

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



Agenda of: September 10, 2009
Item No.: 10
Staff: Patricia Kelly

GENERAL PLAN AMENDMENT/REZONE/PARCEL MAP

FILE NUMBER: A09-0001/Z09-0001/P09-0002
APPLICANT: Richard J. and Bernitta A. Kovach Family Trust
AGENT: Marlon Ginney
ENGINEER: Gene E. Thorne and Associates, Inc.

REQUEST: The application consists of the following request:

1. Amend the General Plan Land Use Designation from Commercial (C) to Medium-Density Residential (MDR).
2. Zone change from Planned Commercial (CP) to One-Acre Residential (R1A).
3. Tentative Parcel Map creating two (2) parcels one-acre in size on a two-acre project site.
4. Design waiver requests to:
 - a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.
 - b. Reduce the road right-of-way from 50-feet to 35-feet.
5. Abandon the existing 50-foot wide non-exclusive road and public utility easement for the on-site access roadway as shown between Parcel C and D on the Parcel Map recorded in Book 7 at Page 42, El Dorado County (Exhibit K).

LOCATION: On the north side of French Creek Road 0.25 miles south of the intersection with Mother Lode Drive in the Shingle Springs area, Supervisorial District II. (Exhibit A)

APN: 090-290-46 (Exhibit B)

ACREAGE: 2.0 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Planned Commercial (CP) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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

1. Adopt the Mitigated Negative Declaration 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 General Plan Amendment A09-0001 and Rezone Z09-0001 based on the findings in Attachment 2;
4. Approve Tentative Parcel Map Application P09-0002, subject to the conditions of approval in Attachment 1, based on the Findings in Attachment 2;
5. Approve the following design waivers based on the findings in Attachment 2:
 - a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.
 - b. Reduce the road right-of-way from 50-feet to 35-feet.
6. Abandon the existing 50-foot wide non-exclusive road and public utility easement for the on-site access roadway as shown between Parcel C and D on the Parcel Map recorded in Book 7 at Page 52, El Dorado County (Exhibit K).

STAFF ANALYSIS

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

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

General Plan Amendment: Request for a General Plan Amendment to change the General Plan Land Use Designation from Commercial (C) to Medium-Density Residential (MDR).

Rezone: Request for a rezone from Planned Commercial (CP) to One-Acre Residential (R1A).

Tentative Parcel Map: Request to create two (2) parcels, one-acre in size, on a two-acre site. The two proposed parcels would be served by public water and sewer. The project would be accessed by French Creek Road, a County maintained road, as the primary access to the subject project site.

Design waiver requests to:

- a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.
- b. Reduce the road right-of-way from 50-feet to 35-feet.

Site Description: The project site is situated at an elevation range of approximately 1,480 to 1,550 feet. The building sites and on-site roadway for the proposed parcels would be in the areas of each proposed parcel that lie closest to French Creek Road. The west quarter of the project site has slopes of 30 percent or greater, and the proposed on-site roadway as well as east of the 30 percent or greater slopes along the west side of the project site. The project site is adjacent to multi-family residences to the north, French Creek Road to the east, a single-family residence to the south, and an undeveloped parcel to the west comprising of oak woodland.

Soils on the site are classified in the Auburn, Boomer, Argonaut, and Sobrante series. The soil type is Auburn very rocky silt loam, 2 to 30 percent slopes (AxD). Permeability is moderate and surface runoff is slow to medium. The erosion hazard is slight to moderate.

There are approximately 1.55 acres of mixed oak woodland partially-closed canopy community on the project site. Dominant trees in this community are interior live oaks, black oak blue oak and gray pines. Valley oaks and California buckeye also occur in lesser abundance.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CP	C	Undeveloped
North	CP	C	Multi-family residential/ Apartments
South	R1A	MDR	Residential/Single family residence
East	PD	MDR	Residential/Single family residences
West	CP	C	Undeveloped

Discussion: The project site is surrounded on the north, south and east by rural residential development which consists of one acre and larger parcels. West of the project site is undeveloped CP property which is surrounded on the south and west by residential development. The adjoining parcel to the west zoned CP would require at a minimum, a site plan review application be submitted for review and approved by Planning Services prior to any development.

The majority of the parcels in the surrounding area are developed at this time. Parcels are primarily rural residential in nature, with single-family and multi-family dwellings and appurtenant structures.

Project Issues:

Discussion items for this project include land use compatibility, road improvements, water and sewer improvements, fire safety, existing site design for grading and improvements, and available public services.

Access: Access for the project site would be from French Creek Road, a County maintained roadway. In accordance with the Fire District and Department of Transportation DISM, the access road would be developed to a 20-foot width with 2-foot shoulders and the applicant would provide a turn around on Road "A" to the provisions of County Standards Plan 114 or approved equivalent.

Road Easement Abandonment: The applicant has requested a road easement abandonment of the existing 50-foot wide non-exclusive road and public utility easement for the on-site access roadway as shown between Parcel C and D on the Parcel Map recorded in Book 7 at Page 52, El Dorado County (Exhibit X). A condition would be included in the Conditions of Approval, Attachment 1, requiring the applicant to place a note on the Parcel Map in compliance with Section 66445 (j) of the Subdivision Map Act, to abandon the existing road easement and public utility easement.

Public Water and Sewer: The project would be served by public water and sewer. The applicant provided a copy of a Facility Improvement Letter (FIL) dated July 2, 2008 issued by the El Dorado Irrigation District (EID). In order for EID to provide the required fire flow and water service to the project site the applicant would be required to construct a water line extension connecting to the 10-inch waterline located in French Creek Road. EID has determined that the existing 6-inch sewer line

located in Altair Way has adequate capacity at this time. In order for the applicant to receive service from this line, an extension of facilities of adequate size must be constructed.

Water System Improvements and access for Fire Safety: As previously discussed the project would be served by public water. The El Dorado County Fire Protection District has determined that the minimum fire flow for this project is 1,000 gallons per minute (GPM) for 2-hour duration while maintaining a 20-pounds per square inch (psi) residual pressure. According to the District's hydraulic model, the existing system can deliver the required fire flow.

The proposed parcels would be required to comply with the required fire flow needed for fire protection as determined by the Department of Forestry and Fire Protection (Cal Fire). Pursuant to Cal Fire, these standards would include construction of the access road off of French Creek Road to be a minimum road width of 20-feet per the California Fire Code. The road would need to be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D). The dead end access road would be required to provide a turnaround constructed at its terminus (Article 2. Emergency Access, Section 1273.09 (c) of the Fire Safe Regulations and 2007 California Fire Code, Appendix D). Cal Fire requires a Wildland Fire Safe Plan be developed by a qualified consultant.

Park Land: This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands.

General Plan

This project is consistent with the applicable policies of the adopted El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

The proposed General Plan Amendment from C to MDR is consistent with all other applicable policies of the General Plan including **2.2.1.2** land use designation, **2.3.2.1** and **2.2.5.21** concerning the project's land use compatibility with adjacent residential development lot sizes and overall project density. West of the project site is undeveloped C property which is surrounded by residential development. No commercial development is located adjacent to the project site.

The current General Plan land use designation would permit a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County and the proposed General Plan amendment would establish areas suitable for detached single-family residences. The maximum allowable density would be one dwelling unit per 1.0 acre.

Discussion: The requested General Plan Amendment would change the land use designation to MDR. The purpose of this land use category is to establish areas suitable for detached single-family residences with larger lot sizes which would enable limited agricultural land management activities. This designation is considered appropriate within the Community Region and Rural Centers. The project parcel is located within the Shingle Springs Community Region.

The amendment from C to MDR would allow for an area where the absence or reduced level of infrastructure including roads, water lines and sewer lines does not justify higher densities, where the topography poses a constraint to higher density; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre. This would represent development of residential lands within Community Regions and Community Centers which combines commercial and residential uses. The transition of land use from commercial to residential in the vicinity of the project parcel would be a compatible land use transition. As proposed, the MDR designation and zone district would be compatible with the existing and proposed surrounding single-family residential development to the east, and south and multi-family residential development to the north. The property west of the project site is designated C and zoned CP and is surrounded by single-family residential development. The CP zoning would require at a minimum, a site plan review application be submitted for review and approved by Planning Services prior to any development. The project site is suitable for residential development and the initial study did not find any significant impacts that could be associated with development of the site.

The proposed two parcels would be in keeping with the General Plan intended development pattern expected in lands designated as MDR and would provide a similar and consistent residential density between existing residential development of similar lot sizes. The MDR designation is considered appropriate only within Community Regions and Rural Centers. The project site is located in the Shingle Springs Community Region. Therefore, the proposed project would be compatible within the context of the surrounding land uses pursuant to **Policy 2.2.1.2 and 2.2.5.21.**

The proposed General Plan Amendment from C to MDR. West of the project site is undeveloped C property which is surrounded by residential development. No commercial development is located adjacent to the project site. The proposed General Plan Amendment would be appropriate due to the surrounding residential development in the vicinity of the project site. Commercial development is located along Mother Lode Road and transitions into residential development in the vicinity of the project site.

Policy 2.1.1.7 directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated.

Discussion: Emergency road access would be conditioned to be improved to minimum DOT road standards. The project would be conditioned to meet Fire District fire safe requirements prior to filing the Parcel Map. Power and phone service would be available. The project would be served by public water and sewer.

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

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*
2. *Availability and capacity of public treated water system;*
3. *Availability and capacity of public waste water treatment system;*

Discussion: **Policies 5.1.2.1** and **5.1.2.2** require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made, and the development shall not result in a reduction of services below minimum established standards.

The project area would be served by public water and sewer. The El Dorado Irrigation District (EID) has reviewed available services and determined adequate water and sewer service would be available to service the parcels included in the project area. In order for EID to provide the required fire flow and water service to the project site, the applicant would be required to construct a water line extension connecting to the 10-inch waterline located in French Creek Road. EID has determined that the existing 6-inch sewer line located in Altair Way has adequate capacity at this time. In order for the applicant to receive service from this line, an extension of facilities of adequate size must be constructed. An amendment and rezone from commercial to residential could lessen the impact on water and sewer demand as previously analysis under the 2004 General Plan Environmental Impact Report.

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

Discussion: The project site is located within the Buckeye Union School District. The distance to the closest high school would be approximately one mile. The affected school district was contacted as part of the initial consultation process and no specific comments or mitigation measures were received.

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

Discussion: The El Dorado County Fire Protection District and Cal Fire would be responsible for providing fire protection to the project site. The nearest fire station is located in Shingle Springs at 3860 Ponderosa Road, approximately 0.75 miles from the project site. Cal Fire has reviewed the project and has determined that compliance with the required conditions of approval, they would be able to provide adequate fire protection to the site. The El Dorado County Fire Protection District was provided the opportunity to review and comment on the project. Planning Services has not received comments from the District so the District's comments are not reflected in this staff report.

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

Discussion: The project site is located within the Shingle Springs Community Region.

7. *Erosion hazard;*

Discussion: Under **Policy 7.3.2.2**, projects requiring a grading permit shall have an erosion control program approved, where necessary. The soil type is Auburn very rocky silt loam, 2 to 30 percent slopes (AxD). Permeability is moderate and surface runoff is slow to medium. The erosion hazard is slight to moderate. Minimal grading would be required for the on-site road improvements. Road improvement grading as well as future development must adhere to the County's grading and erosion control requirements.

8. *Septic and leach field capability;*

9. *Groundwater capability to support wells;*

Discussion: The project parcels would be served by public and water facilities of the El Dorado Irrigation District. The Facility Improvement Letter (FIL) dated July 2, 2008, indicates that the site can be served adequately by existing facilities. No septic systems or leach fields are proposed. No wells are proposed.

10. *Critical flora and fauna habitat areas;*

Discussion: The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan and General Plan EIR define Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is located in Rare Plant Mitigation Area 2. As required by Section 17.71 of the Zoning Ordinance and Board of Supervisors Resolution 205-98 payment of the Mitigation Area 2 mitigation fee would be required prior to building permit issuance. The Biological Resources Evaluation prepared for the project determined that no special-status species were observed in the project site during the general biological surveys or the botanical inventory conducted during the evident and identifiable period for special-status plants.

11. *Important timber production areas;*

Discussion: The project site is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The project site is presently General Plan designated and zoned for commercial development. The project site is not within an active agricultural area, and the site itself is not used for agricultural purposes. Thus, the site would not be considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project would not impact an important mineral resource area.

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

Discussion: The El Dorado County Department of Transportation reviewed the Rezone, General Plan Amendment and Parcel Map applications and concluded that the recommended conditions of approval, including improvements to French Creek Road and proposed design waivers, would sufficiently address project traffic issues and ensure that the transportation system would be adequate to serve the project.

15. *Existing land use pattern;*

Discussion: The project site is bordered to the north and west by commercially zoned parcels. The site to the west is an undeveloped commercial site with land that is currently heavily wooded with pine and oak trees. Multi-family residences border the project site to the north. A planned development consisting of single-family residences exists east of the project site. There are a number of residentially designated parcels located in the project vicinity. The surrounding commercially zoned properties are a mix of developed and undeveloped parcels. The amendment from commercial to residential is compatible with existing surrounding development but potentially incompatible with adjoining future land use to the west as identified in the 2004 General Plan. The adjoining parcel to the west is zoned Planned Commercial (CP) and would require at a minimum, a site plan review application be submitted for review and approved by Planning Services prior to any development.

16. *Proximity to perennial water course;*

Discussion: The Biological Resources Evaluation prepared for the project did not identify wetlands, drainages, or seeps on the project site.

17. *Important historical/archeological sites;*

Discussion: A study prepared by Foothill Associates, Inc. details the results of an archaeological inventory survey of approximately 20-acres which includes the project site identified that proposed action involving development of the project site for residential and related use that could result in physical disturbance to ground and sub-surface components and could have the potential to impact cultural resources. Standard conditions would be included in the Conditions of Approval, Attachment 1, to ensure that impacts to cultural resources would be minimal.

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

Discussion: 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. 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.*

Discussion: No Conditions, Covenants, and Restrictions exist for the project site.

Policy 2.3.2.1 states disturbance of slopes thirty (30) percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation removal.

Discussion: Minimal grading is proposed for the on-site road improvements. Limits of grading for the project’s proposed access road would be from French Creek Road to a point approximately 75 feet into the project site interior avoiding impacts to slopes which are 30 percent of greater.

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.

Discussion: The project would be required to meet the required minimum fire flow requirements of the El Dorado County Fire Protection District which would be reviewed and approved by them prior to filing the Parcel Map.

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.

Discussion: The project would be served by French Creek Road. The road would be improved to the El Dorado County Fire Protection District, Cal Fire and Department of Transportation standards. The applicant would be required to prepare a Wildland Fire Safe Plan to be reviewed and approved by Cal Fire. The project would be conditioned to ensure that the dead end access road would be constructed capable of accommodating and supporting the imposed load of fire apparatus which includes construction of a turn around at its terminus.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. Existing project oak tree canopy coverage is estimated at 77.5 percent. (Arborist Report for Kovach Parcel Map, Philip R. Mosbacher, January 2009) Under General Plan Policy 7.4.4.4, Option A, 70 percent of the existing canopy must be retained. As proposed, the project would retain 94.8 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A because minimal grading for road widening and no parcel development is proposed. Future development of the proposed parcels would have the option of complying with either Option A or Option B of Policy 7.4.4.4.

Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage of Required Retention	Proposed Oak Removal for road & infrastructure (acreage)	Percentage Retention Proposed
2	1.55	70%	0.08	94.8%

Discussion: The proposed project would impact oak woodland habitat, which pursuant to **Policy 7.4.4.4** requires retention and replacement of the affected habitat. The project would result in varying degrees of disturbance to oaks and other woodland, depending on the scope of future

improvements such as building pads and driveways. The applicant has only analyzed potential impacts to oak trees as a result of the construction of a proposed dead end on-site road. The project Arborist Report dated January 21, 2009 states that of the 2-acre project site, healthy oak canopy covers 1.55-acres (77.5 percent). The proposed on-site development design would require the removal of approximately 0.08-acres of oak canopy from the project site. The removal of 0.08-acres of canopy would reduce the oak canopy on the parcel by 5.2 percent. The total on-site oak canopy to remain would be approximately 1.47-acres or 94.8 percent. For a project site of 2-acres and 1.55-acres of oak canopy area to qualify for Option A of **Policy 7.4.4.4**, 70 percent of the existing oak canopy must remain.

Policy TC-4i states within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible. Presently sidewalks do not exist in the adjacent subdivision to the east of the project site, nor along any other project vicinity roadways. The closest area businesses, a barber shop and the Family & Child Commission of El Dorado County, at the corner of French Creek Road and Creekside Drive are not pedestrian oriented. Other area businesses are located on Mother Lode Drive and do not provide sidewalk access. DOT supports the applicant's request not to provide pedestrian/bike paths. As discussed in this staff report, DOT supports the design waiver request to reduce the Design and Improvement Standards Manual Design Standard 101B requirement to a roadway width of 20-feet and 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks. It is not feasible to require the applicant to provide pedestrian/bike paths.

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

Zoning

The project request includes a Rezone application. As discussed below, the rezone would require future development to adhere to the Development Standards of the One-Acre Residential Zone District (R1A).

Development Standards: Section 17.28.080 A-F of the Zoning Ordinance establishes the requirements for development within the R1A Zone District:

A. *Minimum parcel area, one acre*

The project would create two (2) one-acre parcels.

B. *Minimum parcel area per dwelling unit, same as subsection A of this section;*

Future development of the residential lots would include single family residences and accessory buildings. The proposed lots provide sufficient areas suitable for residential development.

C. *Minimum parcel width, one hundred feet;*

The minimum parcel width for the proposed parcels would be 147 feet which would be consistent with this requirement.

D. *Minimum yards; front, thirty feet (30'); sides, fifteen feet (15'), except the side yard shall be increased one foot (1') for each additional foot of building height in excess of twenty-five feet(25'); rear thirty feet (30'); stable (front), thirty feet(30'); sides, thirty feet (30'); rear, thirty feet (30'); (Ord. 4236, 1992)*

The project includes setbacks, as shown on the Tentative Parcel Map (Exhibit E) which have been designed to be consistent with the setback requirements.

Discussion: The proposed General Plan land use and zone district would be more compatible than commercial development. This would represent development of residential lands within Community Regions and Community Centers which combines commercial and residential uses. As proposed the MDR designation and R1A zone district would be compatible with the existing and proposed surrounding single-family residential and commercial land uses and would not create land use conflicts with surrounding properties. The site adjoins commercially designated lands and single-family designated lands and is located on French Creek Road within a residential area.

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

Design Waivers

Listed below are the design waivers requested for the project. The Department of Transportation has reviewed the Design Waivers and has recommended approval. Appropriate findings are included in Attachment 2 of the staff report.

Two Design Waivers have been requested as part of the project:

- a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.

Discussion: The Design Waiver request to reduce the roadway width and omit curbs, gutters and sidewalks along the proposed on-site roadway is due to the level of development on surrounding properties as well as access limitations and topography of the project site. At present sidewalks do not exist in the adjacent subdivision to the east of the project site nor along any other project vicinity

roadways. Existing commercial and residential development on Mother Lode Drive and French Creek Drive do not have access sidewalks provided.

The proposed on-site roadway would be located at the only area of the project site which provides the required sight distance in both directions along French Creek Road. The proposed on-site roadway is also appropriately located opposite Altair Road and in the center of the proposed parcels. Reduction of the on-site roadway would maximize building area as well as minimize impacts to oak canopy. The proposed on-site roadway would have very low traffic volume due to only serving two residential parcels. Requiring sidewalks, curbs, and gutters are not warranted due to the low projected traffic volume and low project density.

b. Reduce the right-of-way from 50-feet to 35-feet.

Discussion: The reduction in road right-of-way would minimize environmental impacts to existing oak canopy and minimize visual impacts. The proposed 35-foot right-of-way would meet fire safety standards and sight distance requirements would be satisfied.

Conclusion: Planning Staff recommends approval of the design waivers based on the recommendations of the Department of Transportation. Findings are contained within Attachment 2.

Agency and Public Comments: Appropriate conditions from each reviewing agency are included in Attachment 2. The following agencies provided comments and/or conditions for this project:

El Dorado County Department of Transportation
El Dorado County Environmental Management Department
El Dorado County Air Quality Management District
El Dorado County Resource Conservation District
El Dorado County Transit Authority
Office of the County Surveyor
California Department of Forestry and Fire Protection (Cal Fire)

The El Dorado County Fire Protection District was provided the opportunity to review and comment on the project. Planning Services has not received comments from the District so any concerns the District may have are not reflected in this staff report.

ENVIRONMENTAL REVIEW

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

NOTE: This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or 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 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 issued to defray the cost of managing and protecting the states fish and wildlife resources.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2.....	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Tentative Parcel Map
Exhibit F	Slope Map
Exhibit G	Aerial Photo
Exhibit H	Parent Parcel Map Book 48, Page 144
Exhibit I	Environmental Checklist
Exhibit J.....	Facility Improvement Letter (FIL)
Exhibit K.....	Parcel Map Book 7, Page 42

ATTACHMENT 1
CONDITIONS OF APPROVAL
Parcel Map P09-0002/Kovach Parcel Map

I. PROJECT DESCRIPTION:

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, staff report, hearing Exhibits A-K, 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:

Tentative Parcel Map to create two parcels, one-acre in size, on a two-acre site. The two proposed parcels will be served by public water and sewer. The project will utilize French Creek Road, a County maintained road, as the primary access.

Design waivers to:

- a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.
- b. Reduce the right-of-way from 50-feet to 35-feet

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.

II. MITIGATED NEGATIVE DECLARATION CONDITONS OF APPROVAL

2. If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant

shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services.

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant do El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to the office of the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the Parcel Map.
5. The applicant shall make the actual and full payment of all Development Services processing fees for the General Plan Amendment, Rezone and the Tentative Parcel Map application prior to filing the Parcel Map.
6. A meter award letter or similar document shall be provided to Planning Services prior to filing the Parcel Map.
7. This Tentative Parcel Map shall expire within 36 months form date of approval unless a timely extension has been filed.
8. 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.

9. 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 weekends and holidays.
10. Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, as amended.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

El Dorado County Department of Transportation

Project Specific DOT Conditions

12. **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 Parcel Map: (the requirements outlined in Table 1 are minimums)

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Road 'A'	Modified Std Plan 101B	20ft / 2 ft	35 ft	25 mph	No sidewalk, curb and gutter

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). curb face for rolled curb and gutter is 6" from the back of the curb.

** Non-exclusive road and public utility easements included

13. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 35-foot wide non-exclusive road and public utility easement for the on-site access roadways, prior to the filing of the Parcel Map. Slope easements shall be included as necessary.

14. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Road 'A' onto French Creek Road to the provisions of County Design Std 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
15. **Turnaround:** The applicant shall provide a turn around on Road 'A' 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.
16. **Off-site Easements:** Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
17. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, 30 foot right-of-way along the entire frontage of French Creek Road, prior to the filing of the Parcel Map. This offer will be accepted by the County.

DOT Standard Conditions

18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
19. **Parcel Map Improvement Agreement & Security:** If improvements are necessary, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. This condition shall appear as a note on the recorded Parcel Map.
20. **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.
21. **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.

22. **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.
23. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Parcel Map.
24. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Parcel Map.
25. **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.
26. **Electronic Documentation:** Upon completion of any 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.
27. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Department of Forestry and Fire Protection (Cal Fire)

28. The on-site access road shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D). The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the El Dorado County Fire Protection District prior to filing the Parcel Map.
29. The on-site dead end access road shall have a turnaround constructed at its terminus (Article 2. Emergency Access, Section 1273.09 (c) of the Fire Safe Regulations and 2007 California Fire Code, Appendix D). The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the Fire District prior to filing the Parcel Map.
30. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01 (a) of the Fire Safe Regulations).
31. A wildland fire safe plan, acceptable to the EDC FPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire District and Cal Fire to Planning Services prior to filing the Parcel map.

El Dorado County Surveyor's Office

32. All survey monuments must be set prior to filing the Parcel Map.
33. The road serving the development shall be named by filing a completed Road Name Petition, with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's office prior to filing the Parcel Map.
34. 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 P09-0002 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor's and copied to the consultant and the applicant.
35. The applicant shall place a note on the final Parcel Map in compliance with Section 66445 (j) of the Subdivision Map Act, to abandon the existing 50-foot wide non-exclusive road and public utilities easement for the on-site access roadway as shown, between Parcels C and D, on the Parcel Map recorded in Book 7 at Page 42, El Dorado County. The County Surveyor will acknowledge the abandonment within the "County Surveyors Statement".

Air Quality Management District

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

37. The applicant shall submit and pay appropriate fees for an Asbestos Dust Mitigation Plan (ADMP). The District shall review and approve the ADMP prior to issuance of a grading permit.

ATTACHMENT 2 FINDINGS FOR APPROVAL

File Number A09-0001/Z09-0001/P09-0002/Kovach Planning Commission, September 10, 2009

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 Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation 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 located at 2850 Fairlane Court, Placerville, CA.
- 1.4 Pubic 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 approval project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designated to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 The General Plan Amendment will change two acres at the subject site from C to MDR. The MDR General Plan land use designation permits one unit per acre while the C General Plan land use designation permits a maximum density of 20 units at the subject site. A two acre site with an MDR General Plan land use designation permits a maximum density of two units which is consist with the surrounding residential densities. The proposed project density conforms to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable policies of the General Plan including 2.2.1.2 land use types and densities, 2.1.1.7 adequate roadways, utilities and other public services, 2.2.5.3 rezone criteria, 2.2.5.21 compatibility with the surrounding neighborhood, 5.7.1.1 availability of emergency water, adequate emergency access, 6.2.3.2 adequate access, 7.1.2.1 disturbance of slopes in excess of 30 percent and 7.4.4.4, oak tree canopy retention. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. The project provides adequate access and site design that

ensure compatibility with the surrounding permitted land uses and is consistent with the General Plan policies identified above.

- 2.3 The General Plan Amendment will change two acres at the subject site from C to MDR. The MDR General Plan land use designation permits one unit per acre while the C General Plan land use designation permits a maximum of 10 units per acre. The current General Plan land use designations will permit a maximum density of 20 units at the subject site. A two acre site with an MDR General Plan land use designation permits a maximum density of two units which is a better match with the surrounding residential densities.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards and the proposed development plan because the proposed lots meet the development standards of the R1A zone district pursuant to Section 17.28.080 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Road Easement Abandonment

- 4.1.1 Pursuant to California Government Code Section 65402, the abandonment of the existing on-site Road 'A' easement from any implied public use is found to be consistent with the General Plan.

4.2 Parcel Map

- 4.2.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.* The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Medium Density Residential General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.
- 4.2.2 *The proposed tentative parcel map conforms to the applicant standards and requirements of the County are zoning regulations and Minor Land Division Ordinance.* As proposed, the tentative parcel map conforms to the development standards within the One-Acre Residential (R1A) Zone Distinct and the Minor Land Division Ordinance.
- 4.2.3 *The site is physically suitable for the proposed type and density of development.* The project site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant disturbances of slopes in excess of 30 percent, excessive grading and oak tree canopy removal.

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

5.0 DESIGN WAIVER APPROVAL FINDINGS

- 5.1 Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to a roadway width of 20-feet and 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.**

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The Department of Transportation reviewed the requested design waiver and supports the request in order to minimize oak tree canopy removal and grading in the semi-rural setting while providing sufficient road access to the project site*

- 5.1.2 *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 will require additional grading and oak tree canopy removal. Because of the steep cross slope on this site, narrower road widths will help to minimize cuts and fills reducing the overall project impact on oak tree canopy.*

- 5.1.3 *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 reduced road width will meet minimum Fire District requirements for a fire apparatus access road. A reduced road width will minimize environmental impacts to existing oak canopy and minimize visual impacts.*

- 5.1.4 *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.*

5.2 Reduce the road right-of-way from 50-feet to 35-feet.

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. Because of the steep cross slopes at this site, narrower road and right of way widths will allow owners to build closer to the road, reducing the amount of grading required for driveways and buildings pads and minimizing the project's overall impact on oak tree canopy. The Department of Transportation is supportive of a 35-foot right-of-way for Road "A," as reflected in Table 1 of the Condition*

of Approval Number 12. The Fire District has no objections to reduced road right-of-way widths.

- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road right-of-way widths will reduce potential project grading and oak tree canopy removal impacts.
- 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 reduced right-of-way width will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the reduced road width will meet minimum Fire District requirements for a fire apparatus access road. A reduced road width will minimize environmental impacts to existing oak canopy and minimize visual impacts.
- 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.