

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** March 26, 2009  
**Item No.:** 11  
**Staff:** Michael C. Baron

**REZONE/TENTATIVE SUBDIVISION MAP/PLANNED  
DEVELOPMENT**

**FILE NUMBER:** Z06-0005/TM06-1408/PD06-0006

**OWNER:** Alto, LLC

**APPLICANT:** Gary Sparks

**ENGINEER:** CTA Engineering and Surveying, Inc.

**REQUEST:**

1. Rezone from Exclusive Agriculture (AE) to Estate Residential 5-Acre, with a Planned Development Overlay (RE-5-PD);
2. Tentative Subdivision Map (Exhibit E) to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. The site encompasses 81.61 acres.

**LOCATION:** Approximately 3,000 feet northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV (Exhibit A).

**APN:** 126-100-19 (Exhibit B)

**ACREAGE:** 81.61 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)

**EXISTING ZONING:** Exclusive Agriculture (AE) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration (MND)

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** An application for a Zone Change with a request to add the Planned Development Overlay and Tentative Subdivision Map was submitted on March 9, 2006. The application was deemed incomplete for processing on March 29, 2006. Early on in processing of the project, the issue of legal access was brought to the property owners' attention and subsequently resulted in a settlement agreement in court with an adjacent property owner. Obtaining the required access added significant processing time and delays. Further information was submitted by the applicant, which completed the application on March 21, 2007. A Technical Advisory Committee (TAC) meeting was held on June 18, 2007. As a result of agency comments and General Plan issues discussed at the TAC meeting, additional map clarifications regarding Planned Development and density bonus calculations were required and received by staff at various points through June 2007. In October 2007, the project was re-assigned and it was identified that the project's biological assessment, prepared by Northfork & Associates, recommended a rare plant survey to be performed during the appropriate blooming periods of some species of rare or endangered plants. The February 27, 2006 survey results state "The site contains habitats that may support special status plants." The survey would ensure whether there would be an impact to rare or endangered plants as a result of the project approval. The applicant supplied the appropriate rare plant survey on May 6, 2008. The study concluded that the project would not impact rare or endangered plants. The project was continued by the Planning Commission on September 25, 2008 to October 23, 2008 and subsequently continued off calendar so that this project along with the La Canada project could be considered together.

**STAFF ANALYSIS**

**Project Description:** The project includes a request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5-PD) and a Tentative Map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. Access to the proposed subdivision would be from two proposed gated roadway connections, one to the south at Malcolm Dixon Road extending off-site to the south providing an additional connection to Green Valley Road (TM05-1401 & TM06-1421) and another also through the property to the southwest (TM06-1421) at Malcolm Dixon Road. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for seven additional residential lots. No Design Waivers have been requested.

**Site Description:** The project site lies at an approximate elevation of between 708 and 1,012 feet above mean sea level. Topography of the property is moderately sloped and generally slopes to the west. The land is heavily vegetated with oak trees and annual grasses. Surrounding development includes single-family residential development to the east, a newly constructed home and large graded area to the south, and single-family residences with dense oak woodland to the north and west. A preliminary jurisdictional wetland delineation report indicates that the total acreage of potential jurisdictional wetlands and other waters of the United States within the project study area

are 0.35 acres. The site has dense mixed oak woodland habitat with scattered areas of grassland is present on the site.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	AE	LDR	Vacant Residential
<b>North</b>	RE-10/RE-5	LDR	Residential and Vacant Residential
<b>South</b>	AE	LDR	Residential and Vacant Residential
<b>East</b>	RE-5	LDR	Residential
<b>West</b>	RE-5	LDR	Residential and Vacant Residential

**General Plan:** The following discussion describes, in detail, the General Plan Policies that apply to this project:

Density Bonus: The project includes a request to utilize the Density Bonus provision. Use of the Density Bonus provision would allow the project to provide an additional seven lots beyond that allowed within the proposed LDR land use designation. **General Plan Policy 2.2.4.1** establishes specific criteria associated with use of the Density Bonus provision. In addition to the number of base units permitted by the land use designation, one and one-half additional units may be allowed for each unit of developable land dedicated to public benefit. For this project the public benefit would be the additional open space to conserve the public view shed as well as conserve wildlife habitat. **General Plan Policy 2.2.3.2** specifically exempts bodies of water such as perennial lakes, streams and rivers from calculable developable land for the purposes of the Density Bonus provision.

The Low Density Residential land use designation permits a density range of one dwelling unit per 5-10 acres (du/a). The 81.61 acre site would yield a maximum density of 16 residential units. A total of 25.4 acres of land would be dedicated as an open space lot. This would yield a total of 25.4 acres of land eligible for the Density Bonus provision. The 25.4 acres of land would yield 5 base residential units consistent with the allowable density within the LDR land use designation and the proposed RE-5 Zone District. The Density Bonus would allow for one and one-half additional units or 7.62 additional residential units. The project request for 23 lots includes the 16.32 base residential units and the additional 7.62 Density Bonus units to the proposed 23 residential units. Therefore, the proposed 23 lot subdivision would be consistent within the LDR land use designation utilizing the Density Bonus provision. Table 1 summarizes the number of dwelling units allowed for each Zone District as well as the request for additional units using the Density Bonus provision.

<b>Acreage 81.61 acres</b>	<b>Allowable Density in AE Zone District</b>	<b>Allowable Density in RE-5 Zone District</b>	<b>Allowable Units Using Density Bonus</b>
	Minimum 20-acre Parcels	Minimum 5- acre Parcels	1.5 Density Bonus Units
<b># of Lots</b>	4	16	23.94

Furthermore, **Policy 2.2.3.1** requires that the Planned Development (-PD) Combining Zone District provide for a minimum of 30 percent open space. As shown on the Tentative Map (Exhibit E), the project has provided for 31.12 percent open space.

<b>Parcel Size</b>	81.61 acres
<b>Required Open Space</b>	24.48 acres
<b>Proposed Open Space</b>	25.4 acres
<b>Percent Open Space Proposed</b>	31.12%

As indicated in Table 2-4, General Plan Land Use Designation and Zoning District Consistency Matrix, the proposed RE-5 Zone District would be consistent with the LDR land use designation, as required by **Policy 2.2.1.5**.

General Plan **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:

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

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter, dated May 19, 2008, states, "The District has received approval for an additional 17,000 acre-feet of water to be diverted from Folsom Lake. The State Water Resources Control Board (SWRCB) approved Permit 21 112 in 2002. The District has applied for and anticipates execution of a long term Warren Act Contract with the United States Bureau of Reclamation for the Permit 21 112 water right. Some capacity to utilize this new supply exists in the District facilities currently in place and operating. Facilities to utilize the full amount of this additional water supply are included in the District's 5-year Capital Improvement Plan and are in various phases of planning, design and construction. Additional EDU's are expected to be available in several years." The FIL also states that water facilities adjacent to the

project site would need to be upgraded by the applicant. The upgrades include a new booster pump that would provide minimum fire flow in order for EID to serve the project. The project has been conditioned to require annexation by LAFCO into the El Dorado Irrigation District Service Area.

2. *Availability and capacity of public treated water system;*

Discussion: As discussed above, the El Dorado Irrigation District (EID) would require the applicant to construct water facility improvements to adequately serve the project.

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

Discussion: The applicant proposes individual septic systems for each lot.

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

Discussion: The project site is located within the Rescue Union School District and the El Dorado Union High School District. The distance to the closest elementary school, Lake Forest Elementary, is 1.36 miles, in El Dorado Hills. The distance to the closest high school, Oak Ridge High School, is 2.47 miles, in El Dorado Hills. The affected school districts were contacted as part of the initial consultation process, and no specific comments or mitigation measures were received.

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

Discussion: The El Dorado Hills Fire Department would be responsible for providing fire protection to the subject site upon annexation into the District. The closest fire station would be Station 84, located 2.1 miles from the project site. The project site is located within the Departments Response Zone 84b. The District was contacted as part of the initial consultation process. As such, the Department has reviewed the project and indicated that adherence to the applicable building and fire codes, as well as conditions of approval regarding the installation of fire hydrants, provision of established fire flow, submittal of a fire safe plan, and construction of road improvements shown on the Tentative Subdivision Map, would satisfactorily address all fire related safety issues.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located 0.5 miles north of the El Dorado Hills Community Region. As proposed, the project is a residential project adjacent to compatible existing residential land uses.

7. *Erosion hazard;*

Discussion: The site is moderately sloping with site development proposed to occur on grades of up to 30%. Development envelopes, access roads have been analyzed and are shown on the Tentative Subdivision Map. The applicant supplied a drainage study for review by the Department of Transportation. Drainage issues would be resolved through Conditions of Approval and Improvement Plans reviewed and approved by the Department of Transportation during the final map phase.

8. *Septic and leach field capability;*

Discussion: The proposed lots would be served by individual septic systems for each lot. A Land Capability Study dated January 26, 2007 conducted by Youngdahl Consulting Group Inc concluded that onsite wastewater disposal would be feasible. The study included requirements for proper location of the septic systems, such as boundary constraints, buffers, and disposal area requirements.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by El Dorado Irrigation District (EID) public water facilities once the property is annexed through LAFCO. No wells are proposed.

10. *Critical flora and fauna habitat areas:*

Discussion: The County's General Plan designates areas within the County that have the potential to affect rare plants. The County's General Plan defines 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. Based on a Special Status Species Survey conducted May 1, 2008 by Northfork and Associates, there are no special status flora species that occur within the project site and no further review would be necessary. Mitigation Measures have been implemented into the project requiring a pre-construction survey to avoid taking any raptor nests.

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 General Plan Land Use Designation for the project area is Low Density Residential and the site is presently zoned Exclusive Agricultural (AE). However, there are no active agricultural pursuits within the immediate vicinity and the site itself is not used for agricultural pursuits. A motion was adopted by the El Dorado County Agriculture Commission at the July 11, 2007 hearing that if the proposed project were conditioned to

require that the parcel is rezoned to RE-5 and that each developed parcel is no less than 5-acres in size, the project would be consistent with General Plan Policies relating to agricultural resources. Thus, the site would not be considered an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project is not located within and would not impact any important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation 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. El Dorado Transit has reviewed the project and had no specific conditions of approval regarding the project.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing residential land uses. The project is surrounded by the Estate Residential 5-Acre (RE-5) Zone District along the eastern, western and northern boundaries. A Rezone application to Estate Residential 5-Acre (RE-5) has also been submitted for the parcel immediately to the south of the project area. Staff has determined that the proposed project is consistent with existing land use patterns within the immediate area.

16. *Proximity to perennial water course;*

Discussion: According to the preliminary jurisdictional delineation report submitted, the total acreage of potential jurisdictional wetlands and other waters of the U.S. at the subject site are 0.35 acres. These water features include 0.11 acres of intermittent streams, 0.16 acres of ephemeral streams, and 0.08 acres of fringe wetlands. General Plan Policy 7.3.3.4 requires a minimum setback of 50 feet from the wetlands. All wetlands and intermittent streams on the site are protected through incorporation of the required 50 foot setback, as shown on the Tentative Map.

17. *Important historical/archeological sites;*

Discussion: A Cultural Resources assessment was conducted on the project site by Michael Brandon & Associates, dated January 26, 2006. The assessment of the project site revealed three cultural resource sites that were previously recorded within ¼ mile of the project site. However, no cultural resources were found on the project site and none have been recorded within the project site. The County Grading Ordinance has protocols in place to ensure that if cultural resources are found as a result of the development, appropriate measures would be

taken to mitigate any cultural resources as well as 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. The impacts from fault ruptures, seismically induced ground shaking, or 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. *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.

Land Use: As previously discussed and shown in the Adjacent Land Use Table, the proposed residential project would be consistent with General Plan **Policy 2.2.5.21**. The project area is surrounded by existing residential uses that would be compatible with the proposed development.

Water Supply and Fire Flow: General Plan **Policy 5.2.1.2** requires that the applicant provide an adequate quantity and quality of water for all uses, including fire protection, and shall be provided for this development. Upon annexation, the El Dorado Irrigation District (EID) would provide water to the subject site. EID has reviewed the proposed project and determined that the project requires construction of a new booster pump near the southwest portion of the property that would provide minimum fire flows. EID anticipates that a new water source may be available for the project after the execution of a long term Warren Act Contract with the Bureau of Reclamation (USBR). Upon annexation, completion of the required improvements, and acquisition of additional water supplies, EID would provide water to the subject site.

Fire protection services would be provided for the proposed development as required under General Plan **Policy 5.7.1.1**. The El Dorado Hills Fire Department would provide fire service to the site upon annexation. The water flows and transportation infrastructure would be provided concurrent with development sufficient to meet District requirements for fire suppression. A Fire Safe Plan, minimum roadway widths, and fire hydrant placement have been required by the Fire Department to ensure adequate fire protection infrastructure.

Wetlands/Intermittent Streams: Pursuant to the General Plan **Policy 7.3.3.4** a 50-foot setback is required from wetlands and intermittent streams. A Wetland Delineation was supplied by North Fork and Associates dated March 15, 2006 and concluded that there are total of 0.19 acres of wetlands (.08-acres) and intermittent streams (0.11-acres) located on the project site. All wetlands and intermittent streams shall be shown on the Final Map prior to approval. These water features are



also shown on the Tentative Subdivision Map as Exhibit E. The project proposes to avoid all wetlands and provide required setbacks for intermittent streams.

**Oak Tree Canopy:** In order to ensure consistency with General Plan **Policy 7.4.4.4** the applicant submitted a tree canopy analysis, which determined that existing oak tree canopy at the site is 84 percent, requiring 60 percent retention of existing oak canopy cover under "Option A" of General Plan Policy 7.4.4.4. The site contains a total of 68.4 acres of oak canopy. The proposed project estimates tree removal for lot development and onsite roadways to be 26.76 acres, 0.6 acres of oak woodland canopy is proposed to be removed during off-site road construction, 26.73 acres. The estimated tree canopy retention after road improvements and lot development is 60 percent, in compliance with the General Plan Policy requiring 60 percent retention. Thus, the total oak canopy loss of 27.36 ~~26.73~~ acres of oak woodland that would be required to be either replaced on-site at a 1:1 canopy surface area ratio; or payment of the mitigation fee under "Option A" of the OWMP; or acquire an off-site conservation easement of oak woodlands at a 1:1 ratio, or a combination of the three requirements for the removal of 40 percent of the oak canopy for roads, infrastructure, and lot development, ~~or the applicant would be required to pay into the conservation fund under "Option B" of Policy 7.4.4.4 (Table 3).~~ Post Development Oak Tree Canopy shown on H1, H2, H3, & H4, prepared by CTA Engineering in conjunction with Sierra Nevada Arborists dated November 2008, confirms that the project would be consistent with General Plan tree canopy retention and replacement policies.

**Table 3: Oak Tree Canopy Summary**

Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage Oak Coverage Required	Percentage of Required Retention	Proposed Oak Removal (Acreage)	Percentage Retention Proposed
81.61	68.4	60%	60%	<u>27.36</u> <del>26.73</del>	60%

As shown on Oak Tree Exhibits H1, H2, H3, & H4, the project would require the removal of 27.36 ~~26.73~~ acres of the onsite canopy. Development envelopes with potential driveway locations were ~~required~~ initially analyzed in order to determine the extent of oak impacts as a result of infrastructure improvements and due to future residential development of the project. The project would be required to participate in on-site replacement or a combination of offsite replacement or payment of the mitigation fee established by ~~Option B~~, Board of Supervisors and OWMP.

Removal of oak canopy exceeding 40 percent would not comply with Policy 7.4.4.4 percentage canopy retention requirements under Option A. The individual lot developer would be required to participate in an on-site replacement monitoring plan at a 2:1 canopy surface area ratio, or payment of the mitigation fee under Option B of the OWMP, or acquire an off-site conservation easement of oak woodlands at a 2:1 ratio, or a combination of the three requirements for any removal beyond 1.5% canopy on individual lots (except for lots 1 and 12).

Chapter 17.72 of the Zoning Ordinance establishes requirements for the implementation of General Plan Policy 7.4.4.4. Section 17.72.100 of the Ordinance allows payment of the mitigation in-lieu fee prior to issuance of a grading permit for road and infrastructure improvements and prior to issuance of any building permits for future development of the project site. A breakdown of the oak canopy impacts have been included in Table 4.

Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Canopy Removed for Residential Development (acres)
27.36 <del>26.73</del>	5.87 <del>5.27</del>	21.46

Conditions of approval have been included in Attachment 1 of the requiring payment of the mitigation in-lieu fee for the road improvement impacts prior to issuance of a grading permit and an in-lieu fee for the residential impacts prior to issuance of any building permits.

**Zoning/Planned Development/Tentative Map:** The site would be rezoned from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5/PD). The Zone Change would be consistent with the Low Density Residential General Plan Land Use Designation, and the proposed lot sizes would be consistent with the proposed re-zone request.

Development Standards: Section 17.28.210 A-H of the Zoning Ordinance establishes the requirements for development within the RE-5 Zone District:

**A. Minimum lot area, five acres**

The project would create 23 residential lots ranging in size from two to three acres. All 23 of the proposed lots would be less than the minimum lot area established for the RE-5 Zone District. The reduced lot sizes would be required to allow for the clustered development using the Density Bonus Provision under General Plan Policy 2.2.4.1. As discussed above, the project would dedicate approximately 31.12 percent of the site as open space. The open space areas would avoid development impacts to oak habitat, riparian areas, and intermittent streams.

**B. No maximum building coverage.**

Future development of the residential lots would include single family residences and accessory structures. The project would not conflict with this requirement.

**C. Minimum Lot Width, one hundred feet.**

The project request is for a clustered development which would result in varying lot widths and dimensions. The proposed lots would be consistent with the minimum lot width requirements of the RE-5 Zone District.

- D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)**

The proposed setbacks would comply with the required 30 foot setback. Development envelopes have been provided as part of the Tentative Subdivision Map showing adequate development envelopes consistent with the 30 foot setback requirement.

- E. Minimum agriculture structural setbacks of fifty feet on all yards;**

As shown on the Tentative Map, the proposed setbacks would be 30 feet for the front and rear with 30 foot side setbacks. Reductions in side setbacks to 15 feet might be possible and would require approval by the El Dorado Hills Fire District during the building permit phase for development of all lots.

- F. Maximum building height, forty- five feet (45') (Ord 4236, 1992)**

Future development on each lot would require compliance with the maximum height requirements of the RE-5 Zone District.

- G. Minimum dwelling unit area, six hundred square feet of living area and two rooms:**

Future development of each lot would require compliance with the minimum dwelling unit size of the RE-5 Zone District.

- 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 five 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 enterprises. 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. (Ord. 3606 §15, 1986: Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))

The project is not adjacent to any Agricultural zoned lands.

**Conclusion:** The proposed lots would not be consistent with the Development Standards of the RE-5 Zone District. However, the Planned Development application would allow for flexibility in the application of those development standards. The project would cluster the units in order to avoid impacts to the oak woodland habitat, riparian features, and intermittent streams on the project site. The clustering would result in 31.12 percent of the site remaining as three dedicated open space lots. The project meets the requirements of a Development Plan, therefore Planning Services finds the project is consistent with the Zoning Ordinance. Planned Development Findings of Approval have been included in Attachment 2.

**Tentative Map:** The Tentative Subdivision Map would create 23 individual parcels for each residential unit and three open-space lots. Parcel sizes would range from 78,147 square feet to 120,291 square feet. Three open space lots would total 25.40 acres, which includes 0.35 acres of existing wetlands and water features.

Lot Number	Gross Area (Sq. Ft.)	Net Area (Sq. Ft.)
1	107,632	79,007
2	120,291	91,731
3	96,158	70,016
4	95,314	69,535
5	89,621	65,865
6	87,268	61,697
7	99,322	73,782
8	85,746	62,317
9	86,976	63,325
10	89,905	64,359
11	95,304	65,536
12	91,828	64,723
13	89,535	64,844
14	88,992	59,454
15	100,300	64,956
16	104,900	77,364
17	87,264	63,816
18	78,147	55,746
19	110,923	84,174
20	117,142	88,978
21	92,247	60,109
22	115,253	39,108
23	90,704	59,017
Lot A	1,002,876	1,002,876

Lot B	94,720	94,720
Lot C	8,800	8,800

**Design Waivers Discussion:** As proposed, Design Waivers have not been requested for the Tentative Subdivision Map.

**Other Issues:**

Access/Circulation: The project proposes to provide gated access from Malcolm Dixon Road across property to the south also including a new connection to Green Valley Road. An emergency access easement would be provided to tie into the adjacent existing subdivision to the east. Another future connection would be provided via an access road to the southwest corner of the project. This access road would also be gated and tie into Malcolm Dixon Road. The Department of Transportation has required a Standard Plan 101B Road, not including curb, gutter, and sidewalks for Courts A, B, & C and a Standard Plan 101C for emergency access roads. The property owner has secured appropriate access across the adjacent parcel to the south through a court enforceable settlement and recorded easements.

Air Quality: The El Dorado County Air Quality Management District reviewed the submitted air quality analysis and have included standard conditions to reduce the impacts on the air quality. The standard conditions have been included in Attachment 1, as a part of the Conditions of Approval.

Construction Storm Water: The California Regional Water Quality Control Board, Central Valley Region, submitted project comments pertaining to storm water discharges associated with construction activities, post construction storm water management, and wetlands. The site is moderately sloped with extensive grading proposed. The County Grading Ordinance addresses the potential for excessive soil runoff, in addition to construction related runoff.

Cultural Resources: A Cultural Resources Study was conducted by Michael Brandman Associates, dated January 26, 2006. The survey concluded that no resources were found within the project site and that the project would not result in impacts to cultural Resources.

El Dorado Irrigation District (EID) Annexation: The Local Agency Formation Commission (LAFCO) reviewed the proposed subdivision and identified the need for the subject site to annex into the EID service area to receive both water and fire protection services. LAFCO requests that annexation into EID be added to the conditions of approval for the project. LAFCO has identified potential issues to be addressed within the Initial Study.

Noise: The project, during construction and earthwork, may generate temporary and intermittent noise. There are residential units on parcels adjacent to the project site and under the County's noise ordinance, construction activities and earthwork would be limited to certain hours of the day to minimize affects on nearby residences.

Public Transit: The El Dorado County Transit District reviewed the proposed project and had no concerns or specific conditions of approval requested.

Surveyor's Office: The Surveyor's Office reviewed the proposed project and noted that survey monuments must be set and roads named through the Surveyor's Office prior to Final Map filing.

Utilities: Pacific Gas and Electric Company reviewed the proposal and had no comments.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion, attached as Exhibit I, to determine if the project has 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. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and 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.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,993.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

## **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;
3. Approve Z06-0005 based on the findings in Attachment 2;
4. Approve Planned Development application PD06-0006 adopting the Development Plan as the official Development Plan based on the findings in Attachment 2, subject to the conditions in Attachment 1; and
5. Approve Tentative Subdivision TM06-1408 based on the findings in Attachment 2, subject to the conditions in Attachment 1.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Tentative Subdivision Map
Exhibit F .....	Preliminary Grading and Drainage Plan
Exhibit G .....	Slope Map
Exhibit H1, H2, H3, H4 .....	Oak Canopy Exhibit
Exhibit I .....	Environmental Checklist and Discussion of Impacts
Exhibit J .....	Current Applications
<u>Exhibit K .....</u>	<u>Salmon Falls/Green Valley Circulation Plan</u>