

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 can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15302(b) of the CEQA Guidelines.
- 1.2 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-Planning Services Department at 2850 Fairlane Court, Placerville, CA.

2.0 Administrative Findings

- 2.1 The issuance of a Conditional Certificate of Compliance for 83.55-acre Parcel 1, a 65.78-acre Parcel 2, and a 64.84-acre Parcel 3, as shown in Exhibit F, and currently identified by Assessor's Parcel Numbers 011-030-45 and 46, meets the requirements of the *Subdivision Map Act* and *County Code Title 16*, and creates parcels with the ability to support timber use, and legitimizes the transfers by Grant Deeds following a court partition.

3.0 General Plan Consistency Findings

- 3.1 The proposed Certificate of Compliance, as conditioned, would legitimize three parcels 83.55, 65.78 and 64.84-acres in size which would be larger than the minimum required 40-acre size allowed within a Natural Resource (NR) designated land use area, but less than the minimum 160-acre size required for parcels above 3,000 feet in elevation in timber production areas. The parcels would not be of a size required by the Timberland Preserve Zone (TPZ), as required by the 2004 General Plan as well as the 1993 General Plan Public Review Draft in effect at the time of the 1994 creation date however, the parcels were created by Grant Deeds recorded by El Dorado County following a court partition.
- 3.2 The proposal, as conditioned, are consistent with the intent of Policies 2.2.5.21 (land use compatibility), 8.3.1.1 (protecting NR lands), 8.3.2.1 (Lands zoned TPZ not to be less than 160 acres), 8.3.2.2 (NR lands above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, 8.3.3.1 (forest lands reserved for multiple use purposes), 8.3.3.2 (Board of Supervisors considering the advice of the Agricultural Commission

about preservation of forest resources), 8.4.1.2 (permanent 200-foot setback adjacent to NR and TPZ lands, and 8.4.2.1 (Agricultural Commission review for NR and TPZ designated lands) because the project is conditioned for 200-foot setbacks, will allow uses consistent with the existing uses in the project vicinity, and will preserve the total acreages of the existing timber preserve area.

4.0 Zoning Findings

- 4.1 The project is zoned TPZ which establishes a minimum parcel size of 160 acres. The project would legalize three parcels 83.55 acres, 65.78 acres, and 64.84-acres in size, as shown in Exhibit F, that would not meet the minimum parcel size requirement. The three parcels were however, created by Grant Deeds recorded by El Dorado County following a court partition. Although the parcel sizes are substandard, the Certificate of Compliance has been conditioned requiring that a Notice of Restriction be recorded limiting development of the parcels and maintaining that the parcels are to be used for timber management for a period of not less than ten years in accordance with Government Code 51119.5.

Conditions of Approval

Planning Services

1. This Conditional Certificate of Compliance is based upon and limited to compliance with the project description, the exhibits marked Exhibit A through J, 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:

Conditional Certificate of Compliance for Assessor's Parcel Numbers 011-030-45 and 011-030-46 which will acknowledge the County's acceptance of the parcel, as shown in Exhibit F, as legally created accordance with the Subdivision Map Act and local subdivision ordinances.

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.

Planning Services Site Specific and Standard Conditions

2. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the parcel owners and shall be subject to review and approval by Planning Services.

3. The applicant shall make the actual and full payment of Development Services Department processing fees for the Conditional Certificate of Compliance application prior to issuance of a clear Certificate of Compliance.
4. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project decision.
5. All Development Services fees for processing this application shall be paid in full prior to issuance of a clear Certificate of Compliance.
6. 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.

The applicant 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 by El Dorado County of the Conditional Certificate of Compliance.

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

Department of Transportation

7. Proof of Offsite Road Entitlements: The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads ~~and public utility easements~~ to access the site prior to issuance of a Clear Certificate of Compliance.
8. Road ~~& Public Utility~~ Easements: The applicant shall ~~irrevocably offer to~~ dedicate a 50-foot wide non-exclusive road ~~and public utility~~ easement for the ~~on-site access~~ roadways crossing Parcels 1, 2, and 3 as shown in Exhibit F ~~for access of all lots~~ prior to issuance of a Clear Certificate of Compliance. ~~This offer will be rejected by the County.~~

El Dorado County Agriculture Commission

9. The three parcels subject of this Conditional Certificate of Compliance shall have a 200-foot non-building setback shown along all parcel boundaries, with the exception of those along Union Valley Reservoir to the south, measured from the property line into the subject parcels, with a note that explains it shall apply to incompatible uses including residential structures. The Agriculture Department shall review and approve the inclusion of this requirement, as a deed restriction, prior to issuance of a Clear Certificate of Compliance. A copy of the recorded Notice of Restrictions for the three separate parcels shall be received by Planning Services for inclusion into the project file, prior to issuance of a Clear Certificate of Compliance.
10. The Forest Management Plan, attached as Exhibit J, shall be recorded with the County Recorder as a deed restriction on all newly created parcels and shall run with the land. The deed restriction shall remain in effect for a period of not less than 10 years from the date the clear Certificate of Compliance is recorded.