

File Number: P 98-0012
Date Received: 2-7-08

Receipt No.: 24534
Amount: 200.00

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT John Stelzmler
ADDRESS 3000 Big Oak Ct., Placerville, CA 95667
DAYTIME TELEPHONE 530-622-1358

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____
ADDRESS _____
DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

DENIAL of APPLICATION of PARCEL MAP
See attached & enclosed Response

DATE OF ACTION BEING APPEALED FEB. 6TH, 2008

Signature John Stelzmler

Date 2/10/08

ADDRESSING THE FOLLOWING ON PAGE #1

- Item #1.** Reference to lower Sweeney Road over to Happy Valley Road (**Exh. A**) Map shown road in question in green is not traversed in order to reach the property. County grades road in the spring and road serves as an additional emergency fire exit.
- Item #2** There are no gates on Miners Trail from Sweeney Road to Schoolhouse Road to Sweeney Road. This is a loop road completed in 1985 to provide ingress & egress access to a new a 200 acre subdivision call Vineyard Springs in 1982. (**Exh. B**)
- Item #3** The contention is that the area has significantly deficient roadways. R.R. Rural Residential Zoning (Exh. C) by nature has Substandard access with limited infrastructure and public services. Adequate turn arounds are available throughout the loop road system. Pioneer Fire is the lead Fire Protection Dist. The Chief in his letter of October 27, 2007 does not require improvements to the project site. His reason is that a land split does not create any additional fire risk for his Pioneer Fire Dist. in rural areas. Note the County Planner Aaron Mount did not like the letter from the Pioneer Fire Chief so he requested a letter (**Exh. D**) from Calif. Dept. of Forestry (Cal Fire) which does not have lead jurisdiction. To block this (simple) project has been a top priority of some County Planners and Mr. Mount has been infected by this attitude.

COPIED
RECEIVED
PLANNING DEPARTMENT
OCT 11 PM 12:48

PAGE #1

Project Description: The request is for a parcel map creating four parcels ranging in size from 9.65 acres to 10 acres, from one 39.65 acre parcel. Design waivers have been requested to allow for a 3,300 foot dead end road which exceeds the maximum permitted length of 500 feet and to allow a roadway width of 20 feet in lieu of 24 feet for the onsite access. The project would be served by private wells and onsite septic wastewater systems.

Site Description

The subject property features a prominent trending ridge in the southwest portion of the parcel and slopes to a north-south drainage on the east half of the parcel and ranges in elevation from 2,600 to 2,800 feet above mean sea level. Slopes range from five to 25 percent over most of the subject property that is characterized by primarily rather steep terrain in various areas and difficult vehicular access. The primary vegetation within the project site consists of oaks, scattered mixed conifers, manzanita shrubs, and grasses.

The on-site roadway for this parcel map already exists as a driveway which currently serves the unimproved parent parcel. The “driveway” would be improved and would serve no more than the parcels involved in this parcel map request, based on the information provided by the applicant’s engineer.

A field visit to the property resulted in the following conclusions:

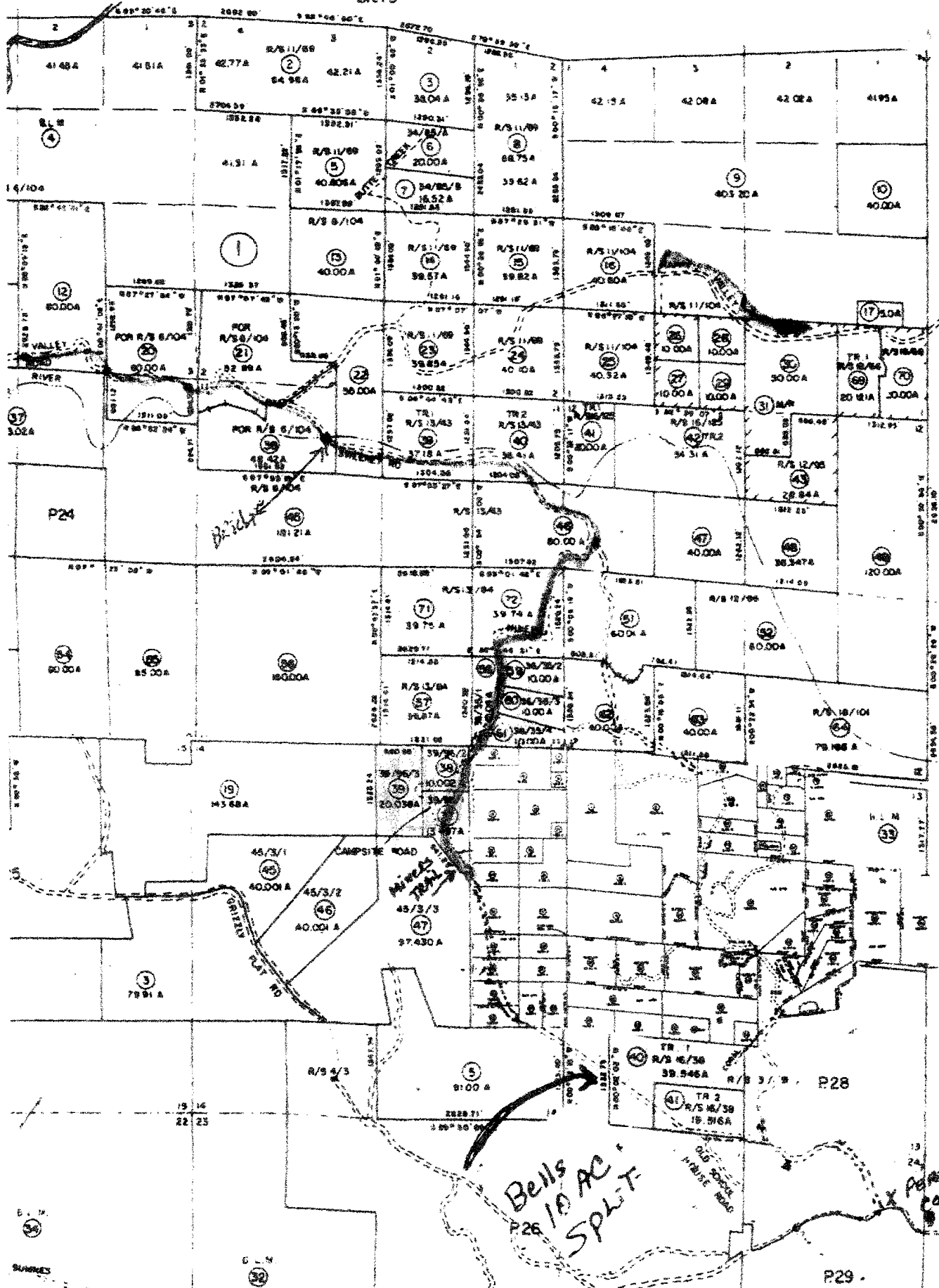
1. Sweeney Road is a County maintained road that does not satisfy roadway width standards based on the road width being from 12 to 14 feet. The lower portion of Sweeney Road, connecting to Grizzly Flat Road has a chip seal surface and the remainder of the road is gravel and native material. Sweeney Road does not satisfy County Standards or the California Fire Safe Regulations for width and surfacing. The portion of Sweeney Road from Miners Trail to Happy Valley is native material only and is impassable in a 2wd vehicle when the surface is wet or muddy. This portion of the road must be traversed in order to reach the subject property. *
2. Miners Trail is a substandard roadway with a gravel and dirt surface with zero to two foot shoulders with a 12 foot width, but has a width of less than 10 feet in various areas. Miners Trail is not a County maintained road, and it is not a through road as property owners have installed gates limiting access. *
3. The access roadways are significantly deficient in satisfying Fire Safe standards that require a minimum roadway width of 18 feet with two foot shoulders and the roadway is noticeably obstructed by vegetation. Sweeney Road and Miners Trail do not contain any adequate turnaround areas for a majority of the roadway width. DOT recommends the roads be widened to 18 feet with two foot shoulders to satisfy Fire Safe Standards. Pioneer Fire District in a letter dated 1998 states that a road width minimum of 24 feet will be required for the fire district to provide an adequate level of service. The current fire chief for the Pioneer Fire District is not requiring any improvements as stated in a letter dated October 27, 2007. *

EX-A

SECS. 1, 2, 3, 10, 11 & 12, T9N, R12E, M.D.M.

Tax Area Code

BK 79



Bells 10 AC SPLIT

P26

P29

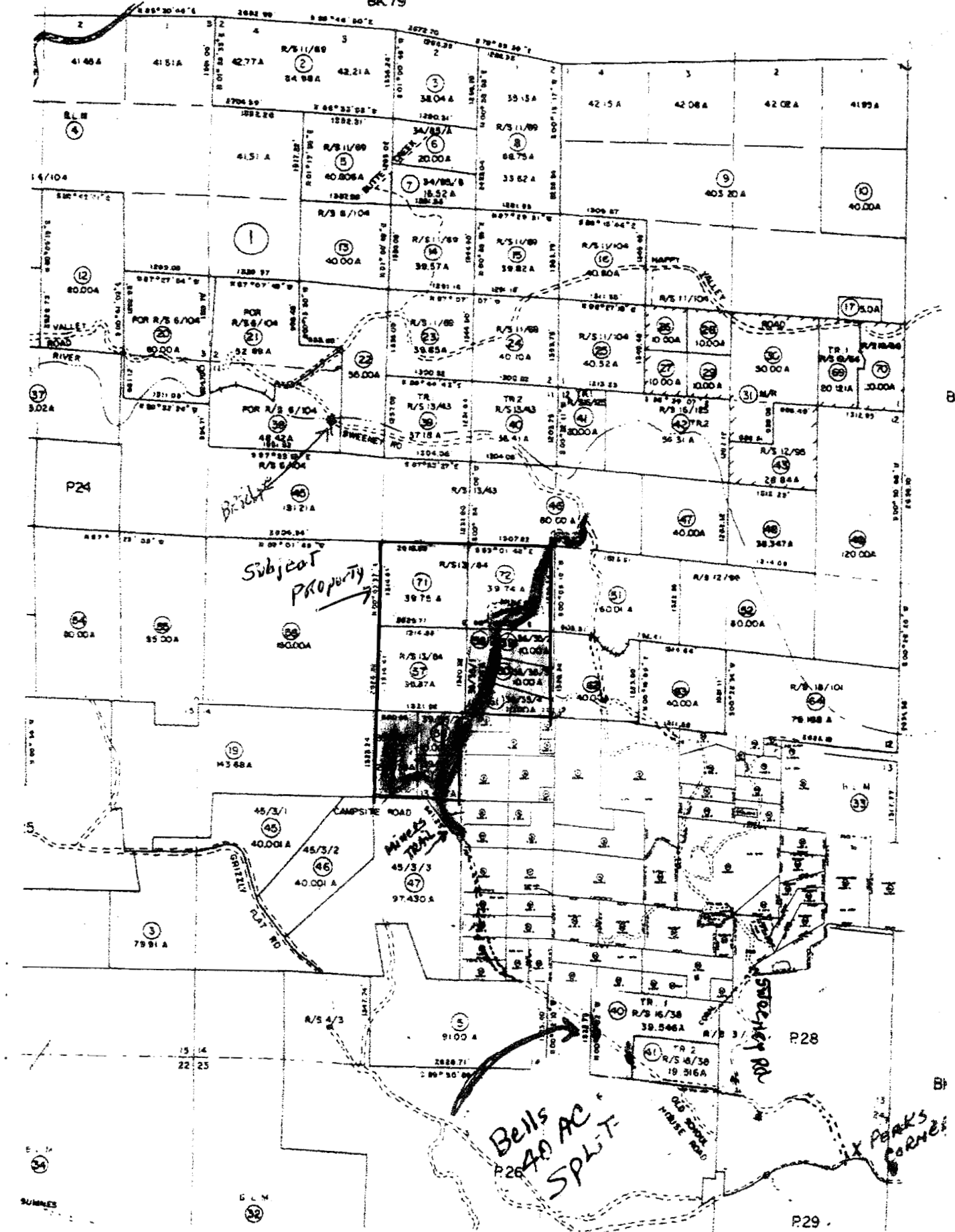
BK

Old Park's Corner

SECS. 1, 2, 3, 10, 11 & 12, T.9N, R.12E, M.D.M.

EX-B
Tax Area Code

BK 79



Subject Property

Bells 40 AC SPLIT

Parks Corner

E.M.

SUMMER

E.M.

P29

BP

include single-family attached and detached dwellings, and manufactured homes. This designation is considered appropriate only within Community Regions and Rural Centers.

Medium-Density Residential (MDR): This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; 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 densities; 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 1 dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres.

Low-Density Residential (LDR): This land use designation establishes areas for single-family residential development in a rural setting and enables agricultural land management activities. This designation shall provide a transition from Community Regions and Rural Centers into the agricultural and more rural areas of the County, and shall be applied to those areas where public infrastructure such as arterial roadways, public water, and public sewer are not generally available. The application of the LDR land use designation shall be further restricted to those lands contiguous to Community Regions and Rural Centers to provide for a transition of density into the Rural Regions. This designation shall not be assigned to lands which are separated from Community Regions or Rural Centers by the Rural Residential land use designation, nor to any areas contiguous to Natural Resources unless it is for the purpose of recognizing existing platted lands (lands which have previously been subdivided). Wells and individual septic systems will be the typical source of water and method of sewage disposal. The maximum allowable density shall be 1 dwelling unit per 5.0 acres. Parcel sizes shall range from 5.00 to 10.00 acres. Typical uses shall include single-family detached dwellings, agricultural support structures, crop production, and the raising and grazing of domestic farm animals. This designation is considered appropriate only in the Rural Regions.

Rural Residential (RR): This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access, as well as "choice" agricultural soils. The RR designation shall be used as a transition between LDR and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a

means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is 1 dwelling unit per 10 to 40 acres. This designation is considered appropriate only in the Rural Regions.

Natural Resource (NR): The purpose of the Natural Resources (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas and mineral resources. Land under both public and private ownership that contain these resources are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. The designation shall not be applied to lands which are already surrounded by existing development. Compatible uses may include agriculture, rangeland, forestry, wildlife management, recreation and support single-family dwellings. The maximum allowable density for this designation is 1 dwelling unit per 160 acres or larger. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3000 feet elevation are exempt from the above policy regarding the maximum allowable density. Isolated parcels shall be reviewed by the Agricultural Commission.

Commercial (C): The purpose of this land use category is to provide a full-range of commercial retail, office and service uses to serve the residents, businesses and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses, shall be permitted provided the commercial activity is the primary and dominant use of the parcel. Developments in which residential usage is the sole or primary use shall be prohibited on commercially-designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate only within Community Regions and Rural Centers.

Research & Development (R&D): The purpose of this land use designation is to provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting which ensures a high quality, aesthetic environment. This designation is highly appropriate for the business park/employment center concept. Lands

Ex-D

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

2840 Mt. Danaher Rd
Camino, Ca 95709
(530) 647-5231



County of El Dorado
Planning Department
2950 Fair Lane Court
Placerville, CA 95667
Attention: Aaron Mount

January 31, 2008

Subject: P098-0012 / Transvest Inc. – APN: 093021-71

Aaron Mount,

In regards to the four way parcel split on Miners Trail, approximately 1/3 of a mile from the intersection with Sweeney Road in the Somerset Area. I have not seen a Wildfire Fire Safe Plan for this 4 way split.

Cal Fire concerns with this project are that the roads into this area are substandard and do not meet the SRA Fire Safe Regulations and portions of the California Fire Code as adopted by the County of El Dorado. El Dorado County standards may be more stringent and then would supersede these requirements.

Cal Fire cannot approve this project unless it meets applicable SRA Fire Safe Regulations, California Fire Codes, and County of El Dorado Codes. The above mentioned codes and regulations are in place to provide safety to the public and responding agencies in the event of a catastrophic wildland fire.

Tom Oldag
Fire Captain

ADDRESSING PAGE #2

RECEIVED
PLANNING DEPARTMENT
FEB 11 PM 12:48

General Plan Reference to 222.3 Plated Lands Overlay

Exhibit I History of Property

Exhibit I-A Map of area and the prior land splits in the area by color code.

1982-1985-1987 Bells 40 Acre split (See Exh. I-B)

Note The completion of Miners Trail (shown in orange) in 1985 parcel split completed the loop road from Sweeney Road to Schoolhouse Road back to Sweeney, ¼ mile from Grizzley Flat Road. Planning likes to ignore this access road built in 1985 and has served the only two homes built for 23 years in the original 200 acre planned unit development called Vineyard Springs. A road maintenance agreement is recorded on the 200 acres.

Exhibit I-C Plated Lands Overlay 222.3 explains the composite of property sizes in the plat. Bell's 40 acre split is in the plated area and was completed in 1997. (shown in blue on Exh. I-A)

Exhibit I-D Hearing before Board of Supervisors December 5th, 1997 and questions John Upton requested from Planning Director Conrad Montgomery. The hearing on 222.3 plated land overlay and whether or not the Board would uphold the Planning Commission decision or deny the RR 10 Zoning as the Planning Dept. requested. The Board of Supervisors upheld the Planning Commission by a 4 - 1 vote, thus nullifying 222.3 in Reference to our property.

Exhibit I-E Agricultural Commission hearing on P 98 - 12 Parcel Split. Question from Commissioner Pratt to Roger Trout of Planning on the effect of 222.3 Plated Land. Roger's underlined answer is clear and concise and should conclude the effect of 222.3 on this project.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Vacant
North	RA-80	NR	Vacant
South	RE-10	NR	Vacant
East	RE-10	RR	Vacant
West	TPZ	NR	Vacant

General Plan: The General Plan designates the subject site as Rural Residential-Platted Lands (RR-PL), which recognizes existing parcel sizes ranging in size from 10 to below 40 acres. Three of the proposed 10-acre parcels therefore conform to the General Plan land use designation minimum, while the proposed 9.65 acre parcel does not. The purpose of the Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The proposed parcel map does have the potential to establish incompatible land uses with respect to the timber preserves that are evident within the area. Policy 2.2.2.3 states the existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses.

It can be argued that the application of RR-PL to this parcel is inappropriately applied since the parcel is effectively 40 acres in size being not less that a quarter of a quarter section of land. The application of Platted Lands overlay designation is to recognize pre-existing lot sizes now considered inconsistent with the intent of the General Plan. The Rural Residential land use designation is applied in combination with the Platted Lands overlay designation to conform to the existing size lot pattern. Had these lands not already be substandard in size, the land use designation would have been Natural Resource which has a minimum parcel size of 40 acres.

Subdividing of this parcel below 40 acres is inconsistent with General Plan Policy 2.2.2.3 which does not allow the further expansion of smaller parcel sizes in the area.

The following General Plan policies apply to this project:

Policy 2.2.5.7 states where a zoning district applied to given land is consistent with the General Plan land use designation, the County reserves the right to deny development plans providing for permitted uses where adequate findings for approval (including adequate public facilities and services) cannot be made. As discussed below staff finds that this project is consistent with Policy 2.2.5.7 in that the project lacks adequate access and may lead to excessive emergency response times.

Ex-I

RE-HEARING FROM MARCH 11TH, 1997

Agenda "Hot Bucket" Page 3, Item 5

"History of Property"

Zoning Maps Request by owner James Ernhart

- A. 160 Acre (Parcel #093-020-3361) for 10 acre zoning. This was a Planned Unit Development known as "Vineyard Springs"
 - B. 40 Acre (Parcel #93-0040-21) for 10 acre zoning
- A. & B. were Approved after payment of fees and required Hearings 11/8/82 by El Dorado County Board of Supervisors.

Subject property after Zoning

- A. Topo Map
- B. Zoning Map
- C. Land Use Map

- A. We purchased Oct 1st, 1990 after considerable review and reliance on the Site Specific Zoning
- B. We considered a tentative map at this time, but were stopped by a decline in land sales
- C. See Land Unit sales decline in 1991
- D. We were also stopped by being told parcel maps were on hold during General Plan update.

- A. Dec. 11th, 1992 start of 5 years of Inclusionary process, letter from Craven Alcott, long range planning.
- B. Hearing on Site Specific Request August 3rd, 1995 by a 4-0 vote. The Planning Commission moved to APPROVE the request to retain the 10 acre Zoning, and 8 ten acre parcels.
- C. Ray Nutting had the Site Specific Planning Commission decision put in the "Hot Bucket" for a second hearing by the Commission. By a 3-1 vote the Planning Commission UPHELD the unanimous vote on the Site Specific Request, that being 10 acre zoning.
- D. The property was heard by this Board on March 11th, while applicant was out of town. John Upton was gracious to agendize a re-hearing, so I can clarify some of the misleading statements that appear on the tape of March 11th.

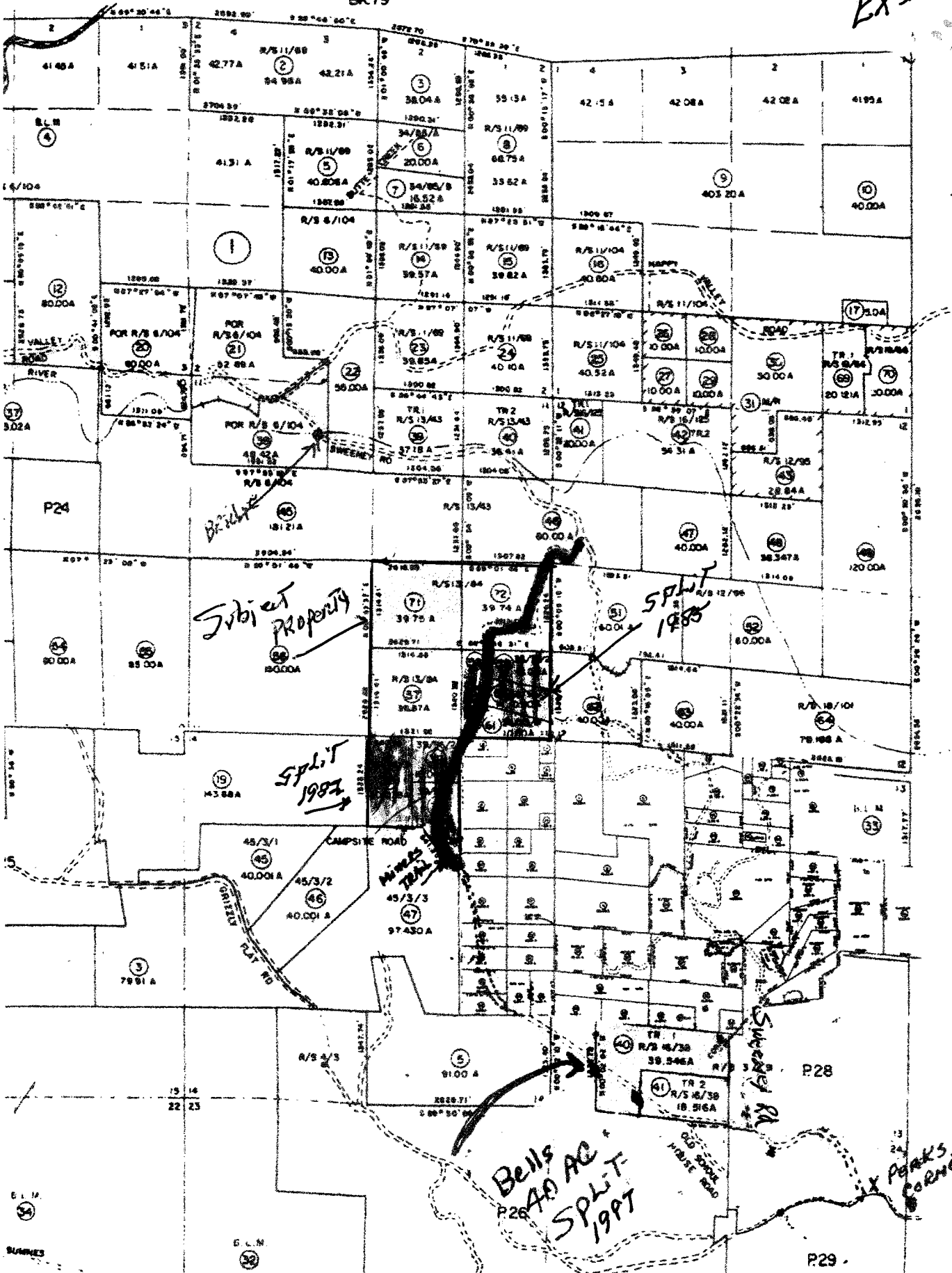




← 200 AC PLANNED DEVELOPMENT
Vineyard Springs

EX IA

BK 79



BK 41

BK 41

Exhibit **I-B**

Fold out map with color coding of roads in area, this was a area of considerable confusion March 11th.

- A. Road (██████████) or) called Miners Trail was built to complete necessary loop for the Planned Unit Development "Vineyard Springs" to Sweeney Road (██████████)
- B. Electric easements were completed in 1985 and electricity is currently at our neighbors parcel 60 (shown in red) 400 feet from our property.
- C. A Road Maintenance Agreement was recorded in 1985 on all 9 properties fronting on Miners Trail.
- D. 1982- completion of 40 acre parcel split on #93-040-21 into one 20 acre, one 10 acre, and one 13 acre parcel part of original zoning - 1982 (██████████).
- E. In 1985 part of the 160 acre #93-020-361 each 40 acres was split into four 10's (██████████) part of original zoning 1982
- F. Two letters of neighbors approvals of our retaining 10 acre zoning. Parcel #093-021-601, James Kerrons' to the south, and the 160 TPZ and the 80 acre TPZ owned by Richard Cousins #093-02-56 and 093-02-76. Letters included.

Exhibit **I-C**

Shows the Land Use map after the Planning Commission Site Specific vote when re-affirmed RR 10 Acre Zoning. Planning put the property in plated, then they say it doesn't conform for a variety of unfounded reasons. <<*

FACT - This Plat is RR 10-40

FACT - All larger parcels in Plat can upon approved application split down to 10 acres which is the minimum land use designation.

FACT - Platting is used to control the ability of parcels so as not to subdivide below the 10 acre minimum. This Plat contains many smaller parcels than 10 acres which could be used as a precedent.

There are four 20 acre parcels that can split and one 39.54 acre parcel (#40 that just completed its parcel map in June of 1997 for four 10's.

This is Attorney Bells property. Mr. Nutting assisted Bell in completing the parcel split.

FACT - We are not attempting to establish new incompatible land uses. Within the Plat there are 29-10 acre parcels plus Bells four 10's. That is 33 in total. In addition there are four 20's and a lot of smaller parcels. The Planning Commission re-affirmed our RR-10 acre zoning. If RR-10 doesn't fit in the Plat then let it stand alone, as its stood for 15 years, as 10 acre zoning. What makes our property different is that we didn't do a preliminary map. If we had a pre-lim all would be inclusive. Bell started his map in 1991 and completed in 1997. While we were told we could not while the General Plan was in process. ???

Exhibit I-C

①②
SITE
39.75A 39.74A

PP-PL

BELL
④ 39.54A



EL DORADO COUNTY
PLANNING DEPARTMENT

EX I-D

2850 Fairlane Court
Placerville, CA 95667

Phone: (530) 621-5355
Fax: (530) 642-0500

MEMORANDUM

DATE: December 5, 1997
TO: Supervisor John Upton
FROM: Conrad B. Montgomery, Planning Director
SUBJECT: General Plan Amendment 97-04 ("Hot Bucket" Item No. 5)
Assessor's Parcel Number 093-021-71 and -72

Below are your questions pertaining to the referenced item followed by our response.

1. *Specific past discretionary approvals, if any.*
 - (1) The subject property was rezoned from unclassified (U) to Estate Residential 10-Acres (RE-10) in 1982 as part of the adoption of the South County Area Plan.
 - (2) Two certificate of compliance applications were approved on May 22, 1996 effectively dividing the former approximately 80-acre parcel into two 40-acre parcels (COC 93-0016 and COC 96-0061).
2. *Duration of said approvals.*

No time conditions are associated with the rezone or certificate of compliance approvals.
3. *Any conditions attached to past approvals.*

No conditions of approval were applied to the rezone or certificate of compliance approvals.
4. *Specific effects on the property owner of the Board action either way on Hot Bucket Item No. 5.*
 1. *If the Board upholds Planning Commission action.*

Should the Board uphold the recommendation of the Planning Commission and keep the subject properties designated Rural Residential-Platted Lands (RR-PL), the property owner may make application to subdivide each of the two approximately 40-acre parcels into four 10-acre parcels.

2. *If the Board upholds staff's original recommendation.*

Should the Board uphold the recommendation of staff, the properties could not be further subdivided.

5. *If the Board upholds the Planning Commission recommendation, what further action(s) by the property owner are required in order to divide parcels into 10-acre parcels and what conditions would (or may) be attached?*

The property owner would be required to submit a tentative parcel map application. Typical conditions of approval applied to a tentative parcel map are listed on Attachment A.

6. *Additional requirement(s) upon property owner if Planning Commission recommendation is not followed?*

Should the recommendation of the Planning Commission not be followed and the current general plan amendment application (A97-04) continue to be processed as directed by the Board, no additional requirements are anticipated whether or not the general plan amendment is approved.

7. *Additional pertinent information that the Board should consider on this issue.*

The principal issue is that the use of the Platted Lands (-PL) land use designation overlay is for the expressed purpose of identifying those lands in the County that have been previously subdivided and would otherwise not be considered consistent with the current adopted General Plan. The -PL land use designation prevents the expansion of the particular land use pattern. Applying the -PL land use designation to these parcels is inconsistent with the policies of the General Plan because the properties are 40-acres in size and are not now subdivided. General Plan Policy 2.2.2.3 states the following:

The purpose of the Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The -PL designation shall be combined with a land use designation which is indicative of the typical parcel size located within the Platted Lands boundaries. The existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses.

The -PL overlay designation may also be applied to lands historically zoned with a commercial zone district combined with the Commercial (C) land use designation.

1. Parcels within the -PL overlay designation shall not be permitted to subdivide to a size smaller than the minimum parcel size allowed by the base land use designation.
2. -PL district boundaries shall not be modified to include additional parcels for the purpose of allowing subdivision of those additional parcels.

8. *My impression is that this property is in a policy "grey area" - correct?*

No, the 40-acre parcels were, by definition, designated Natural Resource (NR). The intended use of the Platted Lands land use designation is clearly expressed in the General Plan (refer to response #10 below).

It should be noted that many properties throughout the county will be subject to a "down" zoning as a result of the adoption of the General Plan in those cases where the zoning is inconsistent with the General Plan.

9. *Access provisions to parcel and assurances that road improvements will be accomplished.*

Access and circulation issues would be addressed through the tentative parcel map application process.

10. *Why is this parcel given the Platted Lands land use designation on the General Plan map?*

On August 3, 1995, the Planning Commission approved Site Specific Request 9-4 changing the land use designation from Natural Resource (NR) to Rural Residential (RR). Since adjacent lands are designated RR-PL, this is clearly inconsistent with the policies of the General Plan. General Plan Policy 2.2.2.3 states that "the existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses." Applying either RR or RR-PL to the subject properties is inconsistent with the General Plan. Applying RR-PL may be considered less inconsistent with the General Plan applying RR.

11. *Is there anywhere else in General Plan with issues similar to this?*

Staff is not aware of any other similar situations.

12. *If this Platted Lands land use designation overlay is permitted to remain, is it fair and equitable in relation to similar properties (e.g.: Is it fair to everyone in similar situation, or is this situation unique?)*

Applying the Platted Lands land use designation to properties that have not yet been subdivided for the purpose of permitting further subdivision is in conflict with General Plan Policy 2.2.2.3 and the intent of the -PL land use designation overlay as explained in the responses to question #'s 7 and 10 above.



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@co.el-dorado.ca.us

Howard Neilsen, Chair – Livestock Industry
Greg Boeger, Vice-chair – Agricultural Processing Industry
Edio Delfino – Fruit and Nut Farming Industry
David Pratt – Fruit and Nut Farming Industry
Lloyd Walker – Other Agricultural Interests
Gary Ward – Livestock Industry
John Winner – Forestry/Related Industries

MEMORANDUM

EX I-E

DATE: May 18, 2006

TO: Aaron Mount
Planning Services

FROM: Howard Neilsen
Chair

SUBJECT: P 98-12/Transvest, Inc. requesting to sub-divide a 39.75 acre Estate Residential Ten-Acre (RE-10) zoned parcel, which is adjacent to Timber Preserve Zone (TPZ) parcels, to create four (4) parcels (District II) *(continued from 4/12/06, meeting)*

During the Agricultural Commission’s regularly scheduled meeting held on May 10, 2006, the following discussion and motion occurred regarding Transvest, Inc.’s request to sub-divide a parcel.

Steve Burton informed the Commission that on April 28, 2006, Bill Draper and he conducted a Site Visit on the subject parcel. The parcel is 39.65 acres, zoned RE-10, and is located in the Somerset area. Mr. Burton stated that under the proposed plan, the building envelopes were more than 200 feet away from the TPZ land. Staff recommendation is to approve P 98-12 as the proposed parcel split provides for the 200 foot TPZ setback.

Ex-officio member Bill Draper submitted his written report of his findings from the Site Visit. During the meeting, Mr. Draper gave a brief summary on the condition and background history of the adjacent TPZ land.

Commission Member Pratt questioned Roger Trout regarding the parcel being identified as “Platted Lands”. Mr. Trout informed the Commission that “Platted Lands” is a General Plan overlay and Policy 2.2.2.3 is the only policy that describes it. This designation was originally created in the 1996 General Plan which included some very specific limitations on development. It was eventually “watered down” in the 1996 General Plan and that language was used for the newly adopted General Plan. Mr. Trout stated that the designation is meant to deter adjacent properties from using the argument of, “if he has it, therefore, so should I”. Thus, when a parcel is identified as “Platted Lands”, the rule is that it can be sub-divided to the parcel size allowed by the General Plan Land Use Designation. In this case, it is RR, which is a 10-acre parcel size.

The applicant was not in attendance.

Aaron Mount
May 18, 2006
RE: P 98-12/Transvest
Page 2

It was moved by Mr. Winner and seconded by Mr. Delfino that the Agricultural Commission recommend approval for Transvest, Inc.'s request to sub-divide (P 98-12) a 39.75 acre parcel (APN#093-021-71), zoned RE-10, into four (4) parcels as the proposed parcel split provides for the 200 foot TPZ setback. Motion passed.

AYES: Delfino, Pratt, Walker, Boeger, Winner, Neilsen
NOES: None

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

HN:cmt

cc: ~~John~~ Stelzmilller

ADDRESSING PAGE #3

RECEIVED
PLANNING DEPARTMENT
OCT 11 PM 12:48

Policies 6.2.3.1, 6.2.3.2 & 5.7.4.1, 7.4.2.2, 7.4.4.4, 8.4.1.1

most of these policies were addressed in:

Exhibit I-F Negative Declaration on December 28th, 1998 by Planner Daniel Uhler, has not been in planning staff reports at Tac. Or in these documents. In attachment 1 of staff report finding for denial, the CEQA Guidelines do not require a CEQA finding if the project is unapproved. Note again by the action of Planner Aaron Mount, this Negative Declaration does not appear, yet the questions that have been resolved in 1998 re-appear as questions to be answered again. This Negative Declaration was a direct result of the Board of Supervisors decision in Exh. I-D Page 2.

Exhibit I-G Requirement of 6.2.3 Adequate Fire Protection

- A. This was addressed in the “Negative Declaration”
- B. This was addressed by the Pioneer Fire Chief in my Reply to Item #3 of Page #1 no impact.
- C. Existing loop road system Exh. C and R.R. Zoning Exh.D Explain the adequate requirement in 6.2.3.2.

Page
#3

Policies 6.2.3.1, 6.2.3.2, and 5.7.4.1 direct that as a requirement of new development, the County must find, based on information provided by the applicant and the responsible fire protection district that adequate fire and emergency medical access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. Letters provided from Pioneer Fire Protection District in 1998 and 2006 state that adequate access does not exist and that a response time of 20 minutes could only be met if the access was improved to Fire Safe Regulations. The Fire District stated it did not believe it would be responsible of them to approve such a project as they could not adequately provide emergency services to the subject site. Additionally *Policy 6.2.2.2* directs that the County shall preclude development in areas of high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazard. The subject parcel has been identified as being in a very high wildland fire hazard area and has not provided a fire safe plan showing adequate protection. Therefore, the project is inconsistent with these policies.

Policy 7.4.2.2 directs that where critical wildlife areas and migration corridors are identified the County shall protect the resources from degradation by requiring all portions of the project site that contains or influences said areas to be retained as non-disturbed natural areas through mandatory clustered development. The subject parcel is within the boundaries of a mapped deer migration corridor. In the previous staff report, staff recommended a 20-acre minimum parcel size mitigation measure based on the California Department of Fish and Game's (DFG) recommendations at the time. Subsequent distribution of the project upheld the recommendation of 20 acre parcels. Since the current project proposes lots of ten acres or less, the map would be inconsistent with this policy.

Policy 7.4.4.4 directs that oak woodland shall be preserved through retention of canopy. A tree preservation plan was submitted with the parcel map application; however it does not distinguish between oak, pine, and cedar. When the application was submitted canopy retention was required for all species of trees, but as the application has been on hold for many years the policy has been amended to include native oaks only. Verification of oak canopy retention and consistency with *Policy 7.4.4.4* can not be made.

Policy 8.4.1.1 directs that the subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned Timberland Production Zone (TPZ) shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate. The subject parcel is adjacent to two parcels, 160 acres and 181 acres, with the Land Use Designation of NR. The proposed subdivision of a 40-acre parcel into four 10 acre parcels is inconsistent with this fundamental, mandatory, and specific General Plan policy. ✖

Conclusion: As discussed above, staff finds that the project, as proposed, does not conform to the General Plan.

NOT PLATED

Zoning: The subject site is zoned RE-10 which permits a minimum parcel size of 10-acres where development is feasible. Therefore, three of the four proposed 10-acre parcels conform to existing zoning. The proposed 9.65 acre parcel is consistent with Section 17.14.120.A of the Zoning

EX I-F

NEGATIVE DECLARATION

FILE NO.: P98-12 Transvest Inc./Garretson Mortgage

PROJECT NAME: N/A

NAME OF APPLICANT: Transvest Inc./Garretson Mortgage

ASSESSOR'S PARCEL NO.: 093-021-71 SECTION: 11 T: 9N R: 12E

LOCATION: West side of Miner's Trail approximately one-third of a mile southwest of the intersection with Sweeney Road in the Somerset Area.

- GENERAL PLAN AMENDMENT: FROM: TO:
- REZONING: FROM: TO:
- TENTATIVE PARCEL MAP SUBDIVISION TO SPLIT ACRES INTO LOTS
SUBDIVISION (NAME)
- SPECIAL USE PERMIT TO ALLOW:
- OTHER:

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

- NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS TO A LEVEL OF INSIGNIFICANCE.
- OTHER: _____

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by EL DORADO COUNTY. A copy of the project specifications is on file in the El Dorado County Planning Department, 2850 Fairlane Court, Placerville, Ca. 95667.

Daniel J. Zellner
PREPARED BY

December 28, 1998
DATE



EL DORADO COUNTY PLANNING DEPARTMENT

2850 Fairlane Court
Placerville, CA 95667

Phone: (530) 621-5355
Fax: (530) 642-0508

ENVIRONMENTAL CHECKLIST FORM AND DISCUSSION OF IMPACTS		
Project Title: Tentative Parcel Map 98-12		
Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667		
Contact Person: Daniel Uhlar, Associate Planner	Phone Number: (916) 621-5355	
Project Owner's Name and Address: Transvest Inc./Garretson Mortgage 1400 Big Oak Road Placerville, CA 95667		
Project Applicant's Name and Address: Transvest Inc./Garretson Mortgage 1400 Big Oak Road Placerville, CA 95667		
Project Agent's Name and Address: Gene Thome & Associates, Inc. 3025 Alhambra Drive, Suite A, Cameron Park, CA 95682		
Project Location: West side of Miner's Trail approximately 1/3 of mile southwest of the intersection with Sweeney Road in the Somerset area.		
Assessor's Parcel No(s): 093-021-71		
Section: 11	T: 9 North	R: 12 East
General Plan Designation: Rural Residential - Platted Lands (RR-PL)		
Zoning: Estate Residential Ten Acre Zone District (RE-10)		
Description of Project: The applicant's request involves the creation of four parcels, Parcels 1 through 3 of 10 acres each and Parcel 4 of 9.65 acres, for an approximate 40 acre site that includes two design waiver requests per Section 16.40.010 of the County Minor Land Division Ordinance: 1) Allow a dead-end road longer than 500 feet in length. 2) Allow roadway width of 20 feet in lieu of the 24 foot requirement		

Surrounding Land Uses and Setting: The site is characterized by a rural atmosphere and gentle to moderate slopes ranging from 5 to 25 percent over the majority of the site. A prominent northwesterly trending ridge is located in the southwestern portion of this parcel and slopes to a north to south drainage on the east half of the parcel. The site lies at an elevation of between 2,600 to 2,840 feet. The primary vegetation within the area are oak trees, mixed conifers and manzanita shrubs and grasses. Surface soils consist of light brown silty, sandy loams developed on a bedrock of weathered granite to depths of more than 8 feet over the whole parcel.

The surrounding land uses consist primarily of timber areas that are heavily wooded timber areas that will be evaluated as part of the applicant's project request by the Agricultural Commission at their February 10, 1999 meeting. The project site is bordered on three sides by the Natural Resources (NR) designation and Timberland Preserve Production (TPZ) AND RA-80 zoning. The site is adjacent to 40 acre parcels to the east and the south.

Through discussions with the applicant's representative there has been no recent documentation of timber harvesting on the subject property, but there might have been select harvesting (not clear cutting) in the past.

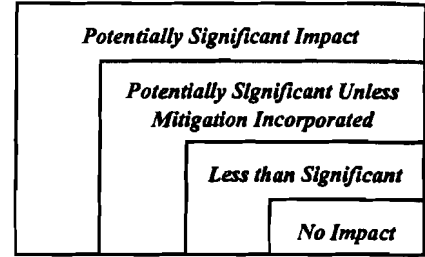
SUMMARY OF ENVIRONMENTAL IMPACTS

The following areas have been identified to have a potentially significant impact: land use and biological resources. Where the incorporation of one or more mitigation measures has reduced the effect, a negative declaration is appropriate. A summary of the mitigation measures and monitoring is contained at the end of this document.

USING THE ENVIRONMENTAL CHECKLIST

An explanation is provided for all answers except in some instances "No Impact" responses. References to other documents are provided where the information in that document adequately supports the finding of "No Impact." All answers are intended to take into account all effects of the project, including off-site, cumulative, indirect and construction-related impacts. Earlier analyses may have been used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

In accordance with Public Resources Code §21083.3, and since the project complies with the General Plan and General Plan EIR mitigation measures, the environmental review of the proposed project, including design and improvements, was limited to the effects upon the environment which are peculiar to the project, and no new significant environmental impacts that were not discussed in the General Plan EIR will result from this project.



ENVIRONMENTAL IMPACTS

I. Land Use Planning. Would the proposal:				
a. Conflict with general plan designation or zoning?		✓		
b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?			✓	
c. Be incompatible with existing land use in the vicinity?		✓		
d. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?		✓		
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?		✓		

Discussion: (a) The General plan designation for the subject property is Rural Residential -Platted Lands. The definition of this classification is provided in the following passage provided in the El Dorado County General Plan Policy 2.2.1.2:

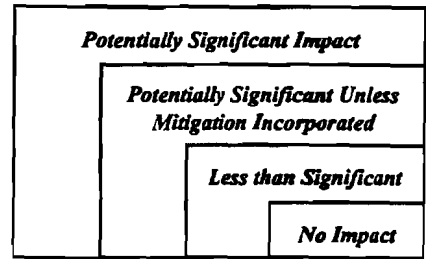
“This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between the Low Density Residential (LDR) designation and the Natural Resource (NR) Designation. Typical uses include single family residences, agricultural support structures, a full range of agricultural production uses, recreation and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. The designation is appropriate only in the Rural Regions.”

The General plan contains a policy to address the Platted Lands overlay designation that is evident in this request. General Plan Policy 2.2.2.3 provides the following language:

“The purpose of Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be inappropriate land use designation for the area, based on the existence of important natural resources. The -PL designation shall be combined with a land use designation which is indicative of the typical parcel size located within the Platted Land boundaries. The existence of the -PL overlay cannot be used as a criterion or precedent to expand or establish new incompatible land uses.’

The project would be subject to the provisions of General Policy 8.4.1.1. that contains the following language:

“The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned TPZ shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.



The subject property (40 acres) was considered as a General Plan Hot Bucket item (File # 9-4 involving 80 acre property) by the Planning Commission on August 3, 1995 and the RR designation was approved on a 4-0-1 vote. The property is bordered on the north and west by properties designated Timberland Preserve Zone (TPZ). The Planning Staff in their recommendation to the Board stated that the designation be subject to the NR designation. Planning Staff believed the objective of the -PL overlay, is to identify isolated areas containing contiguous existing smaller parcels in the Rural Region where such smaller parcels are considered inappropriate. The adjacent parcels south of the subject property would have been designated NR had these parcels not already existed.

The policy clearly states that parcels adjacent to TPZ and NR should not be less than 40 acres in size that is current size of the subject parcel. This presumes that smaller parcels will have a negative impact on adjacent forestry operations. The policy further states that smaller parcels "may" be considered when located below 3,000 feet. This site is barely below the 3,000 foot elevation, and protrudes into the NR and TPZ area and thus increasing the potential impact on forestry resources. This impact could be reduced by limiting parcel size to 20 acres.

The parcel map will need to be reviewed by the Agricultural Commission since the proposal would be in conflict with the abovementioned General plan policies and mitigation measures need to be imposed. The item is scheduled for the February 10, 1999 Agricultural Commission meeting and mitigation is recommended in the form of adherence to a 20-acre minimum or the project could be recommended for denial.

(b and c) The proposed parcel map does not appear to have the potential to conflict with any adopted environmental policies but further comments might be forthcoming from responsible agencies that would alter this position. The proposal to conflict with adjacent land use properties to the north and west that are designated TPZ.

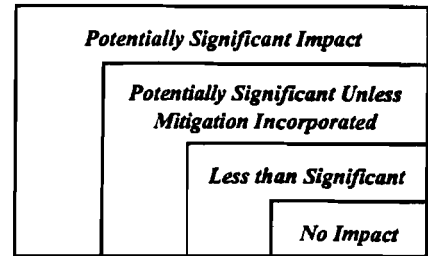
The parcel map request will be reviewed by the Agricultural Commission either to determine if there is any land use incompatibility involving the proposed request.

(d and e) The proposed parcel map does have the potential to impact agricultural operations and there is a considerable likelihood that the proposal could divide the physical arrangement of the area if the 40-acre property is divided into the ten acre parcels and thus a recommendation of denial is possible if the Agricultural Commission does not provide a favorable recommendation.

II. Population and Housing. <i>Would the proposal:</i>				
a. Cumulatively exceed official regional or local population projections?			✓	
b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?			✓	
c. Displace existing housing, especially affordable housing?			✓	

Discussion: (a and b) The parcel map request involves four parcels and based on the limited scope of the density per the General Plan the likelihood for project to cumulatively exceed regional or local population projections or induce substantial growth is considered to be less than significant.

(c) The proposed project does not involve any request to displace existing housing within the Somerset area.



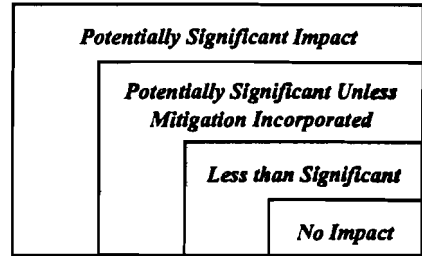
III. Geological Problems. <i>Would the proposal result in or expose people to potential impacts involving:</i>				
a. Fault rupture?			✓	
b. Seismic ground shaking?			✓	
c. Seismic ground failure, including liquefaction?			✓	
d. Seiche, tsunami, or volcanic hazard?			✓	
e. Landslides or mudflows?			✓	
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?			✓	
g. Subsidence of land?			✓	
h. Expansive soils?			✓	
i. Unique geologic or physical features?			✓	

Discussion: (a through d) The subject property is not located adjacent to any identified fault line within the County. A review of Exhibit V-7-3 of the Draft General Plan EIR indicates that the subject property is in excess of 5 miles to the east of the Eastern Branch of the Melones Fault Zone. The closest active fault is the Dunnigan Hills Fault located greater than 50 miles to the northwest of the project site. The potential impact from any ground shaking would be offset through adherence to the Uniform Building Code earthquake standards. The potential for seismic ground failure and liquefaction is considered less than significant based on the above discussion and the recognition that liquefaction is most likely to occur in water saturated silts, sands and gravel areas. The potential for seiches, tsunami or any volcanic hazard for the area is considered to be less than significant.

(e , f and g) The potential for landslides in the area is considered less than significant, based on discussion in the General Plan EIR indicating that this would occur primarily triggered by earthquakes at the higher elevations of the Sierras. The potential for erosion is less than significant based on the location of the project to adhere to comply with the provisions of Chapter 15.14. Subsidence of the land is considered less than significant since the recognized types of subsidence (groundwater withdrawal, gas withdrawal) are not evident within El Dorado County.

(h) A review of the Soil Survey document for El Dorado County resulted in the determination that the subject property is located within the Holland Soil Series as is classified as Holland coarse sandy loam (HgD). This soil type is characterized slopes ranging from 15 to 30 percent on the majority of the site with erosion hazards that are considered to be high, and the project shall adhere to the provisions of Chapter 15.14 as provided above. According the Draft General Plan EIR, the central portion of the County has moderate expansiveness rating while the eastern and western (subject property) portions are rated low.

(i) The subject property does not contain any unique geologic or physical features, based on review of the environmental questionnaire and review of the Draft General Plan EIR..



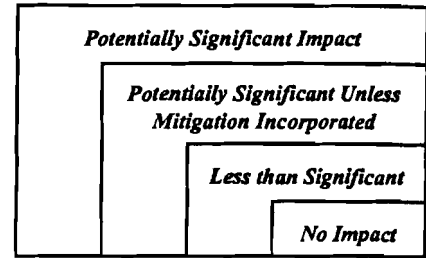
IV. Water. Would the proposal result in:				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?			✓	
b. Exposure of people or property to water related hazards such as flooding?			✓	
c. Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?			✓	
d. Changes in the amount of surface water in any water body?			✓	
e. Changes in current, or the course or direction of water movements?			✓	
f. Change in the quantity of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?			✓	
g. Altered direction or rate of flow of groundwater?			✓	
h. Impacts to groundwater quality?			✓	
i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?			✓	

Discussion: (a) The proposed parcel map would create four parcels and result in a change in the absorption rate, drainage patterns within the area and the amount of surface runoff.

(b through e) The subject property is located within Area C of the FEMA maps, area of minimal flooding, and thus the potential for exposure of people or property to water related hazards such as flooding is considered less than significant. The level of discharge from the proposed plan, change in the amount of surface water in any water body and changes in the direction of water movements is considered less than significant.

(f through h) The proposed four parcel division is envisioned to have a less than significant impact concerning the quantity of groundwaters, flow of groundwater or any negative impacts on groundwater quality. The Geological Report prepared by the applicant's engineer state that a field examination and examination of road cuts on the subject property indicate no shallow groundwater in the upper 8 feet of the proposed 12,000 square foot wastewater disposal area.

(i) The limited scale of the parcel map request is not anticipated to result in a substantial reduction in the amount of groundwater other wise that would be available to the general public.



V. Air Quality. <i>Would the proposal:</i>				
a. Violate any air quality standard or contribute to an existing or projected air quality violation?		✓		
b. Expose sensitive receptors to pollutants?			✓	
c. Alter air movement, moisture, or temperature, or cause any change in climate?			✓	
d. Create objectionable odors?			✓	

Discussion: (a and b) Site clearing, burning, grading and movement of construction equipment for the development of future residential building pads, if the parcel map is approved, can cause a short-term emission increase resulting in temporary degradation in air quality. Further, an increase in traffic within the area will increase and result in long-term degradation. El Dorado County violates the state and federal ambient air quality standard for ozone within the western slope of El Dorado County.

As of June 1, 1995, El Dorado County was reclassified from serious to severe as an ozone non-attainment area. The California Clean Air Act of 1988 requires the County's air pollution control program to meet the state's ambient air quality standards. Standard methods for addressing these issues are required by the County Department of Environmental Management, Air Pollution Control District (APCD), which shall be followed prior to the issuance of a grading permit.

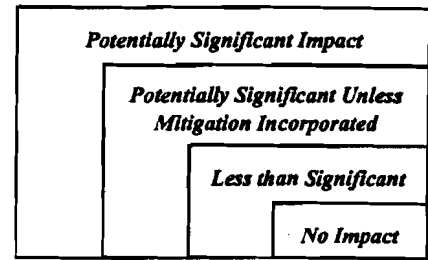
Cumulative air quality impacts were analyzed under the General Plan EIR update in June 1994, and the proposed project would be consistent with this analysis. Section 21803.3 of the Public Resources Code, states that additional analysis is required, because the effects of this proposed parcel map are not considered peculiar. Uniformly applied policies and standards adopted by the County APCD shall be applied to mitigate the environmental effects to a less than significant impact and within the best management practices. Findings of Fact and Statement of Overriding Considerations have been adopted, which outline the mitigation measures added within the General Plan, upon discretionary approval of projects to lessen the environmental impacts related to air quality.

Specifically, these impacts and mitigation measures from the General Plan that apply to this project are as follows:

Increased Short-Term Air Emissions and Increased Toxic Air Emissions: Adopting the General Plan will lead to greater construction activity that will contribute to additional short-term emissions from exhaust, fugitive dust, Reactive Organic Compounds and other miscellaneous emissions.

General Plan Policy 6.7.7.1 states the County APCD has established standards (APCD Rules 223, 224, and 502) to reduce construction related exhaust emissions, mobile sources, fugitive dust, and Reactive Organic Compounds. These standards are enforced prior to the issuance of grading permits. The construction plans shall be reviewed and inspected by APCD.

1. **Increased Long-Term Emissions and Conflict with Programs in the APCD Air Quality Attainment Plan:** The greatest source of long-term emissions is the use of vehicles within the planning area. El Dorado County is classified as non-attainment for ozone and particulate matter. The General Plan EIR has determined the long-term strategies to reach attainment via computer modeling. Model URBEMIS # 5 and CALINE # 4 were used as directed by the Air Resources Board. Projections were used to model motor vehicle emissions in the year 2015 and at a build out.



(b, c and d) The project will have less than a significant impact on sensitive receptors, based on the considerable distance between the project site and residential uses within the area. The project is residential in nature and is not anticipated to alter the air movements or create objectionable odors, since no hazardous substances or chemicals will be used for the proposed uses.

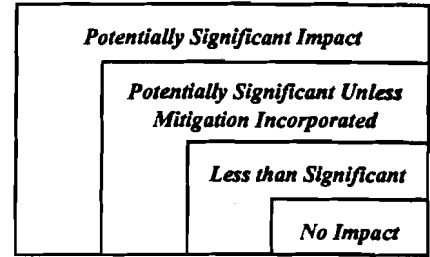
VI. Transportation/Circulation. <i>Would the proposal result in:</i>				
a. Increased vehicle trips or traffic congestion?			✓	
b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
c. Inadequate emergency access or access to nearby uses?			✓	
d. Insufficient parking capacity on-site or off-site?			✓	
e. Hazards or barriers for pedestrians or bicyclists?			✓	
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓	
g. Rail, waterborne or air traffic impacts?			✓	

Discussion: (a and b) The proposed parcel map will generate 32 (number of parcels x 8) additional average daily trips within the area. This trip generation rate is considered to be less than significant with minimal impact on existing Level of Service within the area. The project might represent potential incompatible uses based on the review of the project before the Agricultural Commission scheduled for January 1999. Through discussions with the Department of Transportation there would be existing roadway hazards evident on Miner's Trail based on the substandard road widths. Standard conditions requiring off-site improvements equal to the cost of on-site improvements should adequately provide a reduction of impacts to a less than significant level.

(c and d) The Pioneer Fire Department in their letter of December 6, 1998, stated that the project did not provide for adequate emergency access to the site since Sweeney Road has a substandard road width. The Fire Department indicated that the access road shall provide for unobstructed access for conventional vehicles and fire apparatus equipment. A condition will be included for the project, if approved, to ensure that Sweeney Road does satisfy California Fire Safe Standards and that road width shall be a minimum of 24 feet, with a vertical clearance of 15 feet. Furthermore, all dead-end roads shall have adequate turnaround area for fire equipment vehicles.

Since this is a residential project there will not be a problem with providing sufficient parking on-site since ten acre parcels are involved.

(e through f) The proposed project is not envisioned to increased hazards to pedestrians or bicyclists based on the terrain that is characteristic within the area and the minimal likelihood that these activities would be predominate features. The project would have a less than significant impact on alternative transportation modes and there are no rail, waterborne, or air traffic impacts within the project vicinity.



VII. Biological Resources. Would the proposal result in impacts to:				
a. Endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?			✓	
b. Locally designated species (e.g., heritage trees)?			✓	
c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?		✓		
d. Wetland habitat (e.g., march, riparian, and vernal pool)?			✓	
e. Wildlife dispersal or migration corridors?		✓		

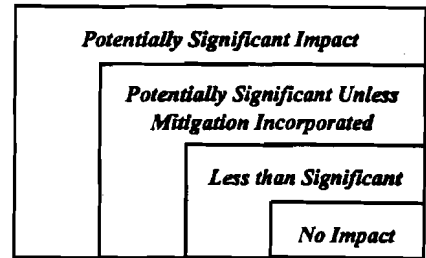
Discussion: (a through c) The subject property is not located within any of the three mitigation areas of the Ecological Preserve Mitigation Ordinance 4500 or In-Lieu Fee Resolution 205-98. Therefore, the project's impacts on endangered or rare species and their habitats is considered to be less than significant). The site does contain oak trees on the property and therefore the project would be subject to the provisions contained in General Plan Policies 7.4.4.2 and 7.4. 4.4. concerning protection, retention and replacement standards for the oak trees. The applicant's tree preservation plan indicates that 12 trees with a diameter of 8 inches or larger may be disturbed, but the applicant has indicated that 22.75 acres or 95 percent of the existing tree canopy will be retained. The tree preservation plan for the parcel map indicates that trees that are not disturbed will be mitigated through protection through the installation of perimeter fencing of 48 inches in height with orange plastic fencing material.

(d) The subject property is not located within any wetland habitat area based on a field inspection and review of information provided in the environmental questionnaire.

(e) The subject property appears to be within the boundaries of the Winter Range of the Deer Migration and Migration Corridor based on the review of Exhibit V-8-4 of the General Plan EIR.. The size of the parcels to be created (i.e., 10 acres) may have a potential impact on wildlife dispersal and migration corridors, based on Department of Fish and Game's preference for 20 acre parcels to protect migration corridors and the language of General Plan Policy 7.4.2.2, that reads as follows:

" Where critical wildlife areas and migration corridors are identified during review of projects, the County shall protect the resources from degradation by requiring all portions of the project site that contain or influence said areas to be retained as non-disturbed natural areas through mandatory clustered development on suitable portions of the project site or other means such as density transfers if clustering cannot be achieved. The setback distance for designated or protection migration corridors shall be determined as part of the project's environmental analysis. The intent and emphasis of the Open Space land use designation and of the non-disturbance policy is to ensure continued viability of contiguous or interdependent habitat areas and the preservation of all movement corridors between related habitats. The intent of mandatory clustering is to provide a mechanism for natural resource protection while allowing appropriate development of private property."

VIII. Energy and Mineral Resources. Would the proposal:				
a. Conflict with adopted energy conservation plans?			✓	
b. Use nonrenewable resources in a wasteful and inefficient manner?			✓	
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?			✓	



Discussion: (a through c) The proposed parcel map for residential purposes will not conflict with any adopted energy conservation plan based on the nature of the project. Since the project is residential in nature, it is not anticipated that the use would become involved in the use of nonrenewable resources in a wasteful and inefficient manner. The project site is not located within any designated mineral resource zone of regional or statewide significance based on review of Exhibit V-7-4 of the General Plan EIR.

IX. Hazards. Would the proposal involve:				
a. A risk of accidental explosion or release of hazardous substances (including but not limited to oil pesticides, chemicals, or radiation)?			✓	
b. Possible interference with an emergency response plan or emergency evacuation plan?			✓	
c. The creation of any health or potential health hazard?			✓	
d. Exposure of people to existing sources of potential health hazards?			✓	
e. Increased fire hazard in areas with flammable brush, grass, or trees?			✓	

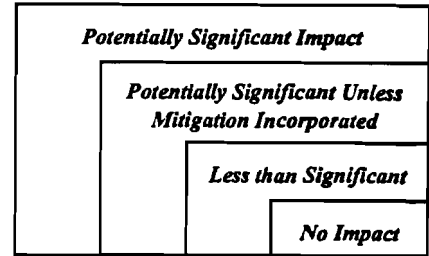
Discussion: (a) Since the project is residential in nature there is limited potential for the risk of explosion or release of hazardous substances within the area. Blasting activities are possible, but not very likely, during the construction process but standard County procedures would need to be addressed should this occur.

(b through e) The project would not result in any possible interference with an emergency response or evacuation plan, nor create or result in any exposure of people to any health hazards due to the lack of chemicals or pesticides being involved in this process.

The Pioneer Fire District has requested that a Fire Safe Plan be submitted for the project and a condition will be included for the parcel map to address this issue. According to Exhibit V-4-2 of the General Plan EIR the subject property is located in a very high fire hazard area requiring good accessibility of fire fighting equipment, and fuel clearance around structures that would be constructed within the area.

X. Noise. Would the proposal result in:				
a. Increases in existing noise levels?			✓	
b. Exposure of people to severe noise levels?			✓	

Discussion: (a and b) The proposed project, if approved, would result in temporary increases in the noise level within the area as the result of the use of construction equipment for grading of the property and ultimately construction of any residential structures that would be located on the individual lots. The level of noise attributed to these activities is considered to be less than significant, because this would be short-term impact only. The project would not result in the exposure of people to severe noise levels within the project vicinity.



XI. Public Services. <i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a. Fire protection?			✓	
b. Police protection?			✓	
c. Schools?			✓	
d. Maintenance of public facilities, including roads?			✓	
e. Other government services?			✓	

Discussion: (a) Fire Protection- The subject property is located within the Pioneer Fire District that covers an area of approximately 230 square miles. The District has seven stations and a total of seven stations with seven engines, water tenders and a mobile maintenance unit. The Fire District is heavily reliant on volunteers to provide fire protection services, based on a limited number of paid fire fighters to provide fire protection services within the area.

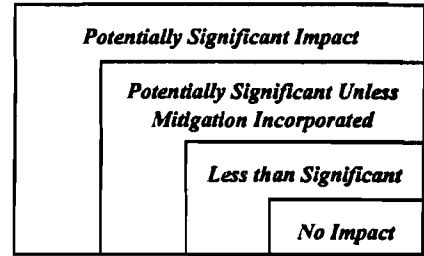
(b) Police Protection - The El Dorado County Sheriff's Department provides general public safety and law enforcement services to the unincorporated areas, including the subject property. The minimum Sheriff's Department service standard is an eight minute response to 80 percent of the Community Region's population. Since the site is within a Rural Center, the response time might be longer in duration than this standard. The current staffing is approximately 1.0 to 1.2 sworn officers per 1,000 populations, compared to the statewide average of 1.8 officers per 1,000 populations.

(c) Schools - The subject property is located within the Pioneer Union Elementary School District and the El Dorado Union High School District. The State allows school districts to directly levy fees on residential development based on a figure of \$1.93 per square foot. The fees are collected at the time of submittal of any building permit and are designed to provide funds to acquire additional facility space.

(d) Maintenance of public facilities, including roads - The proposed project would generate additional traffic onto Pleasant Valley Road and Miner's Trail. The latter roadway is not a County Maintained roadway and thus improvements would be required through some form of an assessment district or homeowners association within the area. The imposition of TIM fees only applies to County maintained roadways so this funding mechanism is not applicable to this project.

(e) Other governmental services - The project will require other governmental services during the processing and construction of the project if approved by the County. However, the ability to collect permit fees, and property taxes from any proposed development are expected to provide the necessary funding to guarantee these services.

XII. Utilities and Service Systems. <i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
a. Power or natural gas?			✓	
b. Communications systems?			✓	
c. Local or regional water treatment or distribution facilities?			✓	
d. Sewer or septic tanks?			✓	



XII. Utilities and Service Systems. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
e. Storm water drainage?			✓	
f. Solid waste disposal?			✓	
g. Local or regional water supplies?			✓	

Discussion: (a and b) Pacific Gas & Electric would provide power and natural gas to the property and Pacific Bell Telephone would be the provider of communication facilities.

(c) The project would have a less than significant impact on local and regional water treatment and distribution facilities based on the limited scale of the project.

(d) The proposed parcels will be developed utilizing individual septic systems based on information provided on the parcel map.

(e) Storm water drainage will be addressed through the drainage plan provided by Gene Thorne & Associates for the project site.

(f) Solid waste disposal within the project area will be provided through the Amador Disposal Service Company, one of the franchises responsible for providing services within El Dorado County.

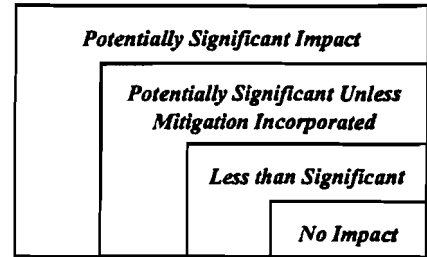
(g) The project will not have a significant impact on local or regional water supplies, since the project water source will be provided through individual wells within the subject property.

XIII. Aesthetics. Would the proposal:				
a. Affect a scenic vista or scenic highway?			✓	
b. Have a demonstrable negative aesthetic effect?			✓	
c. Create light or glare?			✓	

Discussion: (a) The subject property is not located along any scenic vista or a designated scenic highway based on review of the General Plan EIR and therefore the potential impact is considered to be less than significant.

(b) The proposed project involves the proposed creation of four 10 acre parcels that eventually might involve construction of four individual residential structures. The construction of any structures would be required to satisfy County standards for setbacks and grading activities within the site shall be consistent with Chapter 15.14 of the County Code and shall preserve the natural environment whenever possible.

(c) The potential for construction of residential structures in the future would introduce new light and glare sources within the area. Low intensity lighting is encouraged for single family residences to minimize light impacts to a less than significant level.



XIV. Cultural Resources. <i>Would the proposal:</i>				
a. Disturb paleontological resources?			✓	
b. Disturb archaeological resources?			✓	
c. Have the potential to cause a physical change which would affect unique ethnic cultural values?			✓	
d. Restrict existing religious or sacred uses within the potential impact area?			✓	

Discussion: (a and b) The applicant has submitted an Archaeological Survey Report as part of the project submittal. The conclusions of the study suggest that the subject property does or does not contain any items of paleontological or archaeological importance.

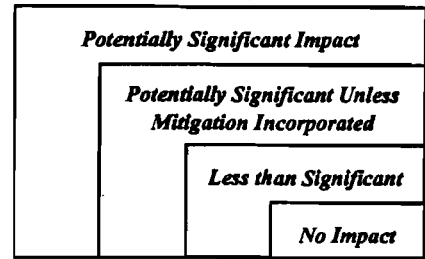
(c and d) The project does not have the potential to create a substantial physical change that might impact any unique ethnic cultural values, since no religious or cultural values of significance have been identified.

XV. Recreation. <i>Would the proposal:</i>				
a. Increase the demand for neighborhood or regional parks or other recreational facilities?			✓	
b. Affect existing recreational opportunities?			✓	

Discussion: (a) The project might result in a potential increase in the demand for neighborhood/regional parks and other recreational facilities that would be offset through payment of an in-lieu fee of \$150.00 to the park provider within the Somerset area. The impact on park facilities is considered to be less than significant.

(b) The project is envisioned to have a less than significant impact on existing recreational opportunities based on the limited scale of the residential proposal.

XVI. Mandatory Findings of Significance.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or pre-history?			✓	
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?			✓	



XVI. Mandatory Findings of Significance.				
c. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		✓		
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

Discussion: The proposed impacts have been identified and mitigation measures from the General Plan EIR recommended for inclusion in the document. Mitigation measures have been incorporated into the project to provide a site specific reference to address project related impacts.

XVII. Earlier Analyses.
Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following:
<p>a. Earlier analyses used.</p> <p>Environmental Questionnaire of El Dorado County - information completed by the project applicant El Dorado County General Plan - Volume 1 El Dorado County General Plan EIR</p>
<p>b. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.</p> <p>Increased short-term and along-term air emissions- El Dorado County General Plan EIR</p>
<p>c. Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.</p>

Discussion: No mitigation measures were incorporated from any other documents.

- Policy 6.2.1.1 Implement Fire Safe ordinance to attain and maintain defensible space through conditioning of tentative maps and in new development at the final map and/or building permit stage.

Ex I-G

OBJECTIVE 6.2.2: LIMITATIONS TO DEVELOPMENT

Regulate development in areas of high and very high fire hazard as designated by the California Department of Forestry and Fire Prevention Fire Hazard Severity Zone Maps.

- Policy 6.2.2.1 Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.

OBJECTIVE 6.2.3: ADEQUATE FIRE PROTECTION

Application of uniform fire protection standards to development projects by fire districts.

- Policy 6.2.3.1 As a requirement for approving new development, the applicant must demonstrate that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be provided in accordance with applicable State and local fire district standards.
- Policy 6.2.3.2 As a requirement of new development, the applicant must 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.
- Policy 6.2.3.3 Day care centers shall be subject to conformance with all applicable sections of Title 19 of the Fire Code.

OBJECTIVE 6.2.4: AREA-WIDE FUEL MANAGEMENT PROGRAM

Reduce fire hazard through cooperative fuel management activities.

- Policy 6.2.4.1 Discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development.
- Policy 6.2.4.2 The County shall cooperate with the California Department of Forestry and Fire Protection and local fire protection districts to identify

ADDRESSING PAGE #4

Design Waivers Discussion

NOV 11 10 12 AM
RECEIVED
PLANNING DEPARTMENT

1. Allow a dead end road longer than 500 feet
Again the Planners have failed to address a R.R. Zoning of a rural road called "Miners Trail" which is a loop road. Miners Trail to the property is about 200 feet and less than 500 to the cul-de'sac shown on Exh.I-H and Exh. I-J tentative Parcel map.
2. Reduce 24 foot wide roads on Parcel Map to 20 or 18 being better, as the need to tear up the terrain for excessively wide road is not in the character of R.R. zoning which by nature has substandard access with limited infrastructure and public service. (Page #1, Exhibit C)
3. The Pioneer Fire Chief, in his letter of Oct. 27th, 2007, does not see a need for increased service in a R.R. land split.
This 40 acres has been without buildings for 130 years plus.
4. Much of this discussion was reviewed by the Board of Supervisors hearing on October 5th, 1997 and referred to in Exhibit I-D, page #2
5. The Negative Declaration, Exhibit I-F, page #3 addresses much of this.

Ordinance because the parcel is shown on the county tax roll or recorded deed as a separate parcel, is described as a fractional division of a section, and a subsequent survey of the parcel shows it to be a maximum of ten percent less than the acreage indicated on that tax roll.

Design Waivers Discussion: The following design waivers have been requested; (1) allow a dead end road longer than the maximum of 500 feet in length and (2) allow a roadway width of 20 feet in lieu of the standard 24-foot requirement. An issue that requires careful analysis is the length of the dead-end road proposed for Miners Trail into the project site. The on-site distance of the road is approximately 1,000 feet on the subject property, but its point of origin to Sweeny Road would exceed the County Design and Improvements Standards maximum requirement of 2,640 feet in length, as provided in Section 3(A)(12). The approximate distance to the site from the unimproved Sweeny Road is approximately 3,300 feet. The applicant applied for the above specified design waivers concerning the issue of a dead end road greater than 500 feet and a reduction in the roadway width to 20 feet. The DOT has recommended denial of the requested design waivers without the support of a Fire Safe Plan and the concurrence of the local fire agency. There is no benefit to the public or to approve the project with these design waivers.

Agency/Committee Comments: The Pioneer Fire District provided letters dated 1998 and 2006 commenting on the ability to serve the site with fire and emergency medical services consistent with State Fire Safe regulations and local regulations. The letters discussed the need for adequate access roads to the site that could accommodate fire apparatus vehicles. The Fire District's interpretation of adequate roads is defined as roadways containing a minimum width of 24 feet and a vertical clearance of 15 feet. The letters indicated that Sweeny Road and Miners Trail are substandard roads that do not satisfy California Fire Safe Regulations and that they could not adequately serve the proposed parcels when medical and fire emergencies occur. The conclusion of the Fire District through 2006 has been that the project and the design waivers should not be approved.

A letter was received from Pioneer Fire District dated October 26, 2007 stating that the Fire Chief had no reason to deny the project based on the information provided. The letter provides no justification for the recommendation as the conditions at the site have not changed since the original recommendation was made. Further, exceptions to the California Fire Safe regulations may only be made by the Fire District where the exception provides the same overall effect. No evidence has been submitted showing how the same overall effect has been achieved. Staff has asked the new fire chief for additional information, including a condition letter and assistance with the preparation of a CEQA initial checklist, assuming the project is appealed to the Board of Supervisors.

The Agricultural Commission reviewed the project at its hearing on May 10, 2006. They concluded that the project could be approved as the design provided for the required 200 foot setback from the adjacent TPZ zoned land. The Commission did not comment or make findings concerning consistency with General Plan Policy 8.4.1.1 regarding minimum parcel size for projects adjacent to NR designated lands.

TO
Minors
or connect
in 1982 to
Close The Loop
To Both ends
Sweeney

18

HAS APPROVED

* HE KNOWS
THAT
RURAL
LAND
SPLITS
DO
NOT
CHANGE
THE
CHARACTER
OF THE
LAND
AND
DOES NOT
REQUIRE HIS
ATTENTION

URBAN PLANNERS
EXPECT LAND
BE CREATED TO
SPLITS TO
DIVIDE HOMES
OWNERS -
ALL THE HOPE
FOR A NEED FOR
PROTECTION
BE DIFFERENT HAS
130 YRS
IT WAS A HD
AC PARCEL
THIS LAND
SET FORGOTTEN
1883

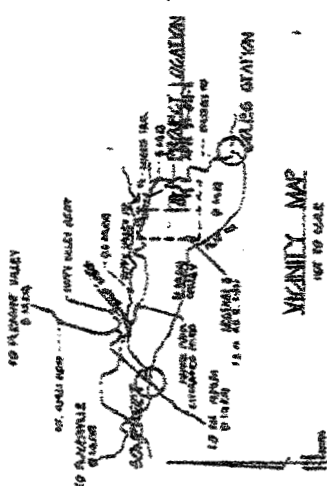
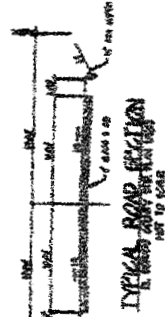
EXI-H

TENTATIVE PARCEL MAP

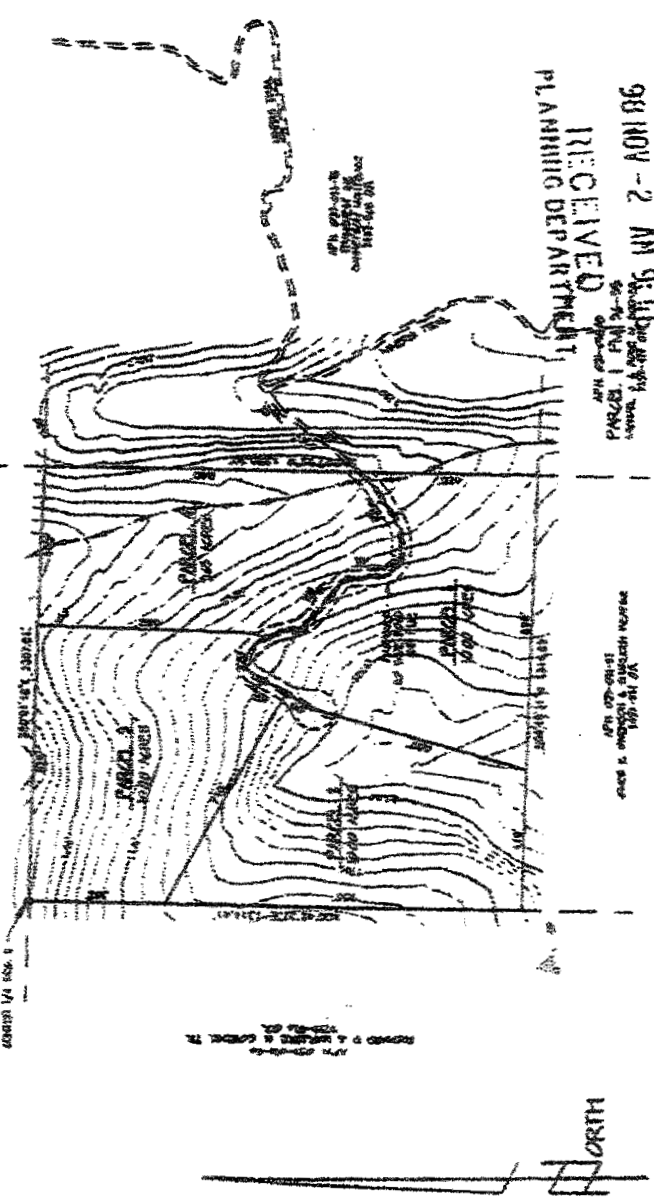
NOTES:

1. THESE MAPS AND PLANS ARE PREPARED BY THE ENGINEER AND ARCHITECT AND ARE SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS.
2. ALL LOTS AND ROAD LAYOUTS SHALL BE AS SHOWN ON THESE MAPS.
3. THE TOTAL AREA OF THIS MAP IS 1.00 ACRES.
4. THE TOTAL AREA OF THIS MAP IS 1.00 ACRES.

ENGINEER-LAND DEVELOPMENT ACTIVITIES:
 THE ENGINEER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PARCEL MAP AND HAS DETERMINED THAT THE PROPOSED PARCEL MAP IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF SAN JOSE.



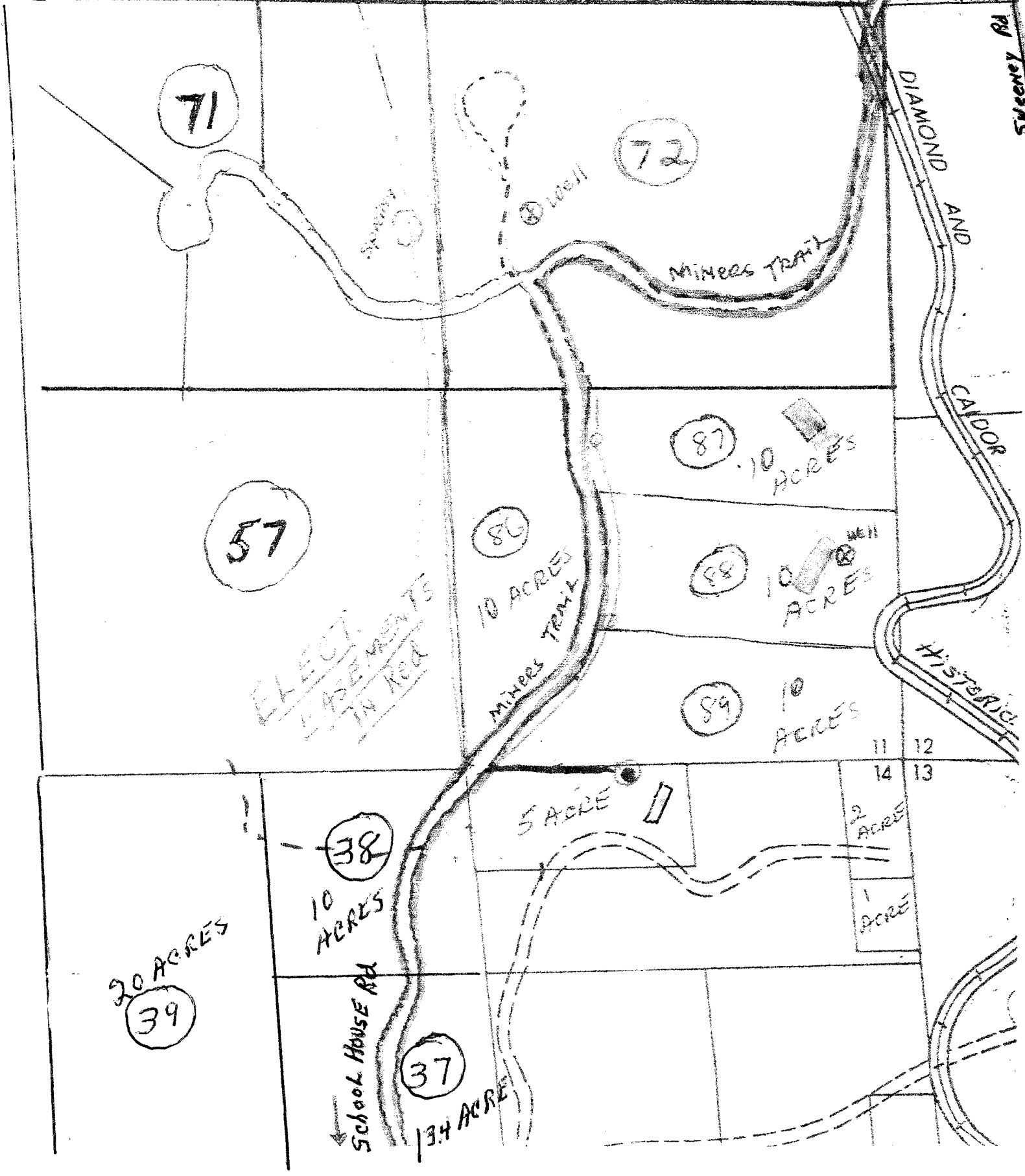
- OWNER: [Name]
- ENGINEER: [Name]
- ARCHITECT: [Name]
- PLANNING DEPARTMENT: [Name]
- DATE: [Date]
- SCALE: [Scale]
- PROJECT NO.: [Number]
- APPLICANT: [Name]
- ADDRESS: [Address]
- CITY: [City]
- COUNTY: [County]
- STATE: [State]
- ZIP CODE: [Zip Code]
- PHONE: [Phone Number]
- FAX: [Fax Number]
- EMAIL: [Email Address]
- WEBSITE: [Website]
- CONTACT PERSON: [Name]
- CONTACT PHONE: [Phone Number]
- CONTACT EMAIL: [Email Address]
- CONTACT ADDRESS: [Address]
- CONTACT CITY: [City]
- CONTACT STATE: [State]
- CONTACT ZIP: [Zip Code]



RECEIVED
 PLANNING DEPARTMENT
 98 NOV - 2 AM 9:15
 1000 MARKET STREET, 3RD FLOOR
 SAN JOSE, CA 95113

EXHIBIT

TENTATIVE PARCEL
MAP



RECEIVED
PLANNING DEPARTMENT
FEB 11 PM 12:18

FINDINGS FOR DENIAL ZONING ADMISTRATOR HEARING

CEQA Findings This Negative Declaration previously discussed in Exhibit I-F, Page #3 and included here-in as an example of Planning Dept. obstruction from day one of this that should be a simple R.R. Residential zoned land split. The Planning Dept. basically fought the authority of the Planning Commission on three separate decisions. The Planning Dept. ignored the Board of Supervisors Decisions in 1982 for R.R. 10 Zoning and the Board of Supervisors detailed investigation in 1997 and their decision to support this project. This support resulted in the Negative Declaration by Daniel Uhler on December 28th, 1998 which was left out of this process.

My partner and I have not, up to this time, documented the extensive COST of time and money to face the obstructions exemplified by planners Revis, Maur, Hust and now Mount. Fortunately for future reasonable applicants, Hust will not be with us. We wish to proceed by the most economical method possible as this process has exhausted our funds and we are 18 years older.

ATTACHMENT 1

FINDINGS FOR DENIAL

**File Number P98-0012 – Transvest Inc.
2008 Zoning Administrator 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 not be made:

FINDINGS FOR DENIAL

1.0 CEQA Finding

- 1.1** This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved. The project is unapprovable due to numerous inconsistencies with General Plan policies.

2.0 Parcel Map Findings

- 2.1 The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District. The proposed parcels do not, however, meet the minimum standard for appropriate circulation and access from a County maintained road as defined under the policies of both the El Dorado County Design and Improvement Standards Manual and California SRA State Fire Safe Regulations, as described in the staff report.

- 2.2 The site is physically suitable for the proposed type and density of development.**

Based on the analysis of site plans, insufficient access and circulation exist to support additional parcels along Miners Trail. Both Sweeney Road and Miners Trail do not meet the minimum width and exceed the maximum dead end length as required by the California Fire Safe regulations and the Design Improvements Standards Manual. Therefore, the project cannot be supported by staff.

- 2.3 The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project is not consistent with the policies in the General Plan. Specifically the project is not consistent with Policies 2.2.2.3, 6.2.3.1, 6.2.3.2, 5.7.4.1, 6.2.2.2, 7.4.2.2, and 8.4.1.1

related to emergency access, development in high fire severity areas, critical wildlife corridors, and subdivision of lands adjacent to NR designated lands, and further expansion of an inappropriate lot size pattern.

3.0 Findings for Denial of Design Waiver Request

3.1 Request to allow a dead end road longer than the maximum of 500 feet in length. The support for the denial of the design waiver is based on the following findings:

3.1.1 There are special conditions or circumstances particular to the property proposed to be subdivided which would justify the adjustment or waiver.

There are no special circumstances applying to the proposed parcels. The project is located over 3,300 feet from a County maintained road that meets Fire Safe regulations minimum for road width. Sweeny Road, a County maintained road, does not meet fire safe widths. Grizzly Flat Road is the closest County maintained road to meet County standards.

3.1.2 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed parcels would be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access for emergency services and safety of adjacent property owners in the event of an emergency. Emergency response times can not be met unless the roads are improved to fire safe widths.

3.1.3 The waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Waiving the requirement for the dead-end road length would not be consistent with County Code and could have the effect of nullifying objectives of Article II.

** NOT
DENY*

3.2 Allow roadway width of 20 feet in lieu of the standard 24 foot requirement. The support for the design waiver is based on the following findings:

3.2.1 There are special conditions or circumstances particular to the property proposed to be subdivided which would justify the adjustment or waiver.

There are no special circumstances applying to the proposed parcels. The Pioneer Fire District and the Department of Transportation has found no evidence or justification to support a reduction in road width. An updated letter from the Pioneer Fire District provided no justification for the reduced widths.

*No charge
is being made
to INCREASE
THE NEED FOR
FIRE OR EARTHQUAKE
SEND
130YRS
NO STRUCTURES
FIRE
INSURANCE
BORER*

3.2.2 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed parcels could be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access for emergency services and safety of adjacent property owners in the event of an emergency.

3.2.3 The waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Waiving the requirement for the road width would not be consistent with County Code and could have the effect of nullifying objectives of Article II.

NEGATIVE DECLARATION

EX I-F

FILE NO.: P98-12 Transvest Inc./Garretson Mortgage

PROJECT NAME: N/A

NAME OF APPLICANT: Transvest Inc./Garretson Mortgage

ASSESSOR'S PARCEL NO.: 093-021-71 **SECTION:** 11 **T:** 9N **R:** 12E

LOCATION: West side of Miner's Trail approximately one-third of a mile southwest of the intersection with Sweeney Road in the Somerset Area.

- GENERAL PLAN AMENDMENT: FROM:** **TO:**
- REZONING: FROM:** **TO:**
- TENTATIVE PARCEL MAP** **SUBDIVISION TO SPLIT ACRES INTO LOTS**
SUBDIVISION (NAME)
- SPECIAL USE PERMIT TO ALLOW:**
- OTHER:**

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

- NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.**
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS TO A LEVEL OF INSIGNIFICANCE.**
- OTHER:** _____

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this **NEGATIVE DECLARATION**. A period of thirty (30) days from the date of filing this negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by EL DORADO COUNTY. A copy of the project specifications is on file in the El Dorado County Planning Department, 2850 Fairlane Court, Placerville, Ca. 95667.

Daniel J. Zehlow

 PREPARED BY

December 28, 1998

 DATE



EL DORADO COUNTY PLANNING DEPARTMENT

2850 Fairlane Court
Placerville, CA 95667

Phone: (530) 621-5355
Fax: (530) 642-0508

ENVIRONMENTAL CHECKLIST FORM AND DISCUSSION OF IMPACTS

Project Title: Tentative Parcel Map 98-12

Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Daniel Uhlar, Associate Planner

Phone Number: (916) 621-5355

Project Owner's Name and Address: Transvest Inc./Garretson Mortgage 1400 Big Oak Road
Placerville, CA 95667

Project Applicant's Name and Address: Transvest Inc./Garretson Mortgage 1400 Big Oak Road
Placerville, CA 95667

Project Agent's Name and Address: Gene Thorne & Associates, Inc. 3025 Alhambra Drive, Suite
A, Cameron Park, CA 95682

Project Location: West side of Miner's Trail approximately 1/3 of mile southwest of the intersection
with Sweeney Road in the Somerset area.

Assessor's Parcel No(s): 093-021-71

Section: 11

T: 9 North

R: 12 East

General Plan Designation: Rural Residential - Platted Lands (RR-PL)

Zoning: Estate Residential Ten Acre Zone District (RE-10)

Description of Project: The applicant's request involves the creation of four parcels, Parcels 1 through
3 of 10 acres each and Parcel 4 of 9.65 acres, for an approximate 40 acre site that includes two design
waiver requests per Section 16.40.010 of the County Minor Land Division Ordinance:

- 1) Allow a dead-end road longer than 500 feet in length.
- 2) Allow roadway width of 20 feet in lieu of the 24 foot requirement

Surrounding Land Uses and Setting: The site is characterized by a rural atmosphere and gentle to moderate slopes ranging from 5 to 25 percent over the majority of the site. A prominent northwesterly trending ridge is located in the southwestern portion of this parcel and slopes to a north to south drainage on the east half of the parcel. The site lies at an elevation of between 2,600 to 2,840 feet. The primary vegetation within the area are oak trees, mixed conifers and manzanita shrubs and grasses. Surface soils consist of light brown silty, sandy loams developed on a bedrock of weathered granite to depths of more than 8 feet over the whole parcel.

The surrounding land uses consist primarily of timber areas that are heavily wooded timber areas that will be evaluated as part of the applicant's project request by the Agricultural Commission at their February 10, 1999 meeting. The project site is bordered on three sides by the Natural Resources (NR) designation and Timberland Preserve Production (TPZ) AND RA-80 zoning. The site is adjacent to 40 acre parcels to the east and the south.

Through discussions with the applicant's representative there has been no recent documentation of timber harvesting on the subject property, but there might have been select harvesting (not clear cutting) in the past.

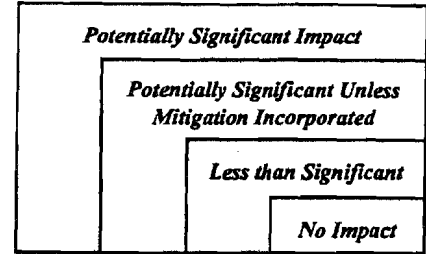
SUMMARY OF ENVIRONMENTAL IMPACTS

The following areas have been identified to have a potentially significant impact: land use and biological resources. Where the incorporation of one or more mitigation measures has reduced the effect, a negative declaration is appropriate. A summary of the mitigation measures and monitoring is contained at the end of this document.

USING THE ENVIRONMENTAL CHECKLIST

An explanation is provided for all answers except in some instances "No Impact" responses. References to other documents are provided where the information in that document adequately supports the finding of "No Impact." All answers are intended to take into account all effects of the project, including off-site, cumulative, indirect and construction-related impacts. Earlier analyses may have been used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

In accordance with Public Resources Code §21083.3, and since the project complies with the General Plan and General Plan EIR mitigation measures, the environmental review of the proposed project, including design and improvements, was limited to the effects upon the environment which are peculiar to the project, and no new significant environmental impacts that were not discussed in the General Plan EIR will result from this project.



ENVIRONMENTAL IMPACTS

I. Land Use Planning. <i>Would the proposal:</i>				
a. Conflict with general plan designation or zoning?		✓		
b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?			✓	
c. Be incompatible with existing land use in the vicinity?		✓		
d. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?		✓		
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?		✓		

Discussion: (a) The General plan designation for the subject property is Rural Residential -Platted Lands. The definition of this classification is provided in the following passage provided in the El Dorado County General Plan Policy 2.2.1.2:

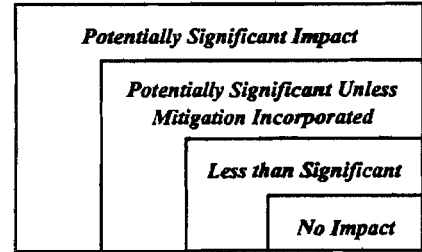
“ This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between the Low Density Residential (LDR) designation and the Natural Resource (NR) Designation. Typical uses include single family residences, agricultural support structures, a full range of agricultural production uses, recreation and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. The designation is appropriate only in the Rural Regions.”

The General plan contains a policy to address the Platted Lands overlay designation that is evident in this request. General Plan Policy 2.2.2.3 provides the following language:

“ The purpose of Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be inappropriate land use designation for the area, based on the existence of important natural resources. The -PL designation shall be combined with a land use designation which is indicative of the typical parcel size located within the Platted Land boundaries. The existence of the -PL overlay cannot be used as a criterion or precedent to expand or establish new incompatible land uses.’

The project would be subject to the provisions of General Policy 8.4.1.1. that contains the following language:

“ The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned TPZ shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.



The subject property (40 acres) was considered as a General Plan Hot Bucket item (File # 9-4 involving 80 acre property) by the Planning Commission on August 3, 1995 and the RR designation was approved on a 4-0-1 vote. The property is bordered on the north and west by properties designated Timberland Preserve Zone (TPZ). The Planning Staff in their recommendation to the Board stated that the designation be subject to the NR designation. Planning Staff believed the objective of the -PL overlay, is to identify isolated areas containing contiguous existing smaller parcels in the Rural Region where such smaller parcels are considered inappropriate. The adjacent parcels south of the subject property would have been designated NR had these parcels not already existed.

The policy clearly states that parcels adjacent to TPZ and NR should not be less than 40 acres in size that is current size of the subject parcel. This presumes that smaller parcels will have a negative impact on adjacent forestry operations. The policy further states that smaller parcels "may" be considered when located below 3,000 feet. This site is barely below the 3,000 foot elevation, and protrudes into the NR and TPZ area and thus increasing the potential impact on forestry resources. This impact could be reduced by limiting parcel size to 20 acres.

The parcel map will need to be reviewed by the Agricultural Commission since the proposal would be in conflict with the abovementioned General plan policies and mitigation measures need to be imposed. The item is scheduled for the February 10, 1999 Agricultural Commission meeting and mitigation is recommended in the form of adherence to a 20-acre minimum or the project could be recommended for denial.

(b and c) The proposed parcel map does not appear to have the potential to conflict with any adopted environmental policies but further comments might be forthcoming from responsible agencies that would alter this position. The proposal to conflict with adjacent land use properties to the north and west that are designated TPZ.

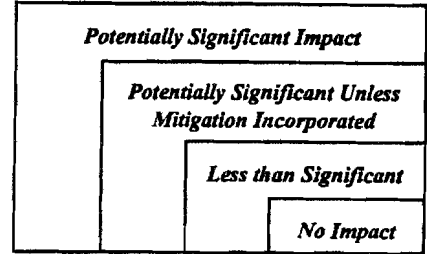
The parcel map request will be reviewed by the Agricultural Commission either to determine if there is any land use incompatibility involving the proposed request.

(d and e) The proposed parcel map does have the potential to impact agricultural operations and there is a considerable likelihood that the proposal could divide the physical arrangement of the area if the 40-acre property is divided into the ten acre parcels and thus a recommendation of denial is possible if the Agricultural Commission does not provide a favorable recommendation.

II. Population and Housing. <i>Would the proposal:</i>				
a. Cumulatively exceed official regional or local population projections?			✓	
b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?			✓	
c. Displace existing housing, especially affordable housing?			✓	

Discussion: (a and b) The parcel map request involves four parcels and based on the limited scope of the density per the General Plan the likelihood for project to cumulatively exceed regional or local population projections or induce substantial growth is considered to be less than significant.

(c) The proposed project does not involve any request to displace existing housing within the Somerset area.



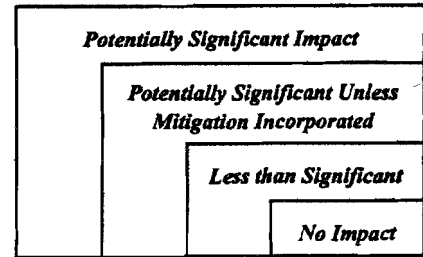
III. Geological Problems. Would the proposal result in or expose people to potential impacts involving:				
a. Fault rupture?			✓	
b. Seismic ground shaking?			✓	
c. Seismic ground failure, including liquefaction?			✓	
d. Seiche, tsunami, or volcanic hazard?			✓	
e. Landslides or mudflows?			✓	
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?			✓	
g. Subsidence of land?			✓	
h. Expansive soils?			✓	
i. Unique geologic or physical features?			✓	

Discussion: (a through d) The subject property is not located adjacent to any identified fault line within the County. A review of Exhibit V-7-3 of the Draft General Plan EIR indicates that the subject property is in excess of 5 miles to the east of the Eastern Branch of the Melones Fault Zone. The closest active fault is the Dunnigan Hills Fault located greater than 50 miles to the northwest of the project site. The potential impact from any ground shaking would be offset through adherence to the Uniform Building Code earthquake standards. The potential for seismic ground failure and liquefaction is considered less than significant based on the above discussion and the recognition that liquefaction is most likely to occur in water saturated silts, sands and gravel areas. The potential for seiches, tsunami or any volcanic hazard for the area is considered to be less than significant.

(e , f and g) The potential for landslides in the area is considered less than significant, based on discussion in the General Plan EIR indicating that this would occur primarily triggered by earthquakes at the higher elevations of the Sierras. The potential for erosion is less than significant based on the location of the project to adhere to comply with the provisions of Chapter 15.14. Subsidence of the land is considered less than significant since the recognized types of subsidence (groundwater withdrawal, gas withdrawal) are not evident within El Dorado County.

(h) A review of the Soil Survey document for El Dorado County resulted in the determination that the subject property is located within the Holland Soil Series as is classified as Holland coarse sandy loam (HgD). This soil type is characterized slopes ranging from 15 to 30 percent on the majority of the site with erosion hazards that are considered to be high, and the project shall adhere to the provisions of Chapter 15.14 as provided above. According the Draft General Plan EIR, the central portion of the County has moderate expansiveness rating while the eastern and western (subject property) portions are rated low.

(i) The subject property does not contain any unique geologic or physical features, based on review of the environmental questionnaire and review of the Draft General Plan EIR..



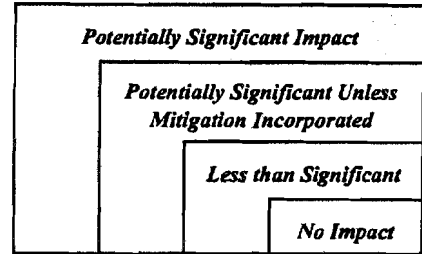
IV. Water. Would the proposal result in:				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?			✓	
b. Exposure of people or property to water related hazards such as flooding?			✓	
c. Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?			✓	
d. Changes in the amount of surface water in any water body?			✓	
e. Changes in current, or the course or direction of water movements?			✓	
f. Change in the quantity of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?			✓	
g. Altered direction or rate of flow of groundwater?			✓	
h. Impacts to groundwater quality?			✓	
i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?			✓	

Discussion: (a) The proposed parcel map would create four parcels and result in a change in the absorption rate, drainage patterns within the area and the amount of surface runoff.

(b through e) The subject property is located within Area C of the FEMA maps, area of minimal flooding, and thus the potential for exposure of people or property to water related hazards such as flooding is considered less than significant. The level of discharge from the proposed plan, change in the amount of surface water in any water body and changes in the direction of water movements is considered less than significant.

(f through h) The proposed four parcel division is envisioned to have a less than significant impact concerning the quantity of groundwaters, flow of groundwater or any negative impacts on groundwater quality. The Geological Report prepared by the applicant's engineer state that a field examination and examination of road cuts on the subject property indicate no shallow groundwater in the upper 8 feet of the proposed 12,000 square foot wastewater disposal area.

(i) The limited scale of the parcel map request is not anticipated to result in a substantial reduction in the amount of groundwater other wise that would be available to the general public.



V. Air Quality. Would the proposal:				
a. Violate any air quality standard or contribute to an existing or projected air quality violation?		✓		
b. Expose sensitive receptors to pollutants?			✓	
c. Alter air movement, moisture, or temperature, or cause any change in climate?			✓	
d. Create objectionable odors?			✓	

Discussion: (a and b) Site clearing, burning, grading and movement of construction equipment for the development of future residential building pads, if the parcel map is approved, can cause a short-term emission increase resulting in temporary degradation in air quality. Further, an increase in traffic within the area will increase and result in long-term degradation. El Dorado County violates the state and federal ambient air quality standard for ozone within the western slope of El Dorado County.

As of June 1, 1995, El Dorado County was reclassified from serious to severe as an ozone non-attainment area. The California Clean Air Act of 1988 requires the County's air pollution control program to meet the state's ambient air quality standards. Standard methods for addressing these issues are required by the County Department of Environmental Management, Air Pollution Control District (APCD), which shall be followed prior to the issuance of a grading permit.

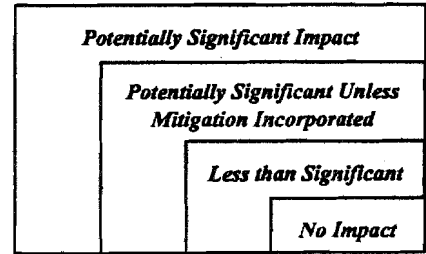
Cumulative air quality impacts were analyzed under the General Plan EIR update in June 1994, and the proposed project would be consistent with this analysis. Section 21803.3 of the Public Resources Code, states that additional analysis is required, because the effects of this proposed parcel map are not considered peculiar. Uniformly applied policies and standards adopted by the County APCD shall be applied to mitigate the environmental effects to a less than significant impact and within the best management practices. Findings of Fact and Statement of Overriding Considerations have been adopted, which outline the mitigation measures added within the General Plan, upon discretionary approval of projects to lessen the environmental impacts related to air quality.

Specifically, these impacts and mitigation measures from the General Plan that apply to this project are as follows:

Increased Short-Term Air Emissions and Increased Toxic Air Emissions: Adopting the General Plan will lead to greater construction activity that will contribute to additional short-term emissions from exhaust, fugitive dust, Reactive Organic Compounds and other miscellaneous emissions.

General Plan Policy 6.7.7.1 states the County APCD has established standards (APCD Rules 223, 224, and 502) to reduce construction related exhaust emissions, mobile sources, fugitive dust, and Reactive Organic Compounds. These standards are enforced prior to the issuance of grading permits. The construction plans shall be reviewed and inspected by APCD.

1. **Increased Long-Term Emissions and Conflict with Programs in the APCD Air Quality Attainment Plan:** The greatest source of long-term emissions is the use of vehicles within the planning area. El Dorado County is classified as non-attainment for ozone and particulate matter. The General Plan EIR has determined the long-term strategies to reach attainment via computer modeling. Model URBEMIS # 5 and CALINE # 4 were used as directed by the Air Resources Board. Projections were used to model motor vehicle emissions in the year 2015 and at a build out.



(b, c and d) The project will have less than a significant impact on sensitive receptors, based on the considerable distance between the project site and residential uses within the area. The project is residential in nature and is not anticipated to alter the air movements or create objectionable odors, since no hazardous substances or chemicals will be used for the proposed uses.

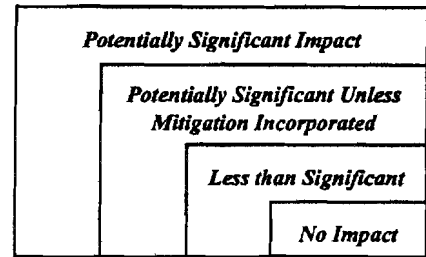
VI. Transportation/Circulation. <i>Would the proposal result in:</i>				
a. Increased vehicle trips or traffic congestion?			✓	
b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
c. Inadequate emergency access or access to nearby uses?			✓	
d. Insufficient parking capacity on-site or off-site?			✓	
e. Hazards or barriers for pedestrians or bicyclists?			✓	
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓	
g. Rail, waterborne or air traffic impacts?			✓	

Discussion: (a and b) The proposed parcel map will generate 32 (number of parcels x 8) additional average daily trips within the area. This trip generation rate is considered to be less than significant with minimal impact on existing Level of Service within the area. The project might represent potential incompatible uses based on the review of the project before the Agricultural Commission scheduled for January 1999. Through discussions with the Department of Transportation there would be existing roadway hazards evident on Miner's Trail based on the substandard road widths. Standard conditions requiring off-site improvements equal to the cost of on-site improvements should adequately provide a reduction of impacts to a less than significant level.

(c and d) The Pioneer Fire Department in their letter of December 6, 1998, stated that the project did not provide for adequate emergency access to the site since Sweeney Road has a substandard road width. The Fire Department indicated that the access road shall provide for unobstructed access for conventional vehicles and fire apparatus equipment. A condition will be included for the project, if approved, to ensure that Sweeney Road does satisfy California Fire Safe Standards and that road width shall be a minimum of 24 feet, with a vertical clearance of 15 feet. Furthermore, all dead-end roads shall have adequate turnaround area for fire equipment vehicles.

Since this is a residential project there will not be a problem with providing sufficient parking on-site since ten acre parcels are involved.

(e through f) The proposed project is not envisioned to increased hazards to pedestrians or bicyclists based on the terrain that is characteristic within the area and the minimal likelihood that these activities would be predominate features. The project would have a less than significant impact on alternative transportation modes and there are no rail, waterborne, or air traffic impacts within the project vicinity.



VII. Biological Resources. Would the proposal result in impacts to:				
a. Endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?			✓	
b. Locally designated species (e.g., heritage trees)?			✓	
c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?		✓		
d. Wetland habitat (e.g., march, riparian, and vernal pool)?			✓	
e. Wildlife dispersal or migration corridors?		✓		

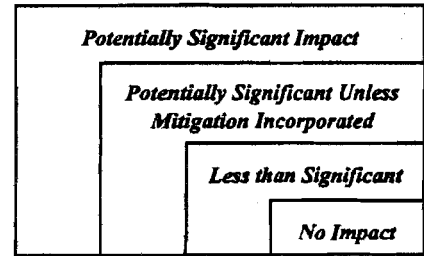
Discussion: (a through c) The subject property is not located within any of the three mitigation areas of the Ecological Preserve Mitigation Ordinance 4500 or In-Lieu Fee Resolution 205-98. Therefore, the project's impacts on endangered or rare species and their habitats is considered to be less than significant). The site does contain oak trees on the property and therefore the project would be subject to the provisions contained in General Plan Policies 7.4.4.2 and 7.4.4.4, concerning protection, retention and replacement standards for the oak trees. The applicant's tree preservation plan indicates that 12 trees with a diameter of 8 inches or larger may be disturbed, but the applicant has indicated that 22.75 acres or 95 percent of the existing tree canopy will be retained. The tree preservation plan for the parcel map indicates that trees that are not disturbed will be mitigated through protection through the installation of perimeter fencing of 48 inches in height with orange plastic fencing material.

(d) The subject property is not located within any wetland habitat area based on a field inspection and review of information provided in the environmental questionnaire.

(e) The subject property appears to be within the boundaries of the Winter Range of the Deer Migration and Migration Corridor based on the review of Exhibit V-8-4 of the General Plan EIR. The size of the parcels to be created (i.e., 10 acres) may have a potential impact on wildlife dispersal and migration corridors, based on Department of Fish and Game's preference for 20 acre parcels to protect migration corridors and the language of General Plan Policy 7.4.2.2, that reads as follows:

"Where critical wildlife areas and migration corridors are identified during review of projects, the County shall protect the resources from degradation by requiring all portions of the project site that contain or influence said areas to be retained as non-disturbed natural areas through mandatory clustered development on suitable portions of the project site or other means such as density transfers if clustering cannot be achieved. The setback distance for designated or protection migration corridors shall be determined as part of the project's environmental analysis. The intent and emphasis of the Open Space land use designation and of the non-disturbance policy is to ensure continued viability of contiguous or interdependent habitat areas and the preservation of all movement corridors between related habitats. The intent of mandatory clustering is to provide a mechanism for natural resource protection while allowing appropriate development of private property."

VIII. Energy and Mineral Resources. Would the proposal:				
a. Conflict with adopted energy conservation plans?			✓	
b. Use nonrenewable resources in a wasteful and inefficient manner?			✓	
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?			✓	



Discussion: (a through c) The proposed parcel map for residential purposes will not conflict with any adopted energy conservation plan based on the nature of the project. Since the project is residential in nature, it is not anticipated that the use would become involved in the use of nonrenewable resources in a wasteful and inefficient manner. The project site is not located within any designated mineral resource zone of regional or statewide significance based on review of Exhibit V-7-4 of the General Plan EIR.

IX. Hazards. Would the proposal involve:				
a. A risk of accidental explosion or release of hazardous substances (including but not limited to oil pesticides, chemicals, or radiation)?			✓	
b. Possible interference with an emergency response plan or emergency evacuation plan?			✓	
c. The creation of any health or potential health hazard?			✓	
d. Exposure of people to existing sources of potential health hazards?			✓	
e. Increased fire hazard in areas with flammable brush, grass, or trees?			✓	

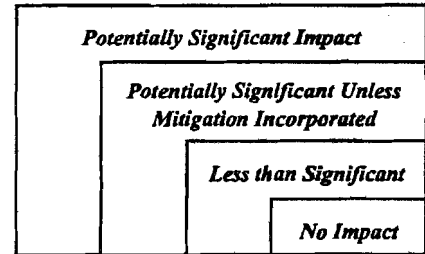
Discussion: (a) Since the project is residential in nature there is limited potential for the risk of explosion or release of hazardous substances within the area. Blasting activities are possible, but not very likely, during the construction process but standard County procedures would need to be addressed should this occur.

(b through e) The project would not result in any possible interference with an emergency response or evacuation plan, nor create or result in any exposure of people to any health hazards due to the lack of chemicals or pesticides being involved in this process.

The Pioneer Fire District has requested that a Fire Safe Plan be submitted for the project and a condition will be included for the parcel map to address this issue. According to Exhibit V-4-2 of the General Plan EIR the subject property is located in a very high fire hazard area requiring good accessibility of fire fighting equipment, and fuel clearance around structures that would be constructed within the area.

X. Noise. Would the proposal result in:				
a. Increases in existing noise levels?			✓	
b. Exposure of people to severe noise levels?			✓	

Discussion: (a and b) The proposed project, if approved, would result in temporary increases in the noise level within the area as the result of the use of construction equipment for grading of the property and ultimately construction of any residential structures that would be located on the individual lots. The level of noise attributed to these activities is considered to be less than significant, because this would be short-term impact only. The project would not result in the exposure of people to severe noise levels within the project vicinity.



XI. Public Services. <i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a. Fire protection?			✓	
b. Police protection?			✓	
c. Schools?			✓	
d. Maintenance of public facilities, including roads?			✓	
e. Other government services?			✓	

Discussion: (a) Fire Protection- The subject property is located within the Pioneer Fire District that covers an area of approximately 230 square miles. The District has seven stations and a total of seven stations with seven engines, water tenders and a mobile maintenance unit. The Fire District is heavily reliant on volunteers to provide fire protection services, based on a limited number of paid fire fighters to provide fire protection services within the area.

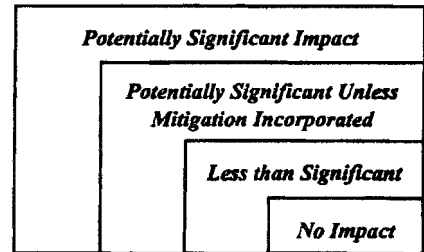
(b) Police Protection - The El Dorado County Sheriff's Department provides general public safety and law enforcement services to the unincorporated areas, including the subject property. The minimum Sheriff's Department service standard is an eight minute response to 80 percent of the Community Region's population. Since the site is within a Rural Center, the response time might be longer in duration than this standard. The current staffing is approximately 1.0 to 1.2 sworn officers per 1,000 populations, compared to the statewide average of 1.8 officers per 1,000 populations.

(c) Schools - The subject property is located within the Pioneer Union Elementary School District and the El Dorado Union High School District. The State allows school districts to directly levy fees on residential development based on a figure of \$1.93 per square foot. The fees are collected at the time of submittal of any building permit and are designed to provide funds to acquire additional facility space.

(d) Maintenance of public facilities, including roads - The proposed project would generate additional traffic onto Pleasant Valley Road and Miner's Trail. The latter roadway is not a County Maintained roadway and thus improvements would be required through some form of an assessment district or homeowners association within the area. The imposition of TIM fees only applies to County maintained roadways so this funding mechanism is not applicable to this project.

(e) Other governmental services - The project will require other governmental services during the processing and construction of the project if approved by the County. However, the ability to collect permit fees, and property taxes from any proposed development are expected to provide the necessary funding to guarantee these services.

XII. Utilities and Service Systems. <i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
a. Power or natural gas?			✓	
b. Communications systems?			✓	
c. Local or regional water treatment or distribution facilities?			✓	
d. Sewer or septic tanks?			✓	



XII. Utilities and Service Systems. <i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
e. Storm water drainage?			✓	
f. Solid waste disposal?			✓	
g. Local or regional water supplies?			✓	

Discussion: (a and b) Pacific Gas & Electric would provide power and natural gas to the property and Pacific Bell Telephone would be the provider of communication facilities.

(c) The project would have a less than significant impact on local and regional water treatment and distribution facilities based on the limited scale of the project.

(d) The proposed parcels will be developed utilizing individual septic systems based on information provided on the parcel map.

(e) Storm water drainage will be addressed through the drainage plan provided by Gene Thorne & Associates for the project site.

(f) Solid waste disposal within the project area will be provided through the Amador Disposal Service Company, one of the franchises responsible for providing services within El Dorado County.

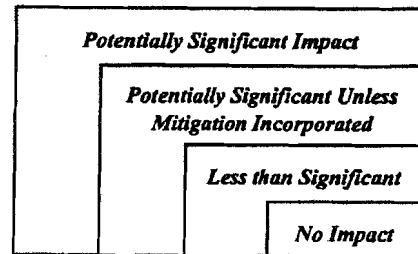
(g) The project will not have a significant impact on local or regional water supplies, since the project water source will be provided through individual wells within the subject property.

XIII. Aesthetics. <i>Would the proposal:</i>				
a. Affect a scenic vista or scenic highway?			✓	
b. Have a demonstrable negative aesthetic effect?			✓	
c. Create light or glare?			✓	

Discussion: (a) The subject property is not located along any scenic vista or a designated scenic highway based on review of the General Plan EIR and therefore the potential impact is considered to be less than significant.

(b) The proposed project involves the proposed creation of four 10 acre parcels that eventually might involve construction of four individual residential structures. The construction of any structures would be required to satisfy County standards for setbacks and grading activities within the site shall be consistent with Chapter 15.14 of the County Code and shall preserve the natural environment whenever possible.

(c) The potential for construction of residential structures in the future would introduce new light and glare sources within the area. Low intensity lighting is encouraged for single family residences to minimize light impacts to a less than significant level.



XIV. Cultural Resources. Would the proposal:				
a. Disturb paleontological resources?			✓	
b. Disturb archaeological resources?			✓	
c. Have the potential to cause a physical change which would affect unique ethnic cultural values?			✓	
d. Restrict existing religious or sacred uses within the potential impact area?			✓	

Discussion: (a and b) The applicant has submitted an Archaeological Survey Report as part of the project submittal. The conclusions of the study suggest that the subject property does or does not contain any items of paleontological or archaeological importance.

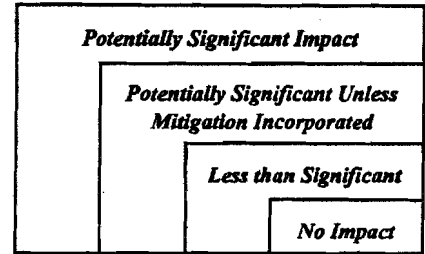
(c and d) The project does not have the potential to create a substantial physical change that might impact any unique ethnic cultural values, since no religious or cultural values of significance have been identified.

XV. Recreation. Would the proposal:				
a. Increase the demand for neighborhood or regional parks or other recreational facilities?			✓	
b. Affect existing recreational opportunities?			✓	

Discussion: (a) The project might result in a potential increase in the demand for neighborhood/regional parks and other recreational facilities that would be offset through payment of an in-lieu fee of \$150.00 to the park provider within the Somerset area. The impact on park facilities is considered to be less than significant.

(b) The project is envisioned to have a less than significant impact on existing recreational opportunities based on the limited scale of the residential proposal.

XVI. Mandatory Findings of Significance.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or pre-history?			✓	
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?			✓	



XVI. Mandatory Findings of Significance.				
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		✓		
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

Discussion: The proposed impacts have been identified and mitigation measures from the General Plan EIR recommended for inclusion in the document. Mitigation measures have been incorporated into the project to provide a site specific reference to address project related impacts.

XVII. Earlier Analyses.
Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following:
<p>a. Earlier analyses used.</p> <p>Environmental Questionnaire of El Dorado County - information completed by the project applicant El Dorado County General Plan - Volume 1 El Dorado County General Plan EIR</p>
<p>b. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.</p> <p>Increased short-term and along-term air emissions- El Dorado County General Plan EIR</p>
<p>c. Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.</p>

Discussion: No mitigation measures were incorporated from any other documents.

ATTACHMENT 1

FINDINGS FOR DENIAL

**File Number P98-0012 – Transvest Inc.
2008 Zoning Administrator 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 not be made:

FINDINGS FOR DENIAL

1.0 CEQA Finding

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved. The project is unapprovable due to numerous inconsistencies with General Plan policies.

2.0 Parcel Map Findings

- 2.1 **The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District. The proposed parcels do not, however, meet the minimum standard for appropriate circulation and access from a County maintained road as defined under the policies of both the El Dorado County Design and Improvement Standards Manual and California SRA State Fire Safe Regulations, as described in the staff report.

- 2.2 **The site is physically suitable for the proposed type and density of development.**

Based on the analysis of site plans, insufficient access and circulation exist to support additional parcels along Miners Trail. Both Sweeney Road and Miners Trail do not meet the minimum width and exceed the maximum dead end length as required by the California Fire Safe regulations and the Design Improvements Standards Manual. Therefore, the project cannot be supported by staff.

- 2.3 **The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project is not consistent with the policies in the General Plan. Specifically the project is not consistent with Policies 2.2.2.3, 6.2.3.1, 6.2.3.2, 5.7.4.1, 6.2.2.2, 7.4.2.2, and 8.4.1.1

related to emergency access, development in high fire severity areas, critical wildlife corridors, and subdivision of lands adjacent to NR designated lands, and further expansion of an inappropriate lot size pattern.

3.0 Findings for Denial of Design Waiver Request

3.1 Request to allow a dead end road longer than the maximum of 500 feet in length. The support for the denial of the design waiver is based on the following findings:

3.1.1 There are special conditions or circumstances particular to the property proposed to be subdivided which would justify the adjustment or waiver.

There are no special circumstances applying to the proposed parcels. The project is located over 3,300 feet from a County maintained that meets Fire Safe regulations minimum for road width. Sweeny Road, a County maintained road, does not meet fire safe widths. Grizzly Flat Road is the closest County maintained road to meet County standards.

3.1.2 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed parcels would be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access for emergency services and safety of adjacent property owners in the event of an emergency. Emergency response times can not be met unless the roads are improved to fire safe widths.

3.1.3 The waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Waiving the requirement for the dead-end road length would not be consistent with County Code and could have the effect of nullifying objectives of Article II.

** NOT
DENY FOR*

3.2 Allow roadway width of 20 feet in lieu of the standard 24 foot requirement. The support for the design waiver is based on the following findings:

3.2.1 There are special conditions or circumstances particular to the property proposed to be subdivided which would justify the adjustment or waiver.

There are no special circumstances applying to the proposed parcels. The Pioneer Fire District and the Department of Transportation has found no evidence or justification to support a reduction in road width. An updated letter from the Pioneer Fire District provided no justification for the reduced widths.

*No change
is being made
to increase
the need for
serv or Exeman*

*130YRS
NO STRUCTURES
SAFE BURIAL
INSURANCE
BORO*

3.2.2 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed parcels could be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access for emergency services and safety of adjacent property owners in the event of an emergency.

3.2.3 The waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Waiving the requirement for the road width would not be consistent with County Code and could have the effect of nullifying objectives of Article II.