

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of:	August 28, 2008
Item No.:	10.b.
Staff:	Pat Kelly

REZONE/SUBDIVISION MAP

FILE NUMBER: Z07-0035/TM07-1449/Cordero Ranch

APPLICANT: Donald and Ruth Gilman

ENGINEER: Ken Purcell

REQUEST:

1. Rezone from Residential Agricultural-Twenty-Acre (RA-20) to Estate Residential Ten-Acre (RE-10);
2. Tentative subdivision map (Exhibit F) to create eight single-family ten- acre lots from an 80.27-acre legal parcel.
3. A design waiver has been requested to allow a maximum road grade of up to 15 percent for the proposed Cordero Ranch Road.

LOCATION: On the north side of South Shingle Road, two miles west of the intersection with Latrobe Road, in the Latrobe area, Supervisorial District II. (Exhibit A).

APN: 087-190-22 and 087-190-18 (Exhibit D)

ACREAGE: 80.27 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

EXISTING ZONING: Residential Agricultural-20 Acre Zone District (RA-20) (Exhibit B)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (MND)

SUMMARY RECOMMENDATION: Recommend Conditional Approval

BACKGROUND: An application for a Zone Change and Tentative Subdivision Map was submitted on July 10, 2007 and deemed complete for processing on August 7, 2007. A Technical Advisory Committee (TAC) meeting was held on September 10, 2007. Agency comments were provided from the Department of Transportation (DOT), Environmental Management, Surveyor's Office, Air Quality Management District, and the El Dorado County Resource Conservation District. The Agricultural Commission was notified August 17, 2007 of the request for the project. As discussed in this staff report the Agricultural Commission staff recommended denial of the project. The reason for denial is presented later in this report.

STAFF ANALYSIS

Project Description: The project request includes a Rezone; Tentative Subdivision Map and a Design Waiver. The project request includes a Rezone from the Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Ten Acre Zone District (RE-10). The Tentative Map would create eight single-family ten-acre lots, totaling 80.27-gross acres. The lots would be accessed via a new road shown as Cordero Ranch Road on the Tentative Map. A Design Waiver has been requested to allow a maximum road grade of up to fifteen percent (15%) for the proposed Cordero Ranch Road.

Utilities and Road Improvements: The new residential parcels proposed would have individual septic systems and well water serving each home. The septic systems and well water would fall under the authority of the El Dorado County Department of Environmental Management, and under the regulations of the Regional Water Quality Control Board. Septic systems designed and installed on-site would be required to meet State and County Standards. Electric power would be available on the project site. Road improvements would be required as a condition of approval. The Department of Transportation (DOT) reviewed the project and determined that a new onsite road would be required to provide the project access between South Single Road and Settlers Trail Road. The onsite road would provide an 18 foot roadway consistent with Standard Plan 101C.

Site Description

The project site is in the Latrobe area, approximately four miles south of El Dorado Hills. The surrounding lands contain open undeveloped land with several ranchettes. The project site lies at an elevation of between 550 and 700-feet above mean sea level. Topography of the property is mild to moderately sloped and is vegetated with grass, shrubs and a few cottonwood trees. The project site presently contains four stock ponds and two residences. Access to the project site would be from South Shingle Road immediately to the south via a new road, shown on the Tentative Map as Cordero Ranch Road, and would connect to Settlers Trail to the north. The proposed project would be consistent with the surrounding residential land uses.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-20	RR	Rural Residence
North	RA-20	RR	10-acre Rural Residence
South	RA-40	RR	Rural Residence
East	RA-20	RR	Rural Residence
West	RA-40	RR	Rural Residence

General Plan

The following policies would be applicable for this Tentative Subdivision Map:

Policy 2.1.3.1 requires all lands not contained within the boundaries of a Community Region or a Rural Center would be classified as Rural Regions. The objective of the Rural Regions would be to provide a land use pattern that maintains the open character of the County, preserving its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations.

Discussion: The project site does not include oak woodland or timber areas. Less than an acre of the project site has been identified as “Farmland of Local Importance” as defined on the Important Farmland GIS map layer for El Dorado County. In addition, El Dorado County has established the Agricultural (-A) General Plan land use overlay district and included this overlay on the General Plan Land Use Maps. Review of the General Plan land use map for the project site indicate there are no areas of “Prime Farmlands” or properties designated as being within the Agricultural (-A) General Plan land use overlay district area adjacent to the project site. Located adjacent and north of the project site a subdivision of 10-acre parcels exist. The proposed project would be consistent with Policy 2.1.3.1.

Policy 2.2.1.2: Rural Residential (RR): This land use establishes areas for residential and agricultural development. Typical uses include single family residences, agricultural support structures, and 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.

Discussion: The project would create eight residential parcels on an 80-acre site. Two family residences had been previously constructed on the project site. The two existing residences would each be located on two of the parcels proposed. Presently, the project site is not being used for agricultural purposes. The site would result in a density of one dwelling unit per ten acres which would be consistent within the RR land use designation.

Policy 8.1.2.2: states that lands within the Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock and if it can be demonstrated to be suitable land for grazing, those lands shall be protected with a minimum of 40-acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses.

Discussion: The Agricultural Commission reviewed the project and recommended denial upon the findings that the project site was historically used for grazing land; was not assigned urban or other non-agricultural uses in the Land Use Map for the 2004 General Plan; and since the project is proposed to be located on historical grazing land, and as such, should be protected, as described in **Policy 8.1.2.2** with a forty 40-acre minimum parcel size. **Policy 8.1.3.2** requires agriculturally incompatible uses adjacent to agricultural zoned lands to provide a minimum setback of 200 feet on parcels 10-acres or larger. The project site would include a 200 foot setback adjacent to the perimeter boundary because the project site would be bound by residential agricultural properties. An existing 1,886 square foot single family residence is located within the 200 foot agricultural setback of the proposed Lot 2 as shown on the Tentative Map. The proposed setback and parcel size minimum would be consistent with applicable General Plan policies which require buffering between agriculture operations and residential uses. Presently, agriculture operations do not exist adjacent to the project site. North of the project site is a subdivision consisting of four 10-acre residential parcels filed for record in Book 23 of Parcel Maps at page 127.

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Discussion: Water service for the proposed project would be provided by individual water wells. There is no evidence that the project would substantially reduce the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project.

2. Availability and capacity of public treated water system;

Discussion: The proposed project would be serviced by individual septic systems. The proposed project's septic system design would be reviewed by the Department of Environmental Management to ensure compliance with County Ordinance Chapter 15.32, Private Sewage Disposal System, as well as County Resolution No. 259-99, Design Standards for the Site Evaluation and Design of Sewage Disposal Systems.

3. Availability and capacity of public waste water treatment system;

Discussion: See Number 2 above.

4. Distance to and capacity of the serving elementary and high school;

Discussion: The project site is located within the Latrobe School District. The nearest school to the site would be Latrobe School which is approximately one and one-half miles to the east. The school district was distributed the project during the initial agency review period and did not provide comments. School fees would be collected at the time of building permit issuance for each of the proposed parcels.

5. Response time from the nearest fire station handling structure fires;

Discussion: The Latrobe Fire Protection District would be responsible for providing fire protection to the project site. The closest fire station, the Latrobe Fire Protection District Head Quarters would be located approximately one and one-half miles from the project site. The District was contacted as part of the initial consultation process. As such, the District has reviewed the proposed project and indicated that adherence to the applicable building and fire codes, as well as the inclusion of conditions of approval would provide adequate fire protection services to the project.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project site is located approximately one mile west of the Latrobe Rural Center.

7. Erosion hazard;

Discussion: The project site is moderately sloped with ninety-seven percent (97%) of the project site being twenty percent (20%) slope or less. The site investigation concluded that no geologic risks, such as land slides, mud flows or other non-seismic movement would be anticipated. The potential for landslides on the site would be limited by the planned grading associated with the project. All grading activities are subject to the provisions of the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce potential erosion hazards to a less than significant level.

8. Septic and leach field capability;

Discussion: The project site would be served by individual private wells and septic disposal systems. There are no public water or sewer facilities in the project area. Based on the on-site soils and septic disposal investigation conducted on-site by Wheeldon Geology the project would not threaten to cause water quality or public health problems.

9. Groundwater capability to support wells;

Discussion: Water service for the proposed project would be provided by individual water wells. There is no established water table under the site. These water sources would be found in pockets or running through rock fractures. There is no evidence that the project would substantially reduce the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. The applicant has provided a well production report for the proposed project. The Rumsey-Lang Well Drilling & Pumps, Inc., well production report provides two test well sites. One well produced 4.5-gpm at a depth of 700 feet; the second well produced 10-gpm at a depth of 640-feet. Based on the results of the on-site well reports and the general geo-hydrologic conditions in the area, the domestic water supplies would be adequate for the project site.

10. Critical flora and fauna habitat areas:

Discussion: The County's General Plan designates areas within the County that have the potential to contain rare plants. The County's General Plan and General Plan EIR define Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is not within a Rare Plant Mitigation Area. The likelihood of special status flora species to occur within the project site would be considered low.

11. Important timber production areas:

Discussion: The project is not located in or near an important timber production area.

12. Important agricultural areas;

Discussion: The project site is not within an active agricultural area.

13. Important mineral resource areas;

Discussion: The project would not impact an important mineral resource area.

14. Capacity of the transportation system serving the area;

Discussion: The El Dorado County Department of Transportation (DOT) has reviewed the submitted traffic study and concluded that the recommended Conditions of Approval, including improvements to off-site existing roadways. South Shingle Springs Road, a County maintained road, would be improved pursuant to *Standard Plan 101B* to a 20-foot road width with 2-foot shoulders from Settlers Trail to Latrobe Road. Cordero Ranch Road and "A" Court, the proposed access roads to serve the project, would be constructed pursuant to *Standard Plan 101C*. Cordero Ranch Road would require a paved 18-foot road width with 1-foot shoulders. DOT supports a Design Waiver request to allow a maximum road grade of up to fifteen percent (15%) for Cordero Ranch Road. The El Dorado County Transit Authority has reviewed the project in relation to transit facilities and services and has determined that there are no specific Conditions of Approval requested.

15. Existing land use patterns;

Discussion: The project area is surrounded by existing rural residential land uses. The project is surrounded by RA-40 zoning along the western and southern boundaries and RA-20 along the northern and eastern boundaries. The four parcels adjacent and north of the project site are 10-acres in size. Staff has determined that the proposed project would be consistent with existing land use patterns within the project area.

16. Proximity to perennial water course;

Discussion: The Jurisdictional Delineation Report and Special Status Species Evaluation identified 1.0569-acres of water features including 0.7122-acre of ponds, 0.2134-acres of swales, 0.0683-acre of seep, 0.0088-acre of channels, and 0.0543-acres of ditches. The developer does not intend to impact these water features except for an on-site road improvement area which crosses one intermittent channel. General Plan Policy 7.3.3.4 requires a minimum setback of 100-feet from all perennial streams, rivers, lakes, and 50-feet from intermittent streams and wetlands. The Tentative Subdivision Map shows the water features identified and discussed in the Evaluation and provides 50-foot easements adjacent to intermittent water features and a 100-foot easement surrounding the large perennial pond which would provide a buffer to the water features identified on the project site. The easements would allow for compliance with General Plan **Policy 7.3.3.4**.

17. Important historical/archeological sites;

Discussion: The Cultural Resource Assessment prepared by Peak & Associates, Inc. identified a small midden on the project site. The Cultural Resource Assessment recommends that the midden site be protected from all construction activities by installing temporary fencing around the midden prior to installation of construction activities on the property and permanent fencing be installed prior to completion and final approval of the proposed residence on the project site. Access to this portion of the project site would be limited in the deed and the owner of the property would be responsible for maintaining the fence surrounding the midden site. Due to the presence and likelihood of additional cultural resources on-site, mitigation measures have been added to the Mitigated Negative Declaration and included in Attachment 1 to ensure that additional discovered artifacts are appropriately documented and preserved, as appropriate. This would ensure that cultural resources are appropriately mitigated and to ensure consistency with General Plan **Policy 2.2.5.3**.

18. Seismic hazards and present active faults; and

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area. Master CC & R's would be reviewed and recorded prior to Final Map approval.

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: The subject site is surrounded by existing rural residential land uses which would be compatible to the proposed development. The proposed subdivision would fit within the context of these existing residential and undeveloped uses.

Policy 5.2.1.2: An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Discussion: Water service for the proposed project would be provided by individual water wells. There is no evidence that the project would substantially reduce the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. A well production report has been provided. Based on the results of the on-site well reports and the general geo-hydrologic conditions in the area, the domestic water supply would be adequate for the project.

Policy 5.7.1.1: Prior to approval of new development, the applicant would be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The Latrobe Fire Protection District would provide fire service to the site. Water storage for fire protection, minimum roadway widths, and fire hydrant placement have been required by the Latrobe Fire Protection District to ensure adequate fire protection infrastructure.

Policy 7.3.3.4: Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50-feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site-or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: See Number 6 above.

As discussed above, the project would be consistent with the applicable General Plan Policies.

Zoning: The project includes a Rezone from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Ten Acre Zone Districts (RE-10). Included below is an analysis of the Development Standards of the RE-10 Zone District pursuant to Section 17.70.110 of the zoning ordinance.

A. Minimum lot area of ten (10) acres;

The minimum lot size would be 10-acres.

B. No maximum building coverage;

No building would be proposed in conjunction with the project.

C. Minimum lot width of one hundred fifty feet (150');

The average lot width for the proposed parcels would be approximately 570-feet which would be consistent with the requirement.

D. Minimum yard setbacks: front and rear, thirty feet (30'); sides, thirty feet (30') except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25')

The project includes agricultural setbacks of 200-feet as shown on the Tentative Subdivision Map, (Exhibit F), which would meet or exceed the setback requirements identified above.

E. Minimum agricultural structural setbacks of fifty feet (50') on all yards;

The project includes agricultural setbacks of 200-feet as shown on the Tentative Subdivision Map, (Exhibit F), which would meet or exceed the setback requirements identified above.

F. Maximum building heights, forty-five feet (45');

The project site includes an existing single family residence on two of the proposed parcels. The single family residences, including garages, are a maximum of 20-feet in height. No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

G. Minimum dwelling units area, six hundred square feet (600') of living area is required. Minimum dwelling unit area provisions are not applicable to additions to existing dwellings;

No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

H. Location of the parcel in relation to surrounding land use, the success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential ten acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprise. Noncompatible uses are defined as, but not limited to:

- 1. Residential structures,**
- 2. Nursing homes,**
- 3. Public and private schools,**
- 4. Playgrounds,**
- 5. Swimming pools,**
- 6. Fish ponds.**

The project would include a 200-foot setback adjacent to the perimeter boundary of the project site, as shown on the Tentative Subdivision Map, (Exhibit F), because the project site would be bound by residential agricultural properties. Presently, agriculture operations do not exist adjacent to the project site. No development is proposed in conjunction with the project. Prior to issuance of development permits on the future parcels, Planning Services would review the permits to determine consistency with this requirement.

Tentative Map: A Tentative Map to create eight residential lots less all non-buildable areas resulting from excluding road right-of-way, thirty percent (30%) slope areas and agricultural, riparian and potential jurisdictional setbacks as shown on the Tentative Parcel Map. The rural residential lots would be 10-acres in size. The proposed lots would conform to the table listed below.

Lot Number	Gross Area (acres)	Net Area (acres)
1	10	2.18
2	10	2.35
3	10	5.42
4	10	2.23
5	10	4.15
6	10	5.24
7	10	4.58
8	10	4.65

Design Waivers Discussion: A Design Waiver has been requested to allow a maximum road grade of up to 15 percent (15%) for the purposed Cordero Ranch Road. The Department of Transportation

(DOT) supports this waiver with the condition that Cordero Ranch Road be paved with a section of 2.5-inch AC over 6-inch AB.

Agency and Public Comments: Appropriate Conditions from each reviewing agency are included the Conditions of Approval listed in Attachment 1. The following agencies provided comments and/or conditions for this project:

El Dorado County Planning Services
Latrobe Fire Protection District
El Dorado County Department of Transportation
Office of the County Surveyor
El Dorado County Environmental Management
El Dorado County Resource Conservation District
United States Fish and Wildlife Service
El Dorado County Transit Authority
El Dorado County Department of Agriculture/Agricultural Commission

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, potentially significant impacts to Biological and Cultural Resources would occur and Mitigation Measures have been added to the project to avoid or mitigate to a point of insignificance. Staff has determined that the implementation of the Mitigation Measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration has been prepared.

RECOMMENDATION

Staff recommends the Planning Commission make the following recommendations to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval in Attachment 1; and
3. Approve Z07-0035/TM07-1449 as the required findings can be made as noted in Attachment 2, based on the analysis in the staff report and the modification of the project to include the conditions itemized in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit AVicinity Map
Exhibit BZoning Map
Exhibit CGeneral Plan Land Use Map
Exhibit DAssessor’s Parcel Map
Exhibit ETentative Subdivision Map
Exhibit FPreliminary Grading and Drainage Plan
Exhibit GSlope Study
Exhibit H.....Soils Map
Exhibit I.....Parent Parcel Map 22-76
Exhibit JEnvironmental Checklist and Discussion of Impact

ATTACHMENT 1 CONDITIONS OF APPROVAL

**FILE NUMBER TM07-1449 and Z07-0035
Planning Commission/August 28, 2008**

1. This Tentative Subdivision Map and Zone Change approval is based upon and limited to compliance with the project description, dated July 10, 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.

Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

The project description is as follows:

The project will allow for a Tentative Subdivision Map to create eight single family residential 10-acre parcels and a Rezone change from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Ten Acre District (RE-10). A Design Waiver has been requested to allow a maximum road grade of up to fifteen percent (15%) for Cordero Ranch Road.

Tentative Map: A Tentative Map to create eight residential lots less all non-buildable areas resulting from excluding road right-of-way, thirty percent (30%) slope areas and agricultural, riparian and potential jurisdictional setbacks as shown on the Tentative Parcel Map. The rural residential lots would be 10-acres in size. The proposed lots would conform to the table listed below.

Lot Number	Gross Area (acres)	Net Area (acres)
1	10	2.18
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6	10	5.24
7	10	4.58
8	10	4.65

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DELECRATION

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
 - a. Halt all construction within 150-feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
 - b. Construction shall not resume within 150-feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
 - c. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project will not result in a "take". (MM BIO-1).

MONITORING: The applicant shall provide Development Services with a letter from a qualified biologist verifying compliance, prior to issuance of a grading permit.

3. An environmental sensitive area easement, prepared by the applicant, measured five feet from the edge of P-9-3670 as noted in the cultural resource study dated April 2007, shall be recorded with the Final Map. A qualified archaeologist shall accurately locate P-9-3670 so as to precisely represent the easement. The easement shall be shown on the subdivision map, or recorded as a separate instrument. (MM CULT-1)

MONITORING: Planning Services shall verify that the easement is shown on the subdivision map prior to filing the Final Map.

4. The developer shall protect Site P-9-3670 from all construction activities by installing temporary fencing to installation of construction activities on the property and permanent fencing shall be installed prior to completion and final approval of the proposed residence on the project site. Access to this portion of the project site shall be limited in the deed and the owner of the property shall be responsible for maintaining the fence surrounding the midden site. The fence material shall be a high visibility fabric and shall be machine produced, orange colored mesh manufactured from polypropylene or polyethylene. The fencing materials shall not contain biodegradable filler material that can degrade the physical or chemical characteristics of the finished fabric. The high visibility fabric shall be fully stabilized ultraviolet resistant, and shall be a minimum of four feet (4') in width with a maximum mesh opening of two inch by two inch. (MM CULT-2)

MONITORING: Planning Services shall verify that the temporary fencing has been installed prior to issuance of a grading permit and permanent fencing has been installed prior to completion and final approval of the proposed residence on the project site. The project Archaeologist shall provide Planning Services with a letter pre and post construction verifying that all fencing has been installed as required. .

CONDITONS OF APPROVAL:

Planning Services:

5. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or historian approved by the Development Services Director 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 and/or future parcel owner 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.
6. 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. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
7. Prior to filing of the Final Map Planning Services shall verify that all Development Services fees have been paid.

8. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. Planning Services shall verify that required fees have been paid prior to filing the Final Map.

9. 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. Planning Services shall verify that fees have been paid prior to filing the Final Map.

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 shall cooperate fully in the defense.

Department of Transportation:

PROJECT SPECIFIC CONDITIONS

11. The applicant shall construct all roads in conformance with the El Dorado County Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map:

Table 1				
ROAD NAME	DISM REFERENCE	ROAD WIDTH	ROAD RIGHT	COMMENTS/NOTES

			OF WAY	
Cordero Ranch Road (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft	6" Class II AB minimum
South Shingle Road (on-site)	Design Std Plan 101B	20ft / 5 ft shoulder	60ft existing	Paved 4" AC over 7" Class II AB. Shoulder to be provided on project frontage only.
South Shingle Road (off-site from project site to Settlers Trail)	Design Std Plan 101B	Minimum fire safe 20 ft / 2ft shoulders	60ft existing	Paved 3" AC over 8" Class II AB
'A' Court (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft existing	6" Class II AB minimum
Settlers Trail (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft existing	6" Class II AB minimum
Settlers Trail (off-site from project site to South Shingle Road)	Design Std Plan 101C (adopted 2/12/08)	Minimum fire safe 18 ft / 1ft shoulders	50ft existing	2" Double Chip Seal over 4" Class II AB

12. **South Shingle Springs Road Improvements:** The applicant shall improve South Shingle Road to a paved 20-foot road width with two shoulders per DISM Standard Plan 101B from the westerly boundary of the development to Settlers Trail. The applicant shall verify or improve South Shingle Road to a paved 20-foot road width with two shoulders per modified DISM Standard Plan 101B from Settlers Trail to Latrobe Road. Additional paving shall be to a structural section of 3" AC over 8" AB minimum. The improvements shall be substantially completed to the approval of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
13. **Encroachment Permits:** The applicant shall obtain an encroachment permit from the DOT and shall construct the roadway encroachments from Settlers Trail, Cordero Ranch Road, and "A" Court onto South Shingle Road to the provisions of County Design Standard 103C. The improvements shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
14. **Settlers Trail IOD:** The applicant shall irrevocably offer to dedicate 25-feet of right of way along the entire frontage portion of Settlers Trail with the filing of the Final Map. This offer will be rejected by the County.
15. **South Shingle Road IOD:** The applicant shall verify or provide an irrevocable offer of dedication for 30-feet of right of way along the entire frontage portion of South Shingle Road, in fee, with the filing of the Final Map. This offer will be accepted by the County.
16. **Cordero Ranch Road IOD:** The applicant shall irrevocable offer to dedicate 50-feet of right of way along Cordero Ranch Road with the filing of the Final Map. This offer will be rejected by the County.

17. **Turnaround:** The applicant shall provide a turn around at the end of 'A' Court to the provisions of County Standard Plan 114 or as approved by the fire department. 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 Final Map.
18. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the DISM and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of six feet which allows structural driveway access only.

STANDARD DOT CONDTIONS

19. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
20. **Road and Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and pubic utility easement for Cordero Ranch Road prior to the filing of the Final Map. Slope easements shall be included as necessary.
21. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
22. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of South Shingle Road, excluding the locations of the approved access encroachments.
23. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: on-site private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
24. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).

25. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
26. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the Final Map.
27. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Final Map.
28. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
29. **Grading Permit / Plan:** If more than 50-cubic yards of earth movement are required for improvements, 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
30. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
31. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for

review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

32. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, 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 (structural sections found in Table 1 above are minimums), and recommended design criteria for any retaining walls.
33. **Drainage Study / SWMP Compliance:** 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.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the Final Map or the applicant shall obtain an approved improvement agreement with security.

34. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size

or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Final Map.

35. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Final Map.
36. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.
37. **Off-site Improvements (Security):** Prior to the filing of a Final Map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
38. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant 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 applicant's expense and within 120 days of filing the Final 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 parcel map, the applicant 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% 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 applicant 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.

39. **Electronic Documentation:** 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 drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
40. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Department of Environmental Management– Air Quality Management District:

41. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.
42. The applicant shall provide proof that each parcel shall have a safe and reliable water source prior to filing the Final Map. Individual wells shall meet the requirements necessary for construction permits.

Latrobe Fire Protection District:

43. The applicant shall be required to comply with the Fire District requirements prior to filing of the Final Map, which shall include but may be limited to the following:
 - a. Each parcel shall provide 3,000 gallons of water storage for fire protection with a Fire Department connection and pumping system approved by the Fire District prior any construction or until such time as the above fire flow requirements are met.
 - b. Fire flow requirements and hydrant spacing shall be determined by the Fire District at such time four or more single family residence construction permits are applied for or until such time as the Fire District has determined that the necessary fire flow requirements for the project site are met.
 - c. Driveway design for each parcel shall comply with Driveway Standard 1273.10 of the County Fire Safe Regulations.
 - d. To promote the use of residential sprinklers (supplied by the individual property owners) the Fire District requires that the developer provide a gated manifold or tap into the fire protection water system for each parcel. This connection shall be used solely for domestic residential sprinkler systems for the primary residence and any outbuildings so designated by the parcel owner.

- e. Resurface Settlers Trail Road to 20-foot wide with an all weather surface roadway from South Single Springs Road to Lot 7 and Lot 8 as shown on the Tentative Subdivision Map TM07-1449.

County Surveyor:

44. Applicant shall provide evidence that the 50-foot road and Utility Easement running through what will be Lots 6, 7, and 8 as shown on the Parcel Map PM 27-76 have been abandoned. If it has not been abandoned than the Tentative Map process shall include a request for it to be abandoned with the filling of the Final Map.
45. All survey monuments must be set prior to the presentation of the Final Map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
46. The roads serving the development shall be named by filling a completed Road Name Petition with the County Surveyors Office prior to filling the Final Map.

ATTACHMENT 2 FINDINGS

**FILE NUMBER TM07-1449 and Z07-0035
Planning Commission/ August 28, 2008**

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 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.
- 1.2 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.
- 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 The proposed use and design conforms to the General Plan in that the parcel is located outside a community region, the proposed use and developmental density are consistent with both land use designation and the natural resources on-site will be protected pursuant to related policies in the General Plan.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that will support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

- 2.3 The proposed project is consistent with policies 2.1.3.1 regarding lands not contained within the boundaries of a Community Region or a Rural Center are classified as Rural Regions; 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.7.1.1 regarding adequate water for fire protection, and 7.3.3.4 regarding buffers and setbacks for wetlands and streams.

3.0 Zoning Change Findings

3.1 The proposed Zone Change is consistent with the General Plan.

The amendment of the parcel zoning from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Acre Zone Districts (RE-10) will be consistent within the Rural Residential (RR) Land Use Designation. The proposed zone change has been evaluated with respect to the specific criteria established by General Plan Policy 2.2.5.3 and will result in residential development consistent with the General Plan, Zoning Ordinance and County Design manual.

4.0 Tentative Map Findings

4.1 The proposed Tentative Map is consistent with the General Plan policies and land use map after rezone.

As proposed, the Tentative Map conforms to the Rural Residential (RR) General Plan land use designation and applicable General Plan policies including access, water service, wetland setbacks, grading, fire protection and wastewater disposal.

4.2 The design or improvements of the proposed Tentative Map is consistent with the applicable general plan.

The proposed onsite access road is consistent with the Circulation Element of the General Plan and the Design and Improvement Standards Manual. The subdivision arrangement is consistent with the Rural Residential (RR) land use designation and consistent with the objectives and policies relating to residential development.

4.3 The project site is physically suitable for the type of development proposed.

The proposed Tentative Map will not impact slopes exceeding thirty percent (30%). The proposed development will not impact riparian area and cultural resources. Setbacks and easements are shown on the tentative map for protection of wetland areas and cultural resources.

4.4 The site is physically suitable for the proposed density of development.

The project site contains adequate buildable areas for each of the proposed residential lots. The new on-site access road will be designated to meet the requirements of the General Plan, County Design and Improvement Standards Manual and Fire Safe Regulations.

4.5 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The proposed subdivision is not likely to cause substantial damage with the implementation of the mitigation measures identified as Conditions in Attachment 1 and setbacks and easements as shown on the tentative map to protect biological and cultural resources.

4.6 The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The proposed road improvements to the project site will not cause significant public health or safety hazards. A two hundred foot (200') agricultural setback from the boundary of the adjacent agriculturally zoned lands is provided on the tentative map.

4.7 The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

The Latrobe Fire Protection District has reviewed the subdivision and determined that the installation of water storage; fire hydrants; sprinklers; and required driveway and road width design will be acceptable for fire protection.

4.8 The design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed division.

The project will not result in conflicts with existing easements. No access through the project site for public use currently exists. The project will not conflict with existing access to the adjacent properties and will not conflict with any existing easements.