

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



Agenda of: November 12, 2009
Item No.: 9
Staff: Tom Dougherty

REZONE/PARCEL MAP

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

APPLICANT: Susan Marcyan

AGENT: Baker-Williams Engineering Group

REQUEST: Rezone a 46.23-acre parcel from Residential Agricultural 20-Acre-Planned Development (RA-20-PD) to Residential Agricultural 20-Acre (RA-20) and a Tentative Parcel Map creating two parcels, ranging in size from 20.00 acres and 26.23 acres.

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

APN: 073-020-43 (Exhibit B1)

ACREAGE: 46.23 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC) (Exhibits C1, C3)

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

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1; and
3. Approve Rezone Z06-0040 and Tentative Parcel Map P06-0043 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The subject parcel was originally part of a 258-acre parcel acquired by Quitclaim Deed recorded November 27, 1990 in Official Record (O.R.) 3467-371. Quit claim deeds as referenced on Record of Survey (RS) 23-65 (O.R. 3509-700, 706, 709) and four illegal parcels were created from the 258-acre parcel in August 1995. The parcel was legalized by the approval of Certificate of Compliance COC95-0040 on July 12, 1999.

The original 258-acre parcel was originally zoned Exclusive Agricultural (AE) and encumbered by Agricultural Preserve #137. The Board of Supervisors cancelled the Williamson Act Contract in June of 1983 by approving Z82-0032 which re-zoned the site to Residential Agricultural 20-Acre-Planned Development (RA-20 -PD). The Planned Development overlay was added to provide the Planning Commission the opportunity to review development proposals for the 258-acre parcel. It was after that rezone approval that the 258-acre parcel was split into four parcels, in violation of the Subdivision Map Act. The property was designated Rural Residential by the current General Plan adopted July 19, 2004 and on the previous General Plan adopted July 19, 1996.

STAFF ANALYSIS

Project Description: Request is to Rezone the 46.23-acre parcel from Residential Agricultural 20-Acre-Planned Development (RA-20 -PD) to Residential Agricultural 20-Acre (RA-20) and to process a Tentative Parcel Map creating two parcels, 20.00 acres and 26.23 acres in size. The encroachment from proposed Parcel 2 onto State Route 193 would be improved at the time of any future building permit. No interior roadway or encroachment improvements would be required for proposed Parcel 1. The existing structures would remain.

Site Description: The project site is served by a 50-foot road and public utility easement that provides access to adjacent parcels (see Exhibit E). The 46.23-acre site is located between the 1,600 to 1,760-foot elevations above sea level. The parcel has been historically used for grazing. The majority of continual tree-canopied areas are located in the eastern and western portions of the parcel. The rest of the parcel is covered primarily by exotic annual grasses. Proposed Parcel 1 contains the existing single-family dwelling, barn, well, septic and driveway. The western portion of the site slopes gently downward predominately in a northeast direction. There is an intermittent stream crossing the northeast corner of the parcel, a seasonal pond at the western end

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

Adjacent Land Uses:

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

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

Project Issues: Discussion items for this project include fire safety, impacts to agricultural lands, noise from transportation sources, Planned Development overlay, public services, road improvements and access, visual impacts from SR 193 and water and sewer improvements.

Fire Safety: The El Dorado County Fire Protection District (District) would require the project to meet the minimum fire flow for Fire Safe standards. Pursuant to the District, these standards require water delivery at a minimum of 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of 2 hours. In place of fire hydrants, the applicant may choose an approved residential sprinkler system with 3,000 gallons of water storage with deed restrictions for a NFPA 13D residential sprinkler system for all new structures. The existing home on Parcel 1 would require 3,000 gallons of District approved water storage within 150' of the home. A Fire Safe plan approved by the District and Cal Fire would be required. As designed and with fulfillment of the Conditions Approval, the project would meet the minimum Fire Safe requirements.

Impacts to Agricultural Land: General Plan Policy 8.1.4.1 directs that *the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination would be made by the approving authority that the proposed use would not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities.*

Review of the General Plan land use map for the project area indicates that there are no areas designated as being within the Agricultural District (A) General Plan land use overlay designation within approximately three miles of the project, as shown in Exhibit C2.

On August 12, 2009, the El Dorado County Agricultural Commission reviewed and discussed the subject application requests, as well as the County Agriculture staff's observations and recommendations. The full text of the Memo from the Agricultural Commissioners to Planning staff is included as Exhibit L. The Commission supported the applicant's project request.

General Plan Policy 8.1.3.2 requires a 200-foot setback by policy. At a minimum the applicant would be required to comply with the General Plan requirements during the building permit process however, there are administrative relief procedures for setbacks should they be found to be necessary. On July 31, 2007, the Board of Supervisors adopted Resolution No. 079-2007 that established the *Criteria and Procedure for Administrative Relief from Agricultural Setbacks*. Therefore, staff is not recommending that the 200-foot required setback be shown on the map as the Agricultural Commission has recommended. The proposed parcels have demonstrated that sufficient area exists such that the parcels may be developed and be compliant with the 200-foot agricultural setback.

As conditioned, Planning staff has determined the project would not significantly intensify the impacts to agriculturally zoned land and the rezone and tentative parcel map request could be approved.

Noise from Transportation Sources: Table 6-1 of the General Plan provides details for projects subject to maximum allowable noise exposures from a transportation source. Table 5.10-3 of the *Draft Environmental Impact Report*, May 2003, lists level specifications for the portion of State Route 193 from State Route 49 in Cool to Greenwood Road. In order to reduce the outdoor exposure to noise levels that would meet those levels defined in Table 6.1, a 273-foot, non-building setback would be required measured from the centerline of the near-travel lane. This setback restriction would include pools as well. Pursuant to the submitted Tentative Parcel Map, this equates to a 225-foot setback from the eastern parcel boundary along the entire length of State Route 193.

Planned Development Overlay: The Planned Development overlay was added by the approval of Z82-0032, to provide the Planning Commission the opportunity to review development for the 258-acre site, previously encumbered by a Williamson Act Contract. The parcels are to be consistent with the zoning and land use designation and therefore the PD designation can be removed.

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

The project is within the Black Oak Mine Unified School District. School impact fees would be assessed during the review of building permits to address school impacts that may be created with the approval of this project.

Road Improvements and Access: The parcels would be accessed by two existing encroachments onto State Route 193. Planning staff, Caltrans and DOT all had concerns for the safety of the egress/ingress locations on State Route 193. The ingress safety would be addressed with the adoption of the recommended Conditions of Approval.

The westernmost encroachment leads to a 50-foot road and public utility easement serving three additional parcels, as shown in Exhibit E. This encroachment would not be improved.

To the east, within proposed Parcel 2, is another existing encroachment on State Route 193 to be used as a driveway access. The applicant met with Caltrans in February 2008 to discuss the legality of two existing encroachments, access locations and the sight distance issues. Caltrans determined both are legal accesses however the encroachment for Parcel 2 would need to be upgraded through the encroachment permit process through Caltrans. The encroachment would need to be approved and finalized prior to final occupancy for any future grading and/or building permit.

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

Water and Sewer Improvements: The subject parcel is within the service area boundary of the Georgetown Divide Public Utility District (GDPUD). There is an existing seasonal irrigation water account with GDPUD and the current parcel owner. The account would need to be assigned to one of the new parcels should the map be recorded. An easement must be reserved for the private service line by the current owner through proposed Parcel 1. The District's Main Ditch #2 traverses the property in the northwest portion of proposed Parcel 1. The easement would need to be between five and ten feet wide, to be determined by GDPUD prior to filing the Parcel Map. GDPUD would also require a 50-foot wide easement be established for maintenance and repair of the existing water ditch. The District's domestic water facilities do not extend into the project area. Domestic water would be supplied by wells. The existing single-family dwelling on proposed Parcel 1 has an existing well with a recently supplied well production report which was reviewed by Environmental Health staff and found to be adequate. Prior to filing the Parcel Map, each parcel would be conditioned to have a safe and reliable water source for that meets the criteria of Environmental Management Policy 800-02.

There are no public sewer lines in the neighborhood, and the owner of Parcel 2 would install on-site septic systems for septic disposal for any future dwelling. Environmental Management staff reviewed the septic capability report prepared by Patterson Development dated September 26,

2008 and found the soils to be adequate to accommodate a septic disposal system. The existing single-family dwelling on proposed Parcel 1 has an approved septic system.

General Plan: The General Plan currently designates the subject site as Rural Residential-Important Biological Corridor (RR-IBC). RR permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for residential and agricultural development where available infrastructure is limited. The proposed 20 to 26.23-acre parcels would conform to the existing General Plan land use designation of RR. The parcel is also located within the IBC overlay. This overlay applies to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors, and the project in relation to that overlay designation, are discussed below in the Policy 7.4.2.9 section. The policies and issues that affect this project are discussed below:

Adequate roads, utilities, public services: **Policy 2.1.1.7** directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Wildfire Safe Plan.*

Consistent: As discussed above in the **Project Issues** section, as conditioned and with adherence to County Code, the project would meet the criteria. As a 20+ acre development, minimal infrastructure improvements would be needed.

Rezone: **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:*

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	Consistent: As discussed above in the Project Issues, Water and Sewer Improvements section, GDPUD's domestic water facilities do not extend into the project area. Prior to filing the Parcel Map, each parcel would be conditioned to have a safe and reliable water source that meets the criteria of Environmental Management Policy 800-02. As conditioned, the project would be consistent with this criterion.
2. <i>Availability and capacity of public treated water system</i>	Consistent: A letter received from Georgetown Divide Public Utility District (GDPUD) dated July 17, 2008 stated the District's domestic water facilities do not extend into the project area.
3. <i>Availability and capacity of public waste water treatment system.</i>	Consistent: GDPUD sewer services do not extend into the project area. The applicants submitted an onsite sewage disposal capability report for the subject parcel that has been reviewed by the Environmental Health Division who determined it proved the potential for

	adequate septic facilities.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	Consistent: The project is located within the Black Oak Mine Unified School District. Students would attend Northside School, located approximately 6 miles to the west, for grades K-8. High school students are served by Golden Sierra High School which is located approximately 7.5 miles to the southeast. The District did not respond with any concerns with the project.
5. <i>Response time from nearest fire station handling structure fires.</i>	Consistent: The El Dorado County Fire Protection District would be responsible for serving the project and has recommended Conditions of Approval that would require that the project adhere to the applicable building and fire codes. The District recommends the installation of fire hydrants or alternative, provision of established fire flow and submittal of a fire safe plan. The fulfillment of those recommended conditions would satisfactorily address fire related safety issues.
6. <i>Distance to nearest Community Region or Rural Center.</i>	Consistent: The project site is located approximately 1 mile west of the Greenwood Rural Center boundary and approximately 3.5 miles east of the Cool Rural Center boundary. As proposed, the project is a residential project similar in character to existing and proposed density with combined residential and agricultural uses surrounding the project site.
7. <i>Erosion hazard.</i>	Consistent: The project would not require any new grading prior to filing the Parcel Map. Any future building and/or grading permit for Parcel 2 would require an encroachment permit through Caltrans for that parcel's direct legal access onto SR 193. Erosion hazards would be required to be mitigated by strict adherence to Best Management practices required during the grading permit process by the County and Caltrans.
8. <i>Septic and leach field capability.</i>	Consistent: Proposed Parcel 1 has existing approved septic facilities. The Environmental Health Division reviewed the applicant-submitted on-site <i>Septic Capability Report</i> for the subject parcel and determined it proved the potential for adequate septic facilities for Parcel 2.
9. <i>Groundwater capability to support wells.</i>	Consistent: The El Dorado County Environmental Health Division has reviewed the current application requests and had no specific concerns specifically about the affect of the project on groundwater.
10. <i>Critical flora and fauna habitat areas.</i>	Consistent: The County's General Plan designates areas within the County that have the potential to affect rare plants. The project site is not located within a Rare Plant Mitigation Area. A botanical site assessment done by

	<p>botanist Annie Walker, dated October 28, 2005 that included the results of a survey of the parcel for the special status and locally significant plants and suitable habitat for the same. A follow-up field study was done on April 26, 2007 to encompass the blooming period of the special-status plants with a potential to occur on the site. The survey was done in accordance with the California Native Plant Society Botanical Survey Guidelines. No special-status species were found on the site.</p>
11. <i>Important timber production areas.</i>	<p>Consistent: The project site does not contain nor is adjacent to any important timber production areas.</p>
12. <i>Important agricultural areas.</i>	<p>Consistent: This property and project is not under and would not conflict with an adjacent Williamson Act Contract. The project was reviewed at the El Dorado County Agricultural Commission meeting on August 12, 2009. A full discussion of agriculture impacts is above in the <i>Impacts to Agricultural Land</i> section. The Agricultural Commission Memo with their recommendation is included as Exhibit L.</p>
13. <i>Important mineral resource areas.</i>	<p>Consistent: The project site does not contain nor is located adjacent to any important mineral resource areas.</p>
14. <i>Capacity of the transportation system serving the area.</i>	<p>Consistent: DOT reviewed the proposed project and determined that the existing encroachments for Parcels 1 and 2 would be used and no additional trips would be triggered with this application. Therefore DOT had no recommended conditions and determined the capacity of the transportation system serving the project would be adequate.</p>
15. <i>Existing land use pattern.</i>	<p>Consistent: The project site would be surrounded on the south, east and west by land designated and utilized for rural residential/agricultural uses. Those to the north are designated for Medium Density Residential land use and are located in the Auburn Lake Trails subdivision. The proposed rezone would eliminate the Development Plan requirement for future structures but would not change the existing density and therefore would be consistent with the dominant land use pattern.</p>
16. <i>Proximity to perennial watercourse.</i>	<p>Consistent: The unnamed watercourse that transverses the northeast corner has been designated as an intermittent stream on the Greenwood U.S.G.S Quadrangle as shown in Exhibit I. This stream originates in Auburn Lake Trails subdivision to the north and drains southward where it empties into the nearest perennial stream, Penobscot Creek, approximately 4,000 feet to the south. The County requires setbacks from intermittent streams, as well</p>

	compliance with Mitigation Measure 3. Infringement into the setback would not be permitted without analysis and review by a qualified biological professional. This would reduce potential impacts to the watershed.
17. <i>Important historical/archeological sites.</i>	Consistent: An Amended Cultural Resources Study and Limited Archeological Testing of the Marcyán Four-Way Split Project was completed by Historic Resource Associates, Dana Supernowitz, in January 2007. The report indicated the presence of prehistoric and historic sites of the local area under Criteria 4 of the California Register of Historic Resources. Mitigation has been included to protect the resources.
18. <i>Seismic hazards and present of active faults.</i>	Consistent: As shown in the Division of Mines and Geology’s publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, 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 Covenants, Conditions, and Restrictions.</i>	Consistent: There are no consistencies issues that exist with Conditions, Covenants, and Restrictions, since none currently exist.

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

Consistent: The project would be in keeping with the General Plan intended development pattern expected in lands designated as Rural Residential and would be compatible and consistent with the dominant pattern of parcel development for the area.

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

Noise Impacts: Policy 6.5.1.8 directs that *new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise*

sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise to the levels specified in Table 6-1.

Consistent: As discussed above in the *Project Issues*, *Noise from Transportation Sources* section, a 225-foot non-building setback would be implemented along the eastern parcel boundary to meet the intent of this policy, and mitigate noise impacts.

Wetland buffers: **Policy 7.3.3.4** directs that *buffers and special setbacks of 50 feet from intermittent streams and wetlands.*

Consistent: The applicants submitted a *Jurisdictional Wetland Delineation* map by Parus Consulting, Inc. that determined a total of 4.84 acres of seasonal wetlands that could be classified as Waters of the U.S. within the project. Mitigation Measures 2, 3, and 4 would be recommended which, upon fulfillment, would mitigate the potential impacts to wetlands to a less than significant level. The full discussion of the project impacts in relation to Policy 7.3.3.4 is contained in Section IV in the attached Environmental Checklist.

Biological Corridor: **Policy 7.4.2.9** identifies the site with an *Important Biological Corridor (IBC) overlay*. This would be applied to lands identified as having high wildlife values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district would be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural Lands (AL) designation, the land use restrictions associated with the IBC policies would not apply to the extent that the agricultural practices do not interfere with the purposes of the IBC overlay. Lands located within the overlay district would be subject to the following provisions listed in the table below:

Guideline	Project Design Feature
Increased minimum parcel size	Consistent: As discussed below in the <i>Zoning</i> section, the project would be consistent with the minimum parcel size of 20 acres designated by the RA-20 zone district.
Higher canopy-retention standards and/or different mitigation standards for oak woodlands	Consistent: As discussed in more detail in the General Plan Policy 7.4.4.4 section following this section, two percent of the existing oak canopy is projected to be removed and would be mitigated as described in Mitigation Measure 5, consistent with the General Plan..
Lower thresholds for grading permits	Consistent: No grading would be directly anticipated as a result of the project approval prior to filing the Parcel Map.
Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss	Consistent: Prior to disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site would be submitted

	<p>to the Corps for their verification and approval. If fill of any potential waters of the U.S would be anticipated, the appropriate Corps 404 permit would need to be obtained prior to fill activity. The appropriate terms of mitigation including the wetland acreage to be mitigated as defined in the issued Corps permit would need to be provided. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. A total of 4.84 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. Wetland mitigation for this project would be required for future grading and development. Mitigation could include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. Fulfillment of Mitigation Measure 2 would assure compliance with this criterion.</p>
<p>Increased riparian corridor and wetland setbacks</p>	<p>Consistent: A 50-foot non-building/disturbance setback line would be recorded on the Parcel Map that begins at all high-water marks or the outer boundary of any adjacent wetlands along the unnamed tributary that transverses the northeast corner and is shown on the Greenwood U.S.G.S Quadrangle and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. Fulfillment of Mitigation Measure 3 would assure compliance with this criterion.</p>
<p>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).</p>	<p>Consistent: The proposed project is not located in an El Dorado County plant Mitigation Area or any Ecological Preserve overlay designation. The soils identified above in the <i>Project Description</i> do not support the rare plants known as <i>Pine Hill Endemics</i> in the General Plan or Nissenan</p>

	Manzanita. No new grading within the parcel would be required prior to filing the Parcel Map.
Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	Consistent: The project footprints within Parcel 1 exist and a Parcel Map approval would not significantly reduce the area of existing plant communities. The project would allow for large areas to be left undisturbed and all the riparian areas, which contain the majority of the tree cover, would be preserved by required setbacks.
Building permits discretionary or some other type of "site review" to ensure that canopy is retained	Consistent: No new building or grading permits have been applied for by the applicant. There is an existing permitted residential unit, associated accessory buildings, and the access roads, potable water facilities and septic system exist. The project impacts to existing oak tree canopy would be mitigated by recommended Mitigation Measure No. 5.
More stringent standards for lot coverage, floor area ratio (FAR) and building height	Consistent: Given the parcel sizes (20 and 26.2 acres), and relatively small existing and projected project footprints, more stringent standards would not be required for this project.
No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement)	Consistent: The submitted <i>Final Biological Resources Study and Important Habitat Mitigation Program</i> did not find evidence that the parcel was being used as a wildlife corridor. No fences are proposed as part of this project.

The subject parcel has an existing single-family dwelling, infrastructure, utilities, and accessory buildings. The fencing and interior road systems exist and the property has been historically used for grazing. The entire parcel is located within the IBC however; the project would not directly impede the intentions of this policy in a significant manner, because significant disturbances not typical of the existing surrounding developed parcels would not be expected.

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

Consistent: Pursuant to the requirements of Policy 7.4.4.4, 90 percent of the existing oak tree canopy coverage for the 46.23-acre project area would be retained as a result findings of the *Tree Canopy Exhibit* map, revised June 11, 2009 which reported a 29 percent oak canopy coverage or 13.27 acres. The report estimated that approximately 0.25 acre of oak canopy would potentially be removed as part of this project proposal which is 2.0 percent of the canopy and thus would

meet the General Plan retention standards. The applicants have the choice to use Options A or B at a 1:1 ratio to mitigate the impacts of the tree canopy removed. With the adoption of Mitigation Measure No. 5 in the Conditions of Approval, the project would be compliant with Policy 7.4.4.4. The full discussion of the project impacts in relation to Policy 7.4.4.4 is contained in section IV in the attached Environmental Checklist.

Conflicts with Agriculture: **Policies 8.1.3.1** (ten-acre buffer for agriculturally zoned lands), **8.1.3.2** (200-foot setback buffer for agriculturally zoned lands), **8.1.4.1** (Agricultural Commission review), and **8.2.2.5** (adequate parcel size to allow adequate setback):

Consistent: The agriculturally zoned lands to the west and south would be buffered by ten-acre sized parcels and 200-foot setbacks. The project would not diminish or impair the existing or potential agricultural use, and would not create conflicts between residential and agricultural activities. Potential conflicts with agriculture because of the approval of the project are also discussed above in the **Project Issues**, *Impacts to Agricultural Land* section. Staff has found the proposed project would not cause significant conflicts with agriculturally-zoned lands because of the previously stated reasons, as well as the recommendation of approval by the Agricultural Commission and could be approved as proposed.

Conclusion: It has been determined that the project would be consistent with the applicable General Plan Policies. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The subject site is currently zoned Residential Agricultural 20-Acre -Planned Development (RA-20 -PD). The rezone request seeks to change that designation to RA-20 and eliminate the Planned Development overlay. RA-20 permits a minimum parcel size of 20 acres. The proposed 20 to 26.23-acre parcels would conform to the new zoning and the development standards in Section 17.30.050 for minimum lot width of 300 feet, minimum parcel size of 20 acres, building setback requirements of 30 feet from parcel boundaries and road easements, or 50 feet for agricultural structural setbacks. As discussed above in the **Project Issues**, *Impacts to Agricultural Land*, other special setbacks may apply. The elimination of the Planned Development overlay would allow construction of residential structures with a building/grading permit without the need for a Planned Development application and Planning Commission review.

Conclusion: As discussed above, staff finds that the project can be found to conform to the intent of the Zoning Code and that the necessary findings can be made to support the request for a Tentative Parcel Map creating two parcels. The details of those findings are contained in Attachment 2.

Tentative Parcel Map: The Tentative Parcel Map would create two parcels, 20.00 acres and 26.23 acres in size from a 46.23-acre site (see Exhibit F). An account of the proposed parcel details is included in the table below:

Parcel Number	Gross Area	Existing Improvements
1	26.23 acres	2,259 sq. ft. single family residence, 748 sq. ft. garage, and one inspection exempt barn.
2	20 acres	No improvements.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with discussion provided in Exhibit M) 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 biological, cultural resources and noise. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibits B1, B2, B3	Assessor's Parcel Maps
Exhibit C1	General Plan Land Use Designations
Exhibit C2	General Plan Agricultural Overlay Map
Exhibit C3	General Plan Important Biological Corridor Map
Exhibit D	Zoning Designations Map
Exhibit E	Record of Survey 23/65
Exhibit F	Tentative Parcel Map revised June 11, 2009
Exhibit G	Tentative Parcel Map with Aerial revised June 11, 2009
Exhibit H	Soils Map
Exhibit I	Greenwood USGS Quadrangle
Exhibit J1, J2, J3	Site Visit Photos
Exhibits K1 and K2	Aerial Photo
Exhibit L	Agricultural Commission Memo to Planning Services dated August 20, 2009, (two pages).
Exhibit M	Environmental Checklist (CEQA)

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATIONS

FILE NUMBER P06-0043/Marcyán Tentative Parcel Map
November 12, 2009 Planning Commission Hearing

CONDITIONS OF APPROVAL

Project Description

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

The project description is as follows:

Approval of this project allows the following: Rezone of the 46.23-acre parcel referenced as Assessor's Parcel Number 073-020-43 from Residential Agricultural 20-Acre -Planned Development (RA-20-PD) to Residential Agricultural 20-Acre (RA-20) and a Tentative Parcel Map to subdivide the 46.23-acre parcel into two parcels, 20.00 acres and 26.23 acres in size. Neither of the two parcels shall be less than 20-acres in size. Parcel 1 would have 2,259 sq. ft. single family residence, 748 sq. ft. garage, and one inspection exempt barn. Parcel 2 would be unimproved.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

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

seasonal wetlands were mapped in the combined study area and infrastructure corridors. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. **[MM Bio 1].**

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

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

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

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

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

5. The applicant shall pay the in-lieu fee for 0.25 acre oak canopy removed. The fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

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

6. A deed restriction and permanent easement shall be placed over the site area identified for protection by the Cultural Resource Study for the site dated October 2005, and the amended study dated January 2007. The purpose of said easement shall be for the prevention of any use or impact to that portion of the parcel. The easement area shall be shown on the final Parcel Map.

Monitoring: The applicant shall supply a letter from the qualified archeologist to Planning Services staff that the location noted on the map is accurate, prior to filing the Parcel Map. [MM Cult Res 1].

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

Monitoring: Planning Services shall be responsible for assuring that the 225-foot non-building setback is shown on the final Parcel Map prior to filing. The final Parcel Map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views from State Route 193, pursuant to the adopted Mitigated Negative Declaration. A note shall also be made on the Parcel Map that this setback restriction shall include only noise sensitive structures such as dwellings, guest house, and pools.

Planning Services Site Specific and Standard Conditions

8. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
9. The applicant shall submit to Planning Services 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 Parcel Map filed until said fees are paid.
10. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to the Georgetown Divide Recreation District, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing the Parcel Map.
11. The applicant shall make the actual and full payment of Development Services Department processing fees for the Zone Change and the Tentative Parcel Map applications prior to filing the Parcel Map.
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 Planning 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 Planning Services.

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 California Government Code.

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

El Dorado County Fire Protection District

14. The applicant shall submit review fee of \$150.00 prior to filing the Parcel Map.
15. Fire flow for this project shall be 1,000 gpm @ 20 psi for two hours with 3 hydrants. In place of requirements for hydrants and fire flow the applicant shall enter into a deed restriction for Parcel 2 with a Fire District approved NFPA 13D Fire Sprinkler System with 3,000 gallons of water storage on each parcel for all new structures. The deed restriction shall be reviewed and approved by the District prior to filing the Parcel Map. The deed restriction shall be recorded concurrently with the Parcel Map.
16. The existing home on Parcel 1 shall require 3,000 gallons of Fire District approved water storage within 150 feet of the home. Proof of compliance with said condition shall be received by the District prior to filing the Parcel Map.
17. The applicant shall develop and implement an El Dorado County Fire Protection District and Cal Fire approved Fire Safe Plan for the project parcels. Said plan shall be reviewed and approved by the District prior to filing the Parcel Map. A Notice of Restriction (NOR) shall be recorded that ensures implementation of the Fire Safe Plan. The NOR shall be reviewed and approved by the El Dorado County Fire Protection District prior to filing the Parcel Map.

Georgetown Divide Public Utility District (GDPUD)

18. The existing seasonal irrigation water account with GDPUD shall be required to be assigned to one of the new parcels prior to filing the Parcel Map. If the account is assigned to one of two parcels that is not adjacent to the existing facilities, an easement shall be reserved for the private service line from the existing ditch connection facilities to the account holder's parcel. The easement shall be between five and ten feet wide, to the discretion of the subject Tentative Parcel Map applicant. The location of the easement on the Parcel Map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.
19. A 50-foot wide easement that equally straddles GDPUD's Main Ditch #2 which traverses the property in the northwest portion of proposed Parcel 1 as shown in Exhibit F shall be dedicated to GDPUD and recorded on the parcel map for access purposes to maintain and repair the facilities within the easement. The location of the easement on the Parcel Map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.

California Department of Transportation (Caltrans)

20. The locations of the encroachment from Parcels 1 and 2 onto State Route 193, and all associated easements within the State right-of-way shall be accurately shown and described on the Parcel Map and shall be reviewed and approved by Caltrans prior to filing the Parcel Map.
21. The existing access to Parcel 2 shall be upgraded to State Standards. An encroachment permit shall be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right-of-way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. To secure an application the applicant shall contact Encroachment Permits Central Office at (530) 741-4403 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right-of-way. The width of the existing easternmost encroachment located at approximately PM 5.2 shall be 12 feet wide measured at the end of the returns.
22. The applicant shall request a "Notice of Completion" from the Encroachment Permit Office once all work related to the encroachment permit application has been completed as shown on the approved plans. The applicant shall provide Development Services a copy of said Notice prior to issuance of final occupancy for any grading or building permit for Parcel 2.
23. A Drainage Report shall be prepared and submitted to Caltrans District 3 Hydraulics Branch, at (530) 741-4056, at the time of the request for an encroachment permit, for review and approval. The Report shall address the following concerns:

- a) Within the project area, a 24-inch culvert at Post Mile 4.9, and a 48-inch culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project shall not be directed towards these culverts.
- b) Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project shall be provided.

Environmental Management Department – Environmental Health Division

24. Prior to filing the Parcel Map, each parcel shall have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02. Proof of compliance with said condition shall be received by the Division prior to filing the Parcel Map.

El Dorado County Office of the County Surveyor

25. All survey monuments shall be set prior to filing the Parcel Map.
26. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to their office prior to filing the Parcel Map.
27. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

FILE NUMBERS Z06-0040/P06-0043/Marcyan Rezone and Tentative Parcel Map November 12, 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:

1.0 CEQA Findings

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

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for single family residential and agricultural development in a rural setting. The proposed 20 and 26.23-acre parcels conform to the General Plan land use designation.
- 2.2 As conditioned and mitigated and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan including 2.2.5.21 (land use compatibility), 2.2.5.3 (future rezoning), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 6.5.1.8 (noise impacts), 7.3.3.4 (wetland

buffers), 7.4.2.9 (Important Biological Corridor (IBC) overlay), 7.4.4.4 (oak tree canopy retention and replacement), 8.1.3.1 (ten-acre buffer for agriculturally zoned lands), 8.1.3.2 (200-foot setback buffer for agriculturally zoned lands), 8.1.4.1 (Agricultural Commission review), 8.2.2.5 (adequate parcel size to allow adequate setback) concerning adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, noise impacts, wetland impacts, retaining the character of land located designated as IBC, mitigation for the loss of indigenous oak tree canopy, and impacts to agriculturally-zoned lands. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed 20 and 26.23-acre lots would conform to the new zoning and the development standards in Section 17.30.050 for minimum lot width of 300 feet, minimum parcel size of 20 acres, building setback requirements of 30 feet from parcel boundaries and road easements from non-agricultural parcels, 50 feet for agriculture structures, 200 feet for agriculturally incompatible uses from agricultural parcels, as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 Administrative Findings

4.1 Rezone Finding

- 4.1.1 **That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan** because the Residential Agricultural 20-Acre (RA-20) Zone is consistent with the Rural Residential (RR) land use designation based on the Consistency Matrix, Table 2-4. The RA-20 zone allows parcels to be a minimum of 20 acres in size while the RR designation allows 10.0 to 160 acres depending on the availability of infrastructure and public resources. The rezone is compatible with the surrounding pattern of development where a majority of parcels are five acres or larger within a 500-foot radius of the property. With the Tentative Parcel Map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of Policy 2.2.5.3. This project also meets applicable policies outlined by the General Plan including, but not limited to, those established for wetland buffers, preservation of oak woodland tree canopy and cultural resources, slope preservation, compatibility with agriculture, and adequacy of public services and utilities.

4.2 Tentative Parcel Map Findings

- 4.2.1 **The proposal conforms to the County’s zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Residential Agricultural 20-Acre (RA-20) zone district, there is adequate emergency and standard vehicular access provided, and public facilities and existing utilities to support the residential uses.
- 4.2.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses on site or are conditioned to provide them prior to filing the Parcel Map.
- 4.2.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadway to Parcel 1 will not require modifications to the existing rough-graded roadway or encroachment onto State Route 193 because the impacts to that existing roadway and encroachment will not change as a result of this Parcel Map. Parcel 2 will gain access directly from SR 193 from an independent encroachment to be approved prior to issuance of final occupancy for any future grading and/or building permit. The impacts from all other potential impacts have been analyzed in the Initial Study and, as conditioned, mitigated and with strict adherence to County Code, have been found to be less than significant.