

Findings

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions 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 base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 REZONE FINDING

- 2.1. **That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan** because the Estate Residential Five-acre (RE-5) Zone is consistent with the Low Density Residential (LDR) land use designation based on the Consistency Matrix, Table 2-4. The RE-5 zone allows parcels to be a minimum of five acres in size while the LDR designation allows 5.0 to 10.0 acres depending on the availability of infrastructure and public resources. The rezone is compatible with the surrounding pattern of development where a majority of parcels are five acres or larger within a 500-foot radius of the property. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of *Policy 2.2.5.3*. This project also meets applicable policies outlined by the General Plan including, but not limited to, those established for wetland buffers, preservation of oak woodland tree canopy, slope preservation, and adequacy of public services and utilities.

3.0 TENTATIVE PARCEL MAP FINDINGS

- 3.1 **The proposal conforms to the County’s zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Five-acre (RE-5) zone district, there is adequate emergency and standard vehicular access provided, and public facilities and existing utilities to support the residential uses.

- 3.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses on site.
- 3.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadway to both parcels will require minor modifications to the existing rough-graded roadway including surfacing and width improvements. The impacts from all other potential impacts have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

Conditions

CONDITIONS OF APPROVAL

Project Description

1. This rezone and tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-L, dated January 24, 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 will constitute a violation of permit approval.

The project description is as follows:

Approval of this project allows the following: rezone of the 10.002-acre lot referenced as Assessor's Parcel Number 051-230-33 from Estate Residential Ten-acre (RE-10) to Estate Residential Five-acre (RE-5) and a tentative parcel map to subdivide the 10.002-acre parcel into two 5.001-acre parcels. Future single-family-residential development shall occur outside of the required 30-foot front, side and rear yard setback areas with septic areas to be located no closer than 50 feet from the man-made drainage channel and no closer than 100 feet from the pond. New development will connect to the existing El Dorado Irrigation District (EID) 6-inch water line located in Coon Hollow Road and septic disposal areas will occur on the property and outside of the 50-foot drainage and 100-foot pond buffer areas. Access onto the property will be provided by an improved road terminating in a turn around within Parcel 2.

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

2. 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.
2. A 50-foot non-building setback shall be recorded on the final parcel map from the high water mark of the ponding area on the south end of Parcel 2 as shown on Exhibit G.
3. 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 the Planning Services prior to recordation of the final parcel map.
4. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to filing the parcel map.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a 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.

Department of Transportation

6. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Coon Hollow Road, prior to the filing the parcel map.
7. Per Volume 2, Section 3.a.2.c.ii of the County of El Dorado Design and Improvements Manual (DISM), roadway width and surfacing for access roads to Minor Land Divisions, the road preparation and graded width shall be to minimum County standards. Because the on-site roadway is serving 2 lots, the roadway must be per DISM 101C, with a minimum roadway width of 18-feet with a 1-foot shoulder on each side and must have a stable all-weather gravel or paved surface with a turnaround per DISM 114 or approved equivalent to the satisfaction of DOT and the Fire District. The improvements shall be

substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.

8. The applicant shall obtain encroachment permits onto Coon Hollow Road and shall construct said encroachments per DISM Standard Plan 103C prior to the filing of the parcel map.
9. Per the DISM Standard plan 103A-2, the proposed driveways serving Lot 2 shall be a minimum of 12 feet in width. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
10. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
11. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Parcel Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

12. The developer 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 Subdivision Ordinance, prior to the filing of the Parcel Map.
13. If site improvements are to be made, the applicant shall 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.
14. 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.
15. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
16. 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.
17. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, the applicant shall 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). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
18. 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.

19. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

20. The applicant shall submit review fee of \$120.00.
21. Fire flow for this project is 1,000 gpm @ 20 psi for two hours.
22. The applicant shall provide documentation from El Dorado Irrigation District (Facility Improvement Letter) and the Fire District to show that the system will meet required fire flow for this project.
23. No additional hydrants will be required for this project.
24. Driveways shall be minimum of 12 feet in width. Driveways greater than 16 percent gradient must be paved. Driveways greater than 20 percent require a Fire District approved residential sprinkler system.
25. The applicant shall develop and implement a Fire District and Cal Fire approved Fire Safe Plan for the project parcels. Said plan shall be reviewed and approved by the District prior to filing the parcel map.
26. El Dorado County Department of Transportation standards may be more stringent and will supersede these requirements.
27. Any gates that are not shown shall require Fire District approval and/or approval of a special use permit through El Dorado County.

El Dorado County Office of the County Surveyor

28. All survey monuments must be set prior to filing the Parcel Map.
29. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Parcel Map.
30. 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 the map by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.