

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Planning Commission Agenda of: November 12, 2009

FROM: Jason R. Hade, AICP, Senior Planner Item #: 8

DATE: November 9, 2009

RE: **Harris Tentative Parcel Map P08-0030 / Revised Conditions of Approval and Findings**

Based upon discussions with the applicant, Counsel, and the Department of Transportation, staff recommends the following modifications to Attachment 1, Conditions of Approval, and Attachment 2, Findings.

Attachments:

- (1) Conditions of Approval
- (2) Findings for Approval

REVISED ATTACHMENT 1 **CONDITIONS OF APPROVAL**

PARCEL MAP P08-0030 / Harris

I. PROJECT DESCRIPTION

1. This tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E, ~~approved July 23, 2009,~~ and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

~~Tentative parcel map subdividing a 150 acre parcel zoned TPZ, creating two parcels, comprising 25 and 125 acres, on a 150-acre site. Pursuant to a 10-year deed restriction, While zoned TPZ, both parcels are prohibited from constructing any additional residences or non-compatible development as defined under Section 17.06.050.GG of the Zoning Ordinance. is permitted on the 25-acre parcel.~~ The parcels will be served by individual well and septic systems. Primary site access will be provided via Blair Road and Badger Hill Road.

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. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
3. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County

Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to 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. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
6. All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.
7. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993 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.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

9. At time of parcel map filing, a 50-foot non-building setback shall be shown on the map from all intermittent streams at the subject site. A 50-foot setback shall also be shown on "Parcel A" (25 acre parcel) from the adjacent land designated Natural Resources to the Northwest of the subject site.

Agriculture Department

10. Prior to parcel map filing, the Harris Non-Industrial Timber Management Plan shall be updated and amended to include the legal descriptions of the newly created parcels to be verified by the Agriculture Department. ~~and be recorded with the County Recorder's~~

~~Office as a deed restriction on the newly created parcels. The updated timber management plan deed restriction shall be signed and dated at the time of parcel map filing with the current year and shall expire no sooner than December 31, 2020. remain in effect for a period of not less than 10 years from the date the parcel map is approved by the Board of Supervisors. Prior to recordation, the deed restriction shall be reviewed and approved to the satisfaction of the Agriculture Department, Planning Services, and County Counsel.~~

11. ~~No further subdivisions are permitted to occur on the TPZ zoned parcels, as stated in the deed restriction.~~
12. ~~No non-compatible development, as defined under Section 17.06.050.GG of the Zoning Ordinance, is permitted to occur on the 25-acre TPZ zoned parcels, until and unless a rezone from TPZ to another zone district has occurred. as stated in the deed restriction.~~

Department of Transportation

13. **On-site Access Improvements:** Prior to approval of a rezone or issuance of a building permit, the applicant shall widen the on-site portion of Badger Hill Road and Blair Road to the minimum county standards at the time the parcels are rezoned from the current Timber Preserve Zone. 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. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction shall be recorded prior to the filing of the map requiring that this condition of approval be satisfied prior to approval of a rezone or issuance of a building permit.
14. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, 60 feet of right-of-way along the entire frontage of Blair Road as determined by EDC DOT, prior to the filing of the map. This offer will be accepted by the County.
15. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate 60 feet of right-of-way along the entire frontage of Badger Hill Road as determined by EDC DOT, prior to the filing of the map. This offer will be rejected by the County.
16. **Encroachment Permit:** Prior to approval of a rezone or issuance of a building permit, the applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Badger Hill Road onto Blair 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 map. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction shall be recorded prior to the filing of the map requiring that this condition of approval be satisfied prior to approval of a rezone or issuance of a building permit.

El Dorado County Fire Protection District

17. A plan check fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District (EDC FPD) prior to parcel map filing.
18. Prior to filing the parcel map, the applicant shall either install a fire hydrant within 500 feet of each new parcel and submit documentation from the El Dorado Irrigation District indicating that a fire flow of 1,000 gallons per minute at 20 pounds per square inch for two hours will be met or sign an enforceable agreement with the EDC FPD indicating that no occupancy of any additional structures shall occur prior to installation of ~~In place of fire flow and a hydrant, the applicant may use a NFPA 13D home sprinkler system with 3,000 gallons of water storage for all structures built on each parcel. Prior to filing the parcel map, a deed restriction shall be recorded noting this requirement.~~
19. Prior to approval of a rezone or issuance of a building permit, an amended ~~A fire safe management 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 to Planning Services prior to filing the map.~~ As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction shall be recorded prior to the filing of the map requiring that this condition of approval be satisfied prior to approval of a rezone or issuance of a building permit.

Hazardous Materials

20. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA) prior to parcel map filing. The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

Surveyor's Office

21. All survey monuments must be set prior to filing the parcel map.
22. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map stating that "all conditions placed on P08-0030 by that agency have been satisfied." The letter is to be sent to the County Surveyor and copied to the agent and applicant.

REVISED ATTACHMENT 2 **FINDINGS**

PARCEL MAP P08-0030

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low Density Residential (LDR) land use designation of the subject site, as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable parcel size of five to 10 acres. The proposed project parcel sizes conform to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7 (adequate roadways, utilities, and other public services), 2.2.1.2 (land use density), 2.2.5.21 (compatibility with the surrounding neighborhood), 5.7.1.1 (availability of emergency water), 6.2.3.2 (adequate emergency access), 7.3.3.4 (intermittent stream setbacks), and 8.3.2.1 (subdivision of TPZ 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.
- 2.3 In addition to consistency with the General Plan policies outlined above, the following required findings can be made as required by General Plan Policy 8.4.2.1.
 - 2.3.1 *The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area.* The project will not be detrimental to the subject site or to adjacent parcels for long-term forest resource production or conflict with forest resource production in the project area because the 150 acre site will continue to be managed as one unit for timber production purposes.
 - 2.3.2 *The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities.* Pursuant to the

~~required deed restriction to be recorded for the parcels, n~~ No non-compatible development, as defined under Section 17.06.050.GG. of the Zoning Ordinance, is permitted on the 25-acre TPZ zoned parcels until and unless a rezone from TPZ to another zone district has occurred. As such, no conflicts will occur between adjacent proposed uses and timber production activities.

- 2.3.3 *The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected.* The 25 acre parcel will continue to be zoned as TPZ lands and managed under one Non-Industrial Timber Management Plan. As such, no island effect will occur.
- 2.3.4 *The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting.* No development will occur on the 25 acre parcel. Therefore, access to water and public roads will not be impacted.
- 2.3.5 *The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.* The 150 acre site will continue to be managed as one unit for timber production purposes. As a result, the project will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

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 parcels meet the development standards of the TPZ zone district pursuant to Section 17.44.060 for minimum parcel area, building setback requirements of 100 feet on any side from parcel boundaries and road easements, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan, where applicable.* As proposed, the tentative map conforms to the LDR General Plan land use designation and applicable General Plan policies concerning, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, intermittent stream setbacks, subdivision of TPZ zoned lands, and impacts to existing and future timber harvesting activities.
- 4.1.2 *The tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.* The proposed parcel sizes of 25 to 125 acres conform to the minimum parcel size of the TPZ zone district for the

proposed uses. Additionally, the project conforms to the applicable provisions of the Minor Land Division Ordinance.

- 4.1.3 *The site is physically suitable for the proposed type and density of development.* The creation of one additional parcel with no non-compatible development, as defined under Section 17.06.050.GG. of the Zoning Ordinance, permitted for at least 10 years at the 150 acre site is compatible with the surrounding existing residential land use densities.
- 4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage.* A negative declaration was prepared for the proposed tentative parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.