were found within the project site.
Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	Consistent: No oak trees are proposed to be removed for development of this subdivision map.
Building permits discretionary or some other type of "site review" to ensure that canopy is retained	Consistent: Future building permits will ensure that any residential development is consistent with the El Dorado County Oak Woodland Management Plan.
More stringent standards for lot coverage, floor area ratio (FAR) and building height	Consistent: Given the large parcel size (77.42 acres), and relatively small project footprint (5-11 acre lot sizes), more stringent standards are not required for this project.
No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement)	Consistent: No fences are proposed as part of this project.

Land Use Compatibility: **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Consistent: As previously discussed and shown in the *Adjacent Land Use Table* above, the proposed residential project would be consistent with General Plan **Policy 2.2.5.21**. Pursuant to the existing General Plan land use designations, the project area would be surrounded by Medium Density Residential, Low Density Residential, and Rural Residential residential uses that would be compatible with the proposed development. The new lots would be consistent and compatible with the General Plan intended development pattern expected in lands designated as MDR, LDR, and RR and would be consistent with the dominant pattern of parcel development expected for the surrounding neighborhood also designated for residential and agricultural development and located within and adjacent to a Rural Center.

Water Supply and Fire Flow: **Policy 5.2.1.2** requires that the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development. **Policy 5.7.1.1** directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development. As discussed above in the *Project Issues* section, the project would be conditioned to meet these requirements.

Consistent: Water supply and required fire flow were discussed previously above in the *Project Issues, Fire Safety* and *Water Supply* sections. The project is conditioned to meet these Policy requirements.

Availability of Water Supply: **Policy 5.2.1.4** directs that subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.

Consistent: As discussed above, public water service would be provided to the project site by EID. EID provided a letter indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with General Plan Policy 5.2.1.4 regarding availability of reliable water supply.

Fire Protection Services: **Policy 5.7.1.1** requires that adequate fire protection services be provided for the proposed development.

Consistent: The El Dorado County Fire Protection District would provide fire protection services to the project site. As discussed above in the *Project Issues* and *Fire Safety* sections, a Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the Fire District to ensure adequate fire protection infrastructure. The project is conditioned to meet this Policy requirement.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs 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.

Consistent: As conditioned, and discussed under *Access and Circulation* in the *Project Issues* section, the project would meet the intent of this policy.

Oak Tree Canopy: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Consistent: The subject parcel contains a native oak canopy cover of 9.4 percent. General Plan Policy 7.4.4.4 requires retention of 90 percent of the indigenous oak tree canopy on the subject parcel and corridor as a whole. The submitted Oak Tree Impacts map prepared by Foothill Tree Service dated March 2007 determined that no native oak trees would be removed for this project. A condition of approval would ensure consistency with the Oak Woodlands Management Plan if improvement plans identify native oaks to be removed due to road alignment changes. In lieu of the replanting and monitoring requirements set forth in Option A, the applicant may choose to mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan. With the adoption of the recommended Condition of Approval, the project would be compliant with Policy 7.4.4.4. The full discussion of the impacts to 7.4.4.4 is contained in section IV Biological Resources in Initial Study/Environmental Checklist as shown in Exhibit O.

Impacts to Agriculture: Policies 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5: The stated policies direct that agriculturally zoned lands be buffered by ten-acre sized parcels, 200-foot setbacks and will not create conflicts between residential and agricultural activities.

Consistent: These issues are discussed in more detail above in the *Agricultural Impacts* section in *Project Issues* above, as well as in Section II, Agriculture Resources of the Environmental Checklist and Discussion of Impacts, attached as Exhibit N. The project was reviewed by the Agricultural Commission and it was determined that the proposed parcels have adequate area to allow for agricultural setbacks from adjacent agriculturally zoned parcels. Planning has determined that it can be found that the proposed tentative map is consistent with the Board of Supervisors interpretation of General Plan Policies 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5.

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

Zoning: The subject site is currently zoned Exclusive Agriculture (AE). With an approved rezone to Estate Residential Five-Acre (RE-5) and Estate Residential Ten-Acre (RE-10), and with the exception of Lots 4 and 5 as discussed above in the Design Waiver Requests section, seven of the proposed nine single-family residential parcels ranging in size from 5 to 11.5 acres would conform to existing zoning and the development standards in Section 17.70.110 (RE-5) and 17.70.110 (RE-10) for minimum lot width of 100 feet, minimum parcel sizes of 5 and 10 acres respectively, building setback requirements of 30 feet in the front yards, 30 feet for the side yards and 30 feet for the rear yards as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

Conclusion: As discussed above the project conforms to the Zoning Code. Staff finds that the necessary findings can be made to support the tentative map and rezone request. The details of those findings are contained in Attachment 2.

Design Waiver: Two design waivers from the Design and Improvement Standards Manual (DISM) has been requested for the proposed project. A finding of consistency for the proposed design waiver approvals are provided in Attachment 2. The requested design waivers are as follows:

1. Allow the creation of parcels with a length in excess of three times the width.

Discussion: The proposed project would create nine parcels which would take access from Blackhawk Lane. The requested design waiver if approved would allow the creation of two parcels exceeding the three to one length to width ratio. Parcels meeting the standard width to length ratio would cause significant additional grading to occur if the roadways were extended merely to achieve additional road frontage. The lots as shown have a minimum frontage of 150 feet and each lot is fully accessible, has a building site, and septic area.

2. Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual.

Discussion: The proposed project would create nine parcels with a total of 11 parcels taking access from the road. The applicant proposes to pave the proposed road to a fire safe width of twenty feet with two foot shoulders. Increased road width has the potential to impact identified wetlands on the project site and further impact a proposed stream crossing. County Fire and the Department of Transportation have recommend approval of the request.

El Dorado County Subdivision Ordinance: The project is subject to the applicable provisions of the El Dorado County Subdivision Ordinance, including Section 16.12.010 (State Law Compliance) and 16.12.020 (General Plan Compliance), subject to the specific findings under Section 16.12.030.

Conclusion: The proposed Tentative Subdivision Map would create a total of 9 lots, in conformance with the standards under the RE-5 and Re-10 zone districts. Development of these parcels would be subject to applicable provisions of the El Dorado County General Plan, recommended Conditions of Approval, mitigation measures, and other standards imposed by El Dorado County and affected agencies.

ENVIRONMENTAL REVIEW

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

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 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 1Conditions of Approval
- Attachment 2Findings

- Exhibit AVicinity Map

Exhibit B Tentative Subdivision Map
Exhibit C APN 078-200-70 Site Plan
Exhibit D Proposed Zone Districts
Exhibit E General Plan Land Use Map
Exhibit F Zoning Map
Exhibit G Rural Center Map
Exhibit H Important Biological Corridor Map
Exhibit I Assessor’s Map Bk. 78 Pg. 20
Exhibit J Assessor’s Map Bk. 78 Pg. 21
Exhibit K Assessor’s Map Bk. 79 Pg. 27
Exhibit L Parcel Map PM47-138
Exhibit M Parcel Map PM47-138A
Exhibit N Agricultural Commission Memo Dated 2-19-09
Exhibit O Environmental Checklist and Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATIONS
REZONE/TENTATIVE MAP

Z08-0004/TM08-1466/Blackhawk Estates
July 23, 2009 Planning Commission Hearing

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Staff Report hearing exhibits marked Exhibits A-0 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Rezone from Exclusive Agricultural (AE) to Estate Residential Five-Acre (RE-5) and Estate Residential Ten-Acre (RE-10) for APNs 078-200-70 and -71;

Tentative Subdivision Map for APN 078-200-71 to subdivide the property into 9 single-family residential parcels ranging in size from 5 to 11.5 acres. All lots will be served by public water and individual septic systems. The following table is a breakdown of the interior of the subdivision and the approved lots:

Blackhawk Estates TM Lot Area Summary

Lot Number	Gross Area (Total lot area in acres)
1	5.92
2	5.00
3	10.003
4	11.09
5	10.73
6	10.81
7	10.68
8	5.04
9	5.1

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 (such as Landscape

and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. [MM Bio 1] A 25-foot setback from the edge of SW-1 and a 50-foot setback from the edge SW-2 shall be recorded on the final map as shown on the Biological Resource Study for Blackhawk Estates prepared by Sierra Ecosystem Associates on January 21, 2008. No development shall occur within the setback area. The identification shall be made on the final map, Site Plan Review, grading and building plans where applicable.

Monitoring: Prior to filing of final map, Site Plan Review (SPR), grading and/or building plan approval, Development Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable. The setback lines shall be shown on any submitted development plans submitted for the grading permit and Development Services shall verify this prior to issuance of any grading permit

3. [MM Bio 7] A Streambed Alteration Agreement shall be obtained from CDFG, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

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

4. [MM Bio 7] A bottomless arch culvert shall be installed in place of a standard culvert where the access road crosses the ephemeral drainage upstream of SW-1. Flow dissipation structures shall be placed at the outfall of the culvert to moderate additional sheet flow collected in the drainage as a result of increased hardscaping from the project.

Monitoring: The features shall be shown on improvement plans submitted to the DOT. Improvements plan shall be approved by the DOT prior to finaling of the map.

Planning Services Site Specific and Standard Conditions

5. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
6. Prior to filing of the Final Map, in accordance with the executed agreement for project processing, all Development Services fees shall be paid.
7. The applicant shall submit to Development Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
8. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
9. A water meter award letter from El Dorado Irrigation District or similar assurance form the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to Planning Services at the time of filing the Final Map.
10. Pursuant to Section 16.12.090, the project is responsible for parkland dedication which shall be satisfied by park in lieu fees. 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 General Services Facilities Department, and shall submit the receipt to El Dorado County Development Services with the Final Map application.
11. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
12. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be

followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Development Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Development Services Director.

13. 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.

14. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.⁰⁰ per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
15. Any future El Dorado County native oak tree canopy removed as identified on the improvement plans or for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.

El Dorado County Department of Transportation

16. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation

(DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map: (the requirements outlined in Table 1 are minimums)

Table 1				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH*/ SHOULDER WIDTH	RIGHT OF WAY	EXCEPTIONS/ NOTES
Blackhawk Lane (<i>onsite</i>)	Std Plan 101C	26 ft / 7 ft	50ft	All weather surface capable of sustaining 75,000 lbs. No curb, gutter, or sidewalk is required.

* Road widths are measured from edge of pavement to edge of pavement if no curb (traveled way).

** Non-exclusive road and public utility easements included

17. **Encroachment Permit:** The applicant shall construct and or verify the roadway encroachment from Blackhawk Lane onto Mt. Aukum Road is consistent with the provisions of County Design Std Plan **103D**. If necessary, the applicant shall obtain an encroachment permit from DOT. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
18. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Blackhawk Lane, from the project boundary to Mt. Aukum Road, meets the requirements of the California Fire Code, Appendix D. The applicant shall provide an exhibit to the DOT, Planning, and the Fire Agency that shows Blackhawk Lane complies with Fire Safe Regulations. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
19. **Turnaround:** All proposed turnarounds shall be built 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 map.

DOT Standard Conditions

20. **Easements:** All applicable existing and proposed easements shall be shown on the project plans or final map.
21. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway Blackhawk Lane on the final recorded map.

22. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
23. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
24. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
25. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
26. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
27. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
28. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
29. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection

fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

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

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

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;

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

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

34. **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.
35. **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.
36. **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.
37. **Off-site Improvements (Security):** Prior to the filing of a final 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 applicant 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.
38. **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, 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.

39. **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 "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
40. **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.
41. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

42. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado County Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district prior to filing of the Final Map.
43. Submit review fee of \$ 300.00 prior to filing of the Final Map.
44. Fire flow for this project is 1,000 gpm @ 20 psi for two hrs for homes less than 3,600 square and 1,500 gpm @ 20 psi for two hrs for homes greater than 3,600 square feet.

Documentation from EID (FIL) to show that the system will meet fire flow shall be submitted prior to filing of the Final Map.

45. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.

County of El Dorado Office of the County Surveyor

46. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

ATTACHMENT 2
FINDINGS
REZONE/TENTATIVE MAP

Z08-0004/TM08-1466/Balckhawk Estates
July 23, 2009 Planning Commission Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Medium Density Residential (MDR)/Low Density Residential-Important Biological Corridor (LDR-IBC)/Rural Residential- Important Biological Corridor (RR-IBC) land use designations of the subject site as defined by General Plan Policy 2.2.1.2, because these land use designations identify those areas suitable for the proposed density. Residential subdivisions within the MDR/LDR/RR land use designations are directed to maintain a density range from one dwelling unit an acre to one dwelling unit per 10 acres. The project proposes an overall density of one unit per 8.6 acres. The nine

single-family residential parcels ranging in size from 5 acres to 11.5 acres conforms to the General Plan land use designations.

- 2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of General Plan Objectives 2.1.2 (Rural Center boundaries), Policies 2.1.2.2 (Rural Center definition), 2.1.1.7 (adequate roads, utilities and addressing fire hazards), 2.2.5.3 (rezone criteria), 2.2.5.21 (compatibility with surroundings), 5.1.2.1 (adequate utilities), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.3.3.4 (impacts to wetlands), 7.4.2.9 (Important Biological Corridors), 7.4.4.4 (impacts to oak canopy), 8.1.3.2, 8.1.4.1, 8.2.2.5 (impacts to agricultural lands). Because of the review for General Plan consistency, and as conditioned and mitigated, less than significant impacts to water, agricultural lands, public facilities, public utilities, and on existing emergency response capabilities will occur. The project can be found to be compatible with the local community. It has been reviewed and conditioned by the El Dorado County Fire Protection District, Department of Transportation, County Surveyor and the El Dorado Irrigation District noting there are adequate available utilities such as water, power, and septic facilities. As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.
- 2.3 The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 50 foot setback from ponds and wetlands and the project is proposing to build the access road within 25 feet of a seasonal wetland. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback would still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A biological report has been submitted by the applicant and as analyzed in the initial study, impacts have been reduced to a less than significant level by incorporation of mitigation measures. As conditioned and mitigated this project can be found to be consistent with Policy 7.3.3.4.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards with an approved rezone to RE-5 and RE-10. The 9 lots conform to the proposed zoning and the development standards in Section 17.28.210 and 17.70.110 (RE-5) and 17.70.110 (RE-10) for minimum lot width of 100 feet, minimum parcel size of 5 and 10 acres respectively, building setback requirements of 30 feet in the front yards, 30 feet for the side yards and 30 feet for the rear yards as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 Administrative Findings

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed tentative subdivision map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, and modified by the conditions of approval, the map conforms to the MDR/LDR-IBC/RR-IBC General Plan land use designations and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy and wetland impacts.*
- 4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 5-10 acres per unit.*
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. Potential environmental impacts for the subdivision have been minimized by the lot designs and alignment of the access road. No indigenous oak tree canopy is proposed to be removed, the wetlands will be mitigated for minimal impacts, and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.*
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and El Dorado County Fire Protection District requirements to assure adequate access.*
- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties. The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.*

5.0 Design Waiver Findings

5.1.0 Design Waiver Approval Findings

Permit a design waiver to deviate from the requirements of the El Dorado County Design Improvement Standards Manual (DISM). Design waivers have been requested to allow the creation of parcels with a length in excess of three times the width. The findings for approval for the design waiver are based on the following findings:

- 5.1.1 *It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver because extension of the roadway would cause significant additional grading to occur if the roadways were extended merely to achieve additional road frontage. The lots as shown have a minimum frontage of 150 feet. Each lot is fully accessible, has a building site, and septic area.*
- 5.1.2 *It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because strict adherence to County design guidelines for on and offsite road improvements would potentially create unnecessary significant environmental impacts that would restrict development of the project.*
- 5.1.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because El Dorado County Fire Protection District, El Dorado County Department of Transportation, and Planning Services have reviewed the subdivision request and design waiver request, and as conditioned, have recommended approval of the layout and design of the proposed lots and emergency access of the proposed parcels with implementation of the required *Wildland Fire Safe Plan*, and their recommended conditions of approval.*
- 5.1.4 *It can be found that this waiver 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 because the project has been mitigated and conditioned to meet all applicable County Codes.*
- 5.2 Permit a design waiver to deviate from the requirements of the El Dorado County Design Improvement Standards Manual (DISM). Design waivers have been requested to allow the reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual. The findings for approval for the design waiver are based on the following findings:**
- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The project design for the onsite roadway includes one stream crossings, avoidance of oak tree canopy, and adjacent wetlands. Both DOT and the responsible Fire District are supportive of the design waiver request.*
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. Strict application of the design and improvement requirements has the potential to require increased impact to the stream crossings, additional grading, and potential oak tree canopy removal. The onsite road will be developed to the full fire safe required width of 20 feet.*
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The waiver will not be injurious to*

adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the Fire District has determined that the reduced shoulder width will still provide adequate emergency vehicle access, connection to adjoining residences, and on site circulation.

- 5.2.4 *The waivers 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.