

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



Agenda of: April 28, 2011
Item No.: 9
Staff: Tom Dougherty

REZONE/TENTATIVE PARCEL MAP

FILE NUMBER: Z10-0005/P10-0004/Jones Parcel Map

APPLICANT: Michael and Janine Jones

REQUEST: The proposed project consists of the following requests:

1. Rezone from Single Family Two-Acre Residential (R2A) to Estate Residential Five-Acre (RE-5); and
2. Tentative Parcel Map to create three single-family residential parcels comprising of 5.60, 5.84 and 7.64 acres in size from a 19.09-acre parcel.

LOCATION: On the east and west sides of Ivy Knoll Drive, south of the intersection with Leaning Tree Road, in the Placerville Periphery area, Supervisorial District 3. (Exhibit A).

APN: 048-121-11 (Exhibit B)

PARCEL SIZE: 19.09 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor (LDR-IBC) (Exhibit D-1, D-3)

ZONING: Single Family Two-Acre Residential (R2A) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

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), incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1;
3. Approve Rezone Z10-0005 based on the Findings in Attachment 2; and
4. Approve Tentative Parcel Map P10-0004 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The 19.09-acre parcel was created by Parcel Map PM38-94, recorded in March of 1988.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the Rezone and Tentative Parcel Map request and issues for Planning Commission consideration are provided in the following sections:

Project Description: The project request includes a Rezone and Tentative Parcel Map proposed as follows:

Rezone: The Rezone would rezone the property from Single Family Two-Acre Residential (R2A) to Estate Residential Five-Acre (RE-5).

Tentative Parcel Map: The Tentative Parcel Map would create three single-family residential parcels comprising 5.60, 5.84 and 7.64 acres in size from a 19.09-acre parcel.

The three parcels would be served by wells and septic systems.

Site Description: The 19.09-acre parcel varies in elevation from 2,450 to 2,550 feet above sea level. The majority of the parcel is covered with native trees and shrubs with some cleared areas of grassland. Approximately 44 percent of the parcel contains oak canopy and the remaining covered with other native trees. The parcel is undeveloped except for an existing paved road running north and south that splits the eastern approximately 1/3 of the parcel into a separate section. There is one prominent swale in the southwest portion that drains southwest, and no other significant wetland features.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	LDR-IBC	Residential/Vacant
North	R2A	LDR-IBC	Residential/Single family residence
South	R2A	LDR-IBC	Residential/Single family residence
East	R2A	LDR-IBC	Residential/Single family residence/vacant parcel
West	R2A	LDR/MDR-PL-IBC	Residential/Single family residence/vacant parcel

Discussion: The project vicinity is primarily residentially-zoned land with larger lot sizes (three acres and larger). All lands in the project vicinity are designated by the General Plan for low density residential uses (LDR), (see Exhibit D-1), with the exception of a portion of parcels to the southwest which are designated for medium density residential uses (MDR-PL-IBC). The project parcel is bounded on all sides by residential land uses on residentially zoned lands. The Platted Lands (PL) overlay designation identifies *isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The existence of the PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses.* All surrounding parcels are zoned R2A which is inconsistent with the predominant LDR land use designations. (See Exhibit E).

Project Issues: Discussion items for this project include access and circulation, fire safety, sewage disposal and water supply.

Access and Circulation: Pursuant to the General Plan, the project is not within a Community Region and nearby Newtown Road is a Major 2-Lane Road as shown on the Circulation Maps. Ivy Knoll Drive, Leaning Tree Road, and Still Meadow Road are all private roadways. **Primary access** is from Newtown Road to Ivy Knoll Road to the project site. **Secondary access** is from U.S. Highway 50 to Still Meadow Road to Leaning Tree Road to Ivy Knoll Road to the project site.

1. **Onsite Access:** The proposed access road (Ivy Knoll Road) was found by DOT staff to currently be compliant with County standards and would not require improvements.
2. **Offsite Access:** The proposed access roads (Ivy Knoll Road offsite portion) and Leaning Tree Road (from Ivy Knoll Road to Still Meadow Road) is recommended by DOT to be designed consistent with Design Standard Plan 101C of the DISM and the 2007 CA Fire Code with a 20-foot wide roadway. The widening of the existing paved portion of the road would be conditioned to be improved to the same paved surfacing, whereas the gravel section of Leaning Tree Road would be improved to a gravel surface capable of supporting 40,000 pounds with the minimum structural sections in accordance to Design Standard Plan 101C of the DISM. These improvements would be conditioned be completed to the satisfaction of the DOT or the applicant would need to obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.

As proposed and with the inclusion of the recommended Conditions of Approval, DOT has no outstanding concerns with the proposed access and circulation.

Fire Safety: The project has a Wildland Fire Safe Plan that was approved in May of 2010 by Cal Fire and El Dorado County Fire Protection District (Fire District) that addresses emergency access. The Fire District has also recommended conditions for the unobstructed widths of the apparatus access roads and to assure they would be designed and maintained to support the imposed loads of fire apparatus and to provide all weather driving capabilities. As proposed and with the inclusion of the recommended Conditions of Approval, neither Cal Fire nor the Fire District has outstanding concerns with the parcel emergency accesses as proposed.

Sewage Disposal: The Environmental Health Division has reviewed the submitted sewage disposal capability report for the proposed parcels and found that it demonstrates there would be suitable area on each proposed parcel for adequate sewage disposal.

Water Supply: The project proposes to use wells for the residential water supply. The Environmental Health Division has reviewed the submitted well report for the newly drilled test well on proposed Parcel 1 and found it meets the requirements of Water Supply Policy 800-02. The project has been conditioned that all three parcels have wells for their respective water supply that meet Policy 800-02 standards prior to filing the Parcel Map.

General Plan: The General Plan designates the subject site as Low Density Residential with an Important Biological Corridor Land Use Overlay (LDR-IBC) and **Policy 2.2.1.2** directs that LDR identify *establishes areas for single-family residential development in a rural setting* with a maximum density of one dwelling unit per 5.0 acres with parcel size range of 5 to 10 acres. The project would create three parcels comprising 5.60, 5.84 and 7.64 acres in size and therefore would be consistent with this policy.

Rezone: **Policy 2.2.5.3** requires that 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:

Criteria	Consistency
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	Consistent: As discussed above in the Water Supply section in <i>Project Issues</i> , the project would be conditioned to have a safe and reliable water supply on each parcel prior to filing the Parcel Map.
2. <i>Availability and capacity of public treated water system</i>	Consistent: As discussed above in the Water Supply section in <i>Project Issues</i> , the project would rely on wells for potable water service.
3. <i>Availability and capacity of public waste water treatment system.</i>	Consistent: The project would utilize septic facilities for waste water.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	Consistent: The existing parcel area is currently served by the Placerville Union School District. The project was distributed to them for review and they did not respond with any concerns about serving the project.
5. <i>Response time from nearest fire station handling structure fires.</i>	Consistent: The El Dorado County Fire Protection District would be responsible for serving the project area for structure fires. The Fire District has recommended Conditions of Approval that would require that the project adhere to the applicable building and fire codes, as well as Conditions of Approval regarding the execution of the District Fire Safe regulations, provision of a secondary emergency access, construction of road improvements as required by the DOT, as well as the he District approved Fire Safe Plan. The fulfillment of those recommended

	conditions would address the fire related safety issues identified by the District.
6. <i>Distance to nearest Community Region or Rural Center.</i>	Consistent: The project site is located approximately 0.5 mile east of the Placerville Community Region. As proposed, the project is a residential project similar in character to existing and proposed low-density residential uses surrounding the project site on three sides, and medium and low-density uses on the south side.
7. <i>Erosion hazard.</i>	Consistent: The project would require minor grading for roads and drainage infrastructure to be completed prior to filing of the Parcel Map. This would assure that all existing drainage courses would be adequately protected by the incorporation of appropriate development setbacks and the required strict adherence to Best Management practices during the grading permit process.
8. <i>Septic and leach field capability.</i>	Consistent: The Environmental Health Division has found there would be suitable area on each proposed parcel for adequate sewage disposal.
9. <i>Groundwater capability to support wells.</i>	Consistent: The Environmental Health Division reviewed the submitted data for the test well, studied data for surrounding well reports, and did not find that the project would have significant impacts on groundwater capability to support the required wells.
10. <i>Critical flora and fauna habitat areas.</i>	<p>Consistent: A Revised Final Biological Resources Study and Important Habitat Mitigation Program (Biology Report), Sierra Ecosystem Associates, April 22, 2010 was submitted by the applicants that included the results of a survey of the parcel for the special status and locally significant plants and animals and suitable habitat for the same. No special-status species were found on the site and it was determined that there is no habitat on the project site to support the special status plants that could potentially be present.</p> <p>The Biology Study found that depending on the time of the year development occurs, there could be impacts to nesting raptors or other migratory birds. The project has included a mitigation measure designed to reduce those potential impacts. This is discussed further below in the Policy 7.4.1.5 section.</p>
11. <i>Important timber production areas.</i>	Consistent: The project site does not contain or is adjacent to any important timber production areas.
12. <i>Important agricultural areas.</i>	Consistent: This property and project is not under and would not conflict with an adjacent Williamson Act Contract and is located within an area which does not contain, nor is it adjacent to, lands zoned and designated by the General Plan to be preserved for agricultural use.

13. <i>Important mineral resource areas.</i>	Consistent: The project site does not contain or is located adjacent to any important mineral resource areas.
14. <i>Capacity of the transportation system serving the area.</i>	Consistent: DOT reviewed the submitted traffic study and concluded that the recommended conditions of approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area.
15. <i>Existing land use pattern.</i>	Consistent: The project site is surrounded by land designated and utilized for low-density residential uses on four sides with a portion to the southwest designated for medium-density uses (MDR-PL). The proposed rezone would allow the creation of 5.60, 5.84 and 7.64-acre parcels which would be consistent with the LDR land use designations as well as the dominant land use and parcel size pattern of the surrounding parcels.
16. <i>Proximity to perennial watercourse.</i>	Consistent: There were no perennial watercourses identified by the within the project parcel. Weber Creek, a perennial stream, lies approximately 0.8 mile south of the project parcel.
17. <i>Important historical/archeological sites.</i>	Consistent: A Cultural Resources Study prepared by Historic Resource Associates, dated February 2008 was completed for the subject parcel and reported there were no significant prehistoric and historic-period cultural resources sites, artifacts, historic buildings, structures or objects found. Because of the possibility in the future that ground disturbances could discover significant cultural resources, Planning has added standard Conditions of Approval to assure that potential issue is addressed during project development.
18. <i>Seismic hazards and present of active faults.</i>	Consistent: As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, seismic ground failure, or liquefaction are considered to be less than significant. 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. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i>	Consistent: The three proposed parcels would participate in the Ivy Knoll Drive Road Maintenance Association to for the purpose of the shared maintenance of Ivy Knoll Drive.

Land Use Compatibility: **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Consistent: The parcel sizes and residential uses would be consistent and compatible with the development pattern in the immediate neighborhood.

Fire Protection: **Policy 5.7.1.1**, requires the applicant demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development, **Policy 6.2.2.2**, **Wildland Fire Hazards**, requires that the County preclude development in areas of high and very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection, and **Policy 6.2.3.2**, **Adequate Access for Emergencies**, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: El Dorado County Fire Protection District (Fire District) has requested Conditions of Approval addressing the emergency access and emergency water availability issues for the project site. A Wildland Fire Safe Plan dated April 13, 2010, has been approved by the Fire District and by Cal Fire and the three parcels would be required to fulfill the requirements of that plan. Conditions have been incorporated into the project to assure compliance with the Cal Fire and Fire District requirements. As conditioned, the project would conform to the General Plan policies.

Airport Noise Impacts: **Policy 6.5.2.1** directs that *all projects, including single-family residential, within the 55 dB/CNEL contour of a County airport shall be evaluated against the noise guidelines and policies in the applicable CLUP.*

Discussion: The proposed project is located approximately one mile northeast of the Placerville Airport, as shown in Exhibit G. It is located at the easternmost edge of the Airport's Safety Overflight Zone Area 3 and within the 55 dB and 60 dB CNEL noise contour. An *Environmental/Architectural Acoustics Assessment*, Bollard Acoustical Consultants, Inc., dated April 8, 2010 (Assessment) was submitted by the applicants for the project. From their field testing, the Assessment found that the exterior noise levels from aircrafts were not to be expected to exceed the maximum 60 dB exterior, or 45 dB Community Noise Equivalent Level (CNEL) level established by the General Plan.

The project was reviewed by the El Dorado County Airport Land Use Commission for compliance with the Placerville Airport Comprehensive Land Use Plan (CLUP). The Commission's staff found the project to be compatible with the CLUP, provided the project is conditioned for a buyer notification program and for recordation of an aviation and noise easement. The project has been conditioned for the application to record an Aviation and Noise Easement for all three parcels created by the filed Parcel Map which would then make the project compliant with this policy and provide compliance with the Commission's staff recommendations. The easement would be required to be filed concurrently with the filing of the Parcel map.

Wetland buffers: **Policy 7.3.3.4** directs that *buffers and special setbacks of 50 feet from intermittent streams and wetlands.*

Discussion: The project as presented, avoids the ephemeral drainage swale within the southwest portion of the parcel as shown on Exhibit F. The Biology Report recommended that the 50-foot

setback lines in all directions from the drainage swale within the parent parcel be carried forward as it had been previously been recorded on the previous Parcel Map PM38-94. On that map it was noted as a 100-foot (non-building) setback to be measured 50 feet from the centerline of the swale. That recommendation has been included in the recommended Conditions of Approval in Attachment 1 and that inclusion on the new maps would make the project compliant with this policy.

Species Conservation: **Policy 7.4.1.5** directs that *species, habitat, and natural community preservation/conservation strategies shall be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.*

Discussion: The Biology Report determined that the project could have an impact on nesting raptors or other protected migratory birds by the tree canopy removal anticipated for the project. Depending on the timing of construction, site disturbance could result in disturbance of breeding and nesting activity of this species. According to the California Department of Fish and Game Code 3503, “take” of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Game. The Biology Report found that disturbance of active nests can be avoided during construction through appropriate measures. Those measures have been included in recommended Mitigation Measure 2 included in Attachment 1.

Biological Corridor: **Policy 7.4.2.9** identifies the site with an Important Biological Corridor (IBC) overlay. *This would be applied to lands identified as having high wildlife values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district would be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural Lands (AL) designation, the land use restrictions associated with the IBC policies would not apply to the extent that the agricultural practices do not interfere with the purposes of the IBC overlay. Lands located within the overlay district would be subject to the following provisions listed in the table below:*

Guideline	Project Design Feature
Increased minimum parcel size	Consistent: It is not recommended that minimum parcel size of 5 acres be increased because the project avoids the wetlands, has no significant woody vegetative corridors and the new parcels would share existing access roads. The submitted Biological Study determined that as mitigated for the protection of nesting raptors and other birds, there would be no significant impacts to the existing biological corridors.
Higher canopy-retention standards and/or different mitigation standards for oak woodlands	Consistent: The submitted Biology Report anticipates the project would remove approximately 0.321 acre of canopy for road and lot development which is 3.8 percent of the total canopy coverage. The parcel sizes of 5.60, 5.84 and 7.64 acres would allow the

	predominant retention of the remaining existing oak canopy.
Lower thresholds for grading permits	Consistent: Grading for surface improvements to existing Ivy Knoll Drive and Leaning Tree Road would be required resultant of a project approval. As these roads are existing and the projected improvements would not significantly affect trees and shrubs in these areas, the impacts would not be anticipated to be significant.
Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss	Consistent: No wetland/riparian habitat loss would occur as a result of the project.
Increased riparian corridor and wetland setbacks	Consistent: The submitted Biology Report found that the project would require permanent 50-foot non-building setbacks from the centerline of the ephemeral drainage swale located in the southwest portion of the parcel as discussed above in the Policy 7.3.3.4 section.
Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Dept. of Fish & Game).	Consistent: The project site is located within Rare Plant Mitigation Area 2 which is defined as lands not known to contain special status plant species but within the EID service area. The project would be subject to payment of the established rare plant mitigation fee at the time of Building Permit issuance. The submitted Biology Report found that the project request would not have a substantial adverse effect, either directly or through habitat modification, on any plant species identified as a candidate, sensitive, or special status species in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	Consistent: The submitted Biology Study found that no improvements resultant of a project approval would be anticipated to reduce the area of existing contiguous area/large expanses of other (non-oak or non-sensitive) plant communities.
Building permits discretionary or some other type of "site review" to ensure that canopy is retained	Consistent: Each new parcel development for primary and second residential units and related accessory buildings and supporting infrastructure in the future, would be subject to further specific review for compliance with General Plan Policy 7.4.4.4.

<p>More stringent standards for lot coverage, floor area ratio (FAR) and building height</p>	<p>Consistent: Given the parcel sizes (5.60, 5.84 and 7.64), and relatively small projected project footprints, more stringent standards are not required for this project.</p>
<p>No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement)</p>	<p>Consistent: The submitted Biology Study did not find evidence that the parcel was being used as a significant wildlife corridor. No fences are proposed as part of this project and there are no completely continuous vegetative corridors present.</p>

Oak Canopy Coverage: Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Discussion: The subject parcel area contains 19.09 acres. The submitted Biology Report found that the project area has 44 percent oak canopy coverage. General Plan Policy 7.4.4.4 would therefore require the retention of 80 percent of the indigenous oak tree canopy for the project area. The project would remove approximately 0.321 acre of canopy for road and lot development which is 3.8 percent of the total canopy coverage. In lieu of the replanting and monitoring requirements set forth in Option A, the applicants have chosen mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan. With the adoption of the recommended Condition of Approval for 0.321 acre to be paid at a 1 to 1 ratio, the project would be compliant with Policy 7.4.4.4. The applicant would initiate compliance with that Condition during the grading and building permit processes

Conclusion: It has been determined that the project would be consistent with the applicable General Plan Policies. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is located within the Single Family Two-Acre Residential (R2A) zone district which is shown on Table 2-4 of the General Plan to be incompatible with the existing LDR land use designation. An approved rezone to Estate Residential Five Acre (RE-5) zone district would require minimum five-acre parcel sizes. The proposed Parcel Map would create three parcels comprising 5.60, 5.84 and 7.64 acres in size meeting the minimum parcel size requirement. The submitted maps shows the parcels would allow development consistent with the development criteria for 30-foot setbacks have 100-foot parcel widths required by Sections 17.28.210.D and C (Development Standards) of the Zoning Ordinance. The ensuing residential and accessory uses are permitted by right under Section 17.28.190 (Uses permitted by right).

Ivy Knoll Drive Road Maintenance Association (Association): The project parcel is part of the Association which would have shared responsibility of the road maintenance and implementation of the Wildland Fire Safe Plan for Ivy Knoll Drive through the project site. The project was distributed to the Association for review and comments and no response was received from them with any concerns with the project proposal. If the project is approved, the three parcels would be required to join the Association.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study (Environmental Checklist with discussion provided in Exhibit K) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or

mitigate to a point of insignificance the potentially significant effects of the project in the area of biology, and mandatory findings of significance. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	Parcel Map 38-94
Exhibit D-1	General Plan Land Use Map
Exhibit D-2	General Plan Community Region Boundary Map
Exhibit D-3	General Plan Important Biological Corridor Map
Exhibit E	Zoning Map
Exhibit F	Tentative Parcel Map, dated March 2010
Exhibit G	Placerville Airport Map
Exhibit H	Camino U.S.G.S. Quadrangle Map
Exhibits I-1 to I-2	Site Visit Pictures
Exhibits J-1 to J-2	Vicinity Aerial Maps
Exhibit K	Environmental Checklist Form

ATTACHMENT 1

CONDITIONS OF APPROVAL

Rezone Z10-0005/Tentative Parcel Map P10-0004/Jones Parcel Map Planning Commission/April 28, 2011

CONDITIONS OF APPROVAL

Project Description

1. This Rezone and Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit F and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

- a. Rezone the entire 19.09-acre parcel currently identified by Assessor's Parcel Number 048-121-11 from Single Family Two-Acre Residential (R2A) to Estate Residential Five-Acre (RE-5), as shown in Exhibit F; and
- b. Tentative Parcel Map creating three single-family residential parcels 5.60, 5.84 and 7.64 acres in size from a 19.09-acre parcel, as shown in Exhibit F.

All three parcels shall be served by wells and onsite septic wastewater systems.

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.

Condition from the Mitigated Negative Declaration

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

2. **BIO-1: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent

of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on the grading plans. Planning Services shall review the surveys prior to issuance of a grading permit.

Planning Services Site Specific and Standard Conditions

3. **Wetland Non-Building Setback Line:** The 100-foot setback line, (50 feet from the centerline of the ephemeral drainage swale), shown on the previous Parcel Map PM38-94 shall be carried over to and recorded on, the subject Parcel Map. The applicant shall provide proof to Planning Services for approval that said line has been included, prior to filing the Parcel Map.
4. **Avigation and Noise Easement:** An Avigation and Noise Easement for all three parcels collectively shall be filed concurrent with the filing of the Parcel Map. The applicants shall submit a copy of the Avigation and Noise Easement to Planning Services for review and approval prior to said filing.
5. **Oak Canopy Loss Mitigation:** The applicant shall pay the full mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 1:1 ratio for 0.321-acre of oak canopy as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Development Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.
6. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
7. **Tentative Parcel Map Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the Tentative Parcel Map application prior to filing the Parcel Map.
8. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
9. **Park In-Lieu Fee:** The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee to the Development

Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing the Parcel Map.

10. **Cultural and Historic Resources:** 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 subdivider and shall be subject to review and approval by Planning Services.

11. **Indemnity:** 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 developer and land owner 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 Rezone and Parcel Map.

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

El Dorado County Department of Transportation

12. **Offsite Access:** The proposed access road (Ivy Knoll Road offsite portion) and Leaning Tree Road (from Ivy Knoll Road to Still Meadow Road) shall be designed consistent with Design Standard Plan 101C of the DISM and the 2007 CA Fire Code with a 20-foot wide roadway. The widening of the existing paved portion of the road shall be improved to the same paved surfacing, whereas the gravel section of Leaning Tree Road shall be improved to a gravel surface with the minimum structural sections in accordance to Design Standard Plan 101C of the DISM. These improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained 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 California Manual Uniform Traffic Control Devices (MUTCD).

15. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: 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.
16. **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, Conditions and Restrictions (CC&Rs).
17. **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.
18. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map.
19. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. The improvements shall be installed to the satisfaction of DOT prior to filing of the parcel map. This condition shall appear as a note on the filed Parcel Map.
20. **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 offsite grading.
21. **Grading Permit / Plan:** If more than 250 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 DOT 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 fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading 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 Parcel Map.

22. **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.
23. **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.
24. **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:

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. 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 the applicant shall demonstrate that there are no downstream impacts.
- d. 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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed

to the approval of the Department of Transportation prior to the filing of the Parcel Map or the applicant shall obtain an approved improvement agreement with security.

25. **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 Parcel Map.
26. **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 Parcel Map.
27. **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.
28. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County’s municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with “Attachment 4’ of El Dorado County’s NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004.

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Parcel Map.

29. **Off-site Improvements (Security):** Prior to the filing of a 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.

30. **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 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 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.

31. **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.
32. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

El Dorado County Fire Protection District (Fire District)

33. The applicant shall submit a review fee to the District of \$150.00 prior to filing the Parcel Map.
34. The applicant shall improve Ivy Knoll Drive to the minimum fire apparatus access road standard. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet and shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.
35. The applicants shall improve Leaning Tree Road from Ivy Knoll Road to Still Meadow road to the minimum fire apparatus access road standard. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet and shall be designed and maintained to

support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities and capable of supporting 40,000 pounds.

36. A Notice of Restriction (NOR) shall be filed with the final Parcel Map which stipulates that the Fire District and Cal Fire approved Wildland Fire Safe Plan wildfire mitigation measures, prepared by William Draper dated April 13, 2010 shall be implemented. The NOR shall be submitted to El Dorado County Fire Protection District for review, and subsequent approval, prior to filing of the Parcel Map.

Environmental Management Department – Environmental Health Division

37. Prior to filing the Parcel Map, each parcel shall have a safe and reliable water supply. If wells are used for the water supply to each parcel, each well shall meet the criteria of Water Supply Policy 800-02 standards. Proof of compliance with said condition shall be received by the Division prior to filing the Parcel Map.

County Surveyor's Office

38. All survey monuments shall be set prior to filing the Parcel Map.
39. The applicants shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120.B.2 of the El Dorado County Subdivisions Ordinance.
40. 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 P10-0004 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2

FINDINGS

Rezone Z10-0005/Tentative Parcel Map P10-0004/Jones Parcel Map Planning Commission/April 28, 2011

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. 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 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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 at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one dwelling unit per five acres and parcel sizes that range from 5.00 to 10.00 acres and the project allows three parcels 5.60, 5.84 and 7.64 acres in size.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.3 (rezone) 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), Policy 6.5.2.1 (Airport Noise Impacts), 7.3.3.4 (wetland impacts), 7.4.2.9 (biological corridors), Policy 7.4.1.5 (species conservation) and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan, because, as conditioned, the project provides adequate access, adequate water supply for fire protection, would be compatible with the

surroundings land uses, considers the wetland and threatened species impacts, is mitigated for noise impacts to humans, and will not significantly impact Important Biological Resources.

3.0 ZONING FINDINGS

- 3.1 With an approved rezone to Estate Residential Five Acre (RE-5), the parcels will be consistent with the Low-Density Residential (LDR) land use designation. The RE-5 zone district permits the proposed parcel sizes of 5.60, 5.84 and 7.64 acres under Section 17.28.210.A.
- 3.2 The proposed residential uses at the subject site are permitted by right under Section 17.28.190 (A). As proposed, and with an approved rezone, the project meets all applicable development standards contained within Section 17.28.210 of the Zoning Ordinance.

4.0 PARCEL MAP FINDINGS

- 4.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan** because all necessary improvements have been considered by the reviewing agencies to determine that, with an approved rezone to RE-5, this Tentative Parcel Map is consistent with the policies of the General Plan, as analyzed and described in the Staff Report and the General Plan Findings above.
- 4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance** because as proposed, conditioned, and with an approved rezone to RE-5, the Tentative Parcel Map conforms to the development standards within the RE-5 zone district and the Minor Land Division Ordinance.
- 4.3 **The site is physically suitable for the proposed type and density of development because,** with an approved rezone to RE-5, the site is physically suitable for the proposed type and density of development. The project was designed in a manner which equally distributes the existing suitable emergency and potable water, emergency access, septic disposal areas, and natural feature features. The project avoids disturbances to slopes in excess of 30 percent, the drainage swale area, and is compatible within the surrounding land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the General Plan LDR land use designation and conforms to the minimum parcel size and development standards of the RE-5 zone district.
- 4.4 **The proposed subdivision is not likely to cause substantial environmental damage** because the proposed Parcel Map is not anticipated to cause substantial environmental damage as after agency and staff review of the project, conditions and mitigations have been added which reduced the potential for the project to for causing significant effects on the environment to insignificant levels. The project site includes residential units with existing supporting access roadways, electrical, and telephone facilities available to the site. The other three resultant parcels will have shared access improvements and typical residential infrastructure improvements in areas of 0 to 10 percent slopes and devoid of woody vegetation.