

FROM THE MINUTES OF NOVEMBER 9, 2006

10. REZONE/TENTATIVE PACEL MAP (Public Hearing)

- a. **Z05-0010/P05-0015** submitted by GALE ROSSI (Agent: Carlton Engineering/Jim Willson) to rezone property from Single-family Two-acre Residential (R2A) to One-acre Residential (R1A), and tentative parcel map proposing to create four one-acre parcels with design waivers for the following: 1. Allow adjustment to the 3:1 lot ratio standard; and 2. Reduce Standard Plan 101-B road width from 28 feet wide to 24 feet wide with a minimum of two-foot wide shoulders with no curb, gutter, and sidewalk. The property, identified by Assessor's Parcel Number 069-200-37, consisting of 4.02 acres, is located on the east side of Running Deer Road/Dunnings Road, approximately 1,000 feet south of the intersection with Green Valley Road, in the **Shingle Springs area**. (Mitigated negative declaration prepared)

Staff: Peter Maurer recommended approval. Gale Rossi was present and agreed with the staff report and proposed conditions. Rich MaCauley, adjacent property owner, voiced concern regarding there being no road maintenance, would like to see a 24-foot road in order to save trees, and construction access. Could there be a fire access gate to separate Dunning and Running Deer. Gay Middleton would like to see the property remain at R2A. Gale Rossi referred to one of the conditions pertaining to a road maintenance agreement for his property. The road will also be widened. There was no further input.

MOTION: COMMISSIONER MACHADO, SECOND BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE Z05-0010 REZONING ASSESSOR'S PARCEL NUMBER 069-200-37 FROM SINGLE-FAMILY TWO-ACRE RESIDENTIAL TO ONE-ACRE RESIDENTIAL, BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P05-0015 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA FINDING

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.

1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

2.1 The site of the requested zone change from Single-family Two-acre Residential (R2A) to One-acre Residential (R1A) is located in the Rescue Rural Center Boundary and conforms to the land use designation of Medium Density Residential (MDR). MDR allows for a minimum parcel size of one-acre and the rezone is found to be a transition between R20,000 and R2A.

2.2 The request is found to be consistent with the 2004 General Plan Policies, as described in the staff report, specifically as related to land use compatibility, traffic and circulation, infrastructure requirements and utilities, and biological resources (including oak tree canopy and endangered species protection.)

3.0 ZONING FINDINGS

3.1 Upon approval of the requested zone change, the proposed parcel map is consistent with the minimum lot size of one acre and all applicable development standards for the R1A Zone District.

4.0 PARCEL MAP FINDINGS

4.1. **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.**

The parcel map is consistent with the Medium Density Residential land use designation and is consistent with the applicable policies as discussed in the staff report, relating to biological resources, traffic, infrastructure, and land use compatibility.

4.2 **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 4.02-acre parcel map complies with the One-acre Residential (R1A) development regulations, the Minor Land Division Ordinance and the Design

Improvement Standards Manual, based on a minimum parcel size of one acre and conformance with minimum lot width and other design standards. Upon approval of the requested design waivers, the map will be in conformance with applicable subdivision ordinance requirements.

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

The proposed project provides suitable development areas for four single family residential dwelling units with septic systems. The project site will be serviced by El Dorado Irrigation water for each parcel. The 4.02-acre property does not contain wetlands or water courses that would prohibit residential development. Habitat for the valley longhorn beetle will not be disturbed by development and tree canopy retention standards are consistent with General Plan Policies. The project, as conditioned, will be compatible with the adjacent and surrounding properties.

4.4. **The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

An Initial Study and a Mitigated Negative Declaration has been prepared in accordance with the CEQA Guidelines. Habitat and suitable buffer area for the valley longhorn beetle will be maintained and preserved until perpetuity. Tree removal for residential development is consistent with the tree retention standards identified in policy 7.4.4.4 of the General Plan. Water for residential development will be provided for by El Dorado Irrigation District and not rely on ground water. Waste water will be treated by individual septic systems. Individual development sites are located on slopes less than 30 percent and site access to the individual parcels will be provided by a private paved road. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game after mitigation that there would be no significant impact on fish or wildlife or their habitat from the project.

4.5. **The design of the parcel map is not likely to cause serious public health hazards.**

The design of the proposed parcel map meets the minimum lot size of one-acre and be required to meet the minimum fires safe regulations for road width. As a condition of approval, the project will require the installation of a new fire hydrant. The project site is not located in an asbestos review area or flood zone. The proposed parcel is not located in an area that would be subject to landslides, mudslides or avalanches. Access to the proposed parcels will be from an existing paved private road.

4.6. **The proposed map is consistent with the provisions of Section 4291 of the California Public Resources Code.**

The map has been reviewed by the Rescue Fire Protection District, and conditions relating to road improvements and adequate water supply for fire protection have been

recommended that would make the project consistent with the California Fire Safe Regulations.

5.0 DESIGN WAIVER REQUEST FINDINGS

5.1 Request to exceed lot depth to width ratio by 30 feet.

5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

The 4.02-acre parcel is trapezoidal in shape, double frontage, making four parcels of equal length and width difficult to accomplish. Parcel number s3 and 4 exceed the required length by 30 feet on average. Development on the eastern end of the parcels is constrained by the location of habitat for an endangered species.

5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Creating parcels that all meet the 3:1 ratio requirement would necessitate construction of a new road that is unnecessary to provide adequate access and building sites on the proposed parcels.

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

Future residential development will be required to meet the One-acre Residential (R1A) zoning development standards for setbacks, building height, and be required to meet all Fire Safe Regulations and Building Codes. The project as designed meets these requirements.

5.1.4 This waiver(s) 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.

Approval of the requested waiver would not be contrary to the provisions of the Zoning Ordinance, SRA State Fire Safe Regulations, and will not nullify the additional requirements contained in Title 16 of the County Code.

5.2 Reduction of (Running Deer Road) road width of 28 feet to 24 feet with no curb and gutter.

5.2.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

The existing Running Deer Road is approximately 19 feet wide, and improving Running Deer Road to 24-foot wide will be a considerable improvement. Widening the road to 28 feet wide along the proposed project site would create discontinuity between lower

sections of Running Deer Road and Dunnings road to the north including additional tree removal and grading.

5.2.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Standard Plan 101B requires 28 feet of paved roadway width with Type I rolled curb and gutter. The additional four feet of width would necessitate additional grading and tree removal along 485 feet of frontage, conflicting with tree canopy protection policies. The additional width would provide no additional benefit toward improved circulation or emergency access.

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

The Rescue Fire District recommended that the applicant extend and maintain a 24-foot road from Dunning's Road to the end of the southwest property corner on parcel 4. The reduced road width of 24 feet meets the Fire Safe regulations.

5.2.4 This waiver(s) 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.

Approval of the requested waiver would not be contrary to the provisions of the SRA State Fire Safe Regulations and will not nullify the additional requirements contained in Chapter 16 of the County Code.

MITIGATION MEASURES/CONDITIONS

MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION

1. A 100 foot setback buffer from the Valley Elderberry Longhorn Beetle host plant shall be shown on the parcel map and a notice of restriction shall be recorded against Parcels 3 and 4 concurrently with the map indicating the development restriction. Future residential development shall avoid disturbance of the insect, as provided in the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*, as outlined in the initial study for this project.

MONITORING: Planning Services shall review the parcel map prior to recordation to ensure the placement of a 100-foot non-building setback buffer from the Valley Elderberry Longhorn Beetle host plants is indicated and a notice of restriction has been recorded.

CONDITIONS

Department of Transportation

1. The applicant shall widen that portion of Running Deer Road fronting the property to a 24-foot width Standard Plan 101B with Type 1 rolled curb and gutter.
2. The applicant shall submit an improvement plan prepared by a professional civil engineer to the Department 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.
3. Applicant shall irrevocably offer to dedicate a road and public utilities easement for the onsite portion of a ~~50-~~25-foot right of way, measured from the existing road centerline of Running Deer Road along the project frontage, on the parcel map. This offer will be rejected.
4. The parcel map shall include the extension of the existing 15 foot wide non-vehicular across the entire frontage on North Shingle Road to eliminate the existing driveway access that was granted by PM37-28.
5. The applicant shall remove the existing driveway entrance to North Shingle Road prior to filing the parcel map.
6. The applicant shall enter into an improvement agreement with the County and provide security to guarantee performance of the improvement agreement as set forth within the County of El Dorado Major Land Division Ordinance prior to filing the parcel map.
7. Applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both onsite and for those roads that are required for access to County or State maintained roads. If a Zone of Benefit, Home Owners Association, or informal road maintenance association cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.
8. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
9. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of

existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

10. Any import or exported soils material to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
11. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
12. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
13. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued.
14. The applicant shall construct or confirm that Running Deer Road onto North Shingle Road conforms to Standard Plan 103C.

Fire District

14. The applicant shall upgrade the water line to provide a minimum flow of 1,500 gallons per minute. Water line improvements are subject to the approval of the El Dorado Irrigation District and shall be shown on the improvement plans submitted to the Department of Transportation
15. The applicant shall install a new fire hydrant on the existing eight-inch water line, on the northwest corner of parcel number 1. The fire hydrant location will be determined by the Rescue Fire Department.
16. The parcel map and future residential development shall meet all the requirements of the California SRA Fire Safe Regulations and California Fire Code 2001 Edition.

Planning Services

17. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the parcel map. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

18. The applicant shall obtain demolition permits to remove the residential structure that bisects parcel number 2 and 3, the storage barn/shed on parcel 1 and 2, and the covered garage building on parcel 3 to conform with zoning regulations prior to map recordation.
19. During all grading activities in the project area, an archaeologist or historian approved by the Deputy Director of Planning Services shall be on call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.
20. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.
21. The project construction activity shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m., on weekends and on federally recognized holidays. Planning Services shall verify that the construction hours have been placed on the grading, improvement and structural plans prior to issuance of grading and building permits.
22. The project construction equipment engines shall be fitted with appropriate mufflers and kept in good working condition as required by El Dorado County. Planning Services shall verify that this notation has been placed on the grading, improvement, and structural plans prior to issuance of grading and building permits.

Air Quality Management District

23. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities. Burning of wastes that result from "Land Development Clearing" must be permitted through the District pursuant to Rule 300.

24. If grading and or excavation operations are required for road improvements, the applicant shall submit and obtain an approved Fugitive Dust Plan that is in conformance to District Rules 223, 223.1 and 223.2 whichever is appropriate.
25. The use of heavy equipment for road improvements shall adhere to AQMD's district regulations.

County Surveyor

26. All Survey monuments must be set prior to filling the parcel map.
27. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by the agency have been met.