

Findings

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one (1) dwelling unit per five (5) acres and parcel sizes that range from 5.00 to 10.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 7.1.2.1(disturbance of slopes in excess of 30 percent), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 REZONE FINDINGS

- 3.1 That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.

The Estate Residential Five-Acre (RE-5) zone district is consistent with the General Plan Low-Density Residential (LDR) designation which allows a density of one dwelling unit per five acres on parcels ranging in size from 5.0 to 10.0 acres. As illustrated on the

General Plan Land Use Designation and Zoning District Consistency Matrix, Table 2-4, which defines compatible zone districts with the correct land use designation, the proposed RE-5 zone districts is consistent with the LDR designation, given that the proper infrastructure and services are available to support the proposed density. The project would provide the required infrastructure consistent with the rezone and tentative parcel map request. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of General Plan Policy 2.2.5.3.

The rezone is compatible with the existing pattern of development in the project vicinity which is equally representative of five-acre parcels as it is for ten-acre parcels (see Exhibits A and B). Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5. All surrounding properties share the LDR General Plan land use designation.

4.0 ZONING FINDINGS

- 4.1 The subject site is to be zoned Estate Residential Five-Acre (RE-5) which permits the proposed parcel sizes of 5.0 to 5.11 acres under Section 17.28.210(A).
- 4.2 The existing residential use at the subject site is permitted by right under Section 17.28.190(A). As proposed, the project meets all applicable development standards contained within Section 17.28.210 of the *El Dorado County Zoning Ordinance*.
- 4.3 The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for ten (10) acre zoning (RE-10), and all of the zoning in the area is consistent with the areas LDR General Plan land use designation. Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5.
- 4.4 The property contains an existing temporary mobile home which is in violation of Section 17.52; however, the temporary mobile home has been conditioned to be removed (see Condition of Approval No. 11, Attachment 1).

5.0 PARCEL MAP FINDINGS

- 5.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Low-Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, traffic, emergency water supply, high wildland fire hazard, fire safe access, disturbance of slopes in excess of 30 percent, and tree canopy removal.

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

As proposed and conditioned, the tentative parcel map conforms to the development standards within the Estate Residential Five-Acre (RE-5) Zone District and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant grading, disturbance on slopes in excess of 30 percent, and addresses high wildland fire hazards; and has adequate emergency water supply and access, and meets the requirements for tree canopy removal. The proposed development meets the density and minimum parcel size allowed in the LDR General Plan land use designation, and the minimum parcel size and development standards of the RE-5 zone district.

- 5.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

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

Conditions of Approval

I. PROJECT DESCRIPTION

1. This rezone and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit A through J dated November 13, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

Rezone the 10.11-acre parcel identified as Assessor's Parcel Number 070-131-08 from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5) and to process a tentative parcel map to create two (2) parcels of 5.0 acres and 5.11 acres in size (see Exhibit E). The proposed lots will utilize existing wells and septic systems. Access improvements will include improving the existing encroachment of Sierra Vista Road onto Green Valley Road to increase sight distance, on-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement width with two (2) foot shoulders, and the off-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement with one (1) foot shoulders.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the

protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (i.e. Wildand Fire Safe Plan) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing of the parcel map.
3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
6. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
7. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.

8. The existing round pen shown on the tentative parcel map which is currently bisected by proposed property line shall be removed prior to filing the parcel map. If relocated, the round pen shall be a minimum of 50 feet from any property line.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *Government Code*.

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

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

11. Prior to filing the parcel map, the property owner shall remove the existing temporary mobile home from proposed parcel 1.

Air Quality Management District

12. Prior to grading permit issuance, a Fugitive Dust Mitigation Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
13. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
14. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
15. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
16. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
 - Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.
 - Retard diesel engine injection timing by two to four degrees.

- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Department of Transportation (Specific Conditions)

17. **Road Construction:** Sierra Vista Road is currently an 18-foot wide chip seal Road in poor surface condition and in some areas, appears to be less than 18 feet in width. Construct, widen, and verify Sierra Vista Road along the project frontage (on-site) to a Design and Improvement Standard Manual (DISM) standard plan 101C standard, 18-foot paved width with 2-foot shoulders and a minimum structural section of 6-inch AB. Construction, if required, to be approved by DOT prior to the filing of the parcel map.
18. The applicant shall construct, widen, and verify the off-site portion of Sierra Vista Road to a DISM standard plan 101C standard, 18-foot paved width with 1-foot shoulders and a minimum structural section of 6-inch AB. from the project's frontage to Green Valley Road prior to the filing of the parcel map. Per section 3(A)(2)(c)(i) of the DISM, the dollar value of the off-site portion of the roadway improvements shall not exceed the cost of the on-site portion.
19. **Encroachment:** The encroachment of Sierra Vista onto Green Valley Road shall be improved to a DISM standard 103D. Bank shaving and/or vegetation removal will be required to increase sight distance.
20. **Grading Plan:** A grading and erosion control plan may be required for this project. At the time that an application is submitted for improvement plans or a grading permit, the applicant must file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB) for grading disturbances greater than 1 acre.
21. **Grading Permit / Plan:** A grading permit may be required for the project. The applicant may be required to submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval.

The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

22. **TIM Fees:** Payment of Traffic Impact Mitigation Fees will be required at time at building permit application.

Rescue Fire Protection District

23. The applicant shall provide a fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to project approval.
24. The project shall meet the requirements of the California SRA Fire Safe Regulations, The California Fire Code 2001 Edition for access and water supply

County Surveyor’s Office

25. All survey monuments shall be set prior to filing the Parcel Map.
26. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
27. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on P07-0049 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant