



EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I
John MacCready..... District II
Dave Machado..... District III
Chris Chaloupka District IV
Alan Tolhurst..... District V
Jo Ann Brillisour..... Clerk of the Commission

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MINUTES

**Regular Meeting of the Planning Commission
April 27, 2006 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Chair Knight called the meeting to order at 8:30 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, Tolhurst, and Knight; Paula F. Frantz, County Counsel; Roger Trout, Principal Planner; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

A Pledge of Allegiance was given by the Commission and those persons in the audience.

4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS - None

6. COMMISSIONERS' REPORTS - None

PUBLIC FORUM/PUBLIC COMMENT – Georgetta Stedeford spoke regarding the Natural Vista law.

7. **WILLIAMSON ACT CONTRACT/REZONE** (Public Hearing)
- a. **WAC05-0005/Z05-0017** submitted by ROBERT and ALLISON GREEN (Agent: Richard R. Doolittle) to place the subject properties into a new agricultural preserve and rezone the same properties from Residential Estate Ten-acre (RE-10) to Exclusive Agricultural (AE). The properties, identified by Assessor's Parcel Numbers 046-081-42 and 094-210-05, are located on the north side of Omo Ranch Road, at the intersection with Mt. Aukum Road, in the **Fairplay area.** (Negative declaration prepared)

Michael Baron presented this item with a recommendation for approval.

Commissioner Tolhurst recused himself from this hearing.

Commissioner Chaloupka said a comment is made about the \$20,000 income being profit. In the application it is listed as gross income. Mr. Baron concurred.

Mr. Baron said there is the ability to request administrative relief from the setbacks on adjoining properties. Roger Trout said the setbacks are a Zoning Ordinance requirement. There is an administrative relief process, on a case-by-case basis, from either the Development Services Director or the Agricultural Commission. There is also the ability to apply for a variance request. Commissioner Mac Cready said the Commission could grant or recommend administrative relief. Mr. Trout said that is correct. Paula Frantz, County Counsel, said the issue of administrative relief does not come up until an adjacent property owner comes in to build on his/her property. That is the way the Zoning ordinance is currently set up.

Commissioner Chaloupka said this is an agricultural use encroaching into a residential area. He feels a special use permit should be required and not be accomplished by a rezone.

Robert Green gave the Commission background information on their proposal. They will only be pursuing the vineyard and winery associated dinners. He does not plan to do any special events. His deed includes E-16. He is in the process of deeding this road to the County. There will be a large setback on his property. If someone should apply for administrative relief on their property, he would be in full support. Mr. Green does not believe the 200-foot setback would be a problem to anyone.

Commissioner Machado asked that Mr. Green describe the surrounding parcels and asked the location of the parcels where individuals submitted comments in opposition of the 200-foot setback. Mr. Green indicated the locations. Commissioner Machado asked the setback on the parcels submitting the letters. Mr. Baron replied 30 feet. Mr. Green said his vineyard is approximately 500 to 1,000 feet up the hill. There will be no further planting toward E-16. Commissioner Mac Cready said it appears the intent of the setback is already met, and there should be no problem supporting an administrative relief request.

Valerie Zetner said the Farm Bureau supports this request. It is in an Agricultural District. Agriculture is the primary use in this district. The setbacks are a zoning issue, and we will have to continue working on those setbacks.

Commissioner Machado said he does not believe there have been any problems obtaining administrative relief in the past. Mrs. Zetner said the Agricultural Commission looks at the setback issue very carefully.

Dave Cardinalli, owner of Lots 1, 2, and 3, said he has no problem with the request but with the setbacks. He feels the road should relieve them of any 200-foot setback. Their wells have already been placed, and they are in the 200-foot setback. He is not in opposition if the 200-foot setback is not imposed on his properties.

There was no one else wishing to give input.

Commissioner Chaloupka said there is a note about a 4,200 square foot winery building. The state law only allows a 2,500 square foot building. The applicant may want to look into the issue of the 4,200 square foot building so no problems are created down the road. Paula Frantz, County Counsel, said anyone that enters into a Williamson Act Contract should be aware of any County or state requirements. She did not have the Williamson Act Contract law with her and could not comment further. Mr. Trout said staff would look into the state law with respect to the size of the building.

Commissioner Machado said based on the 50-foot setback and the 80-foot road, the Agricultural Commission would only be looking at 40 feet.

Before voting on the motion, Commissioner Chaloupka said he would recommend approval of an administrative relief. Commissioner Mac Cready agreed. Counsel said it would not be appropriate for the Commission to make such a recommendation. Commissioner Machado said when the County gets to modifying the Zoning Ordinance, it will be looking at these types of issues.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSTAIN – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE WAC05-0005 ESTABLISHING AN AGRICULTURAL PRESERVE ON ASSESSOR’S PARCEL NUMBERS 046-081-42 AND 094-210-05, BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE Z05-0017 REZONING THE SAME PROPERTIES FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO EXCLUSIVE AGRICULTURAL (AE), BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1. The proposed Williamson Act Contract is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.

2. The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution No. 188-2002, as follows:
 - a. The 20-acre minimum has been met, as the property consists of 30.85 acres.
 - b. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, roads, trellises, vines, and plantings totaling \$415,000.
 - c. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 13.9 acres of grapes equaling \$20,000.
3. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).
4. The proposed rezone from Estate Residential Ten-acre (RE-10) to Exclusive Agriculture (AE) is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report.
5. The property satisfies the County's three criteria, as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve. Therefore, establishment of the Exclusive Agriculture Zone District is appropriate.
8. **SPECIAL USE PERMITS** (Public Hearing)
 - a. **S05-0038** submitted by VERIZON WIRELESS (Agent: Erin Merrill) to allow the construction of a wireless telecommunications facility to include a 126-foot monopine tower with 12 antennas, two microwave dishes, and ground mounted equipment within a 2,500 square foot lease area. The property, identified by Assessor's Parcel Number 061-810-08, consists of 5.0 acres, is located on the east side of Chipmunk Trail, 1,800 feet south of the intersection with Wentworth Springs Road, in the **Georgetown area.** (Negative declaration prepared)

Jonathan Fong said staff received a fax and phone call from the applicant requesting a continuance to the May 25, meeting.

Robert Bloomfield, resident on Chipmunk Trail, said he would like to state his objections today. Commissioner Machado asked if Mr. Bloomfield speaks today could he also speak at the continuance. Commissioner Tolhurst said the application might change between today and the next meeting. Mr. Bloomfield said he would wait until the next hearing or send in his comments.

William Wright, representing the Georgetown Divide Public Utility District, said they have an application for a tower that is currently being processed. He feels the two applications should be heard on the same day.

Commissioner Mac Cready asked County Counsel if the applications are on the same day, could the Commission evaluate the applications before voting on either. Paula Frantz said each application is heard on its own merits. There are policies regarding collocation, so the Commission could hear the applications on the same day. The current process is to set hearings when the application is ready for consideration. The issues in the letter submitted by Mr. Wright are not under the purview of the Commission. Commissioner Tolhurst said it would be more convenient for the people in the area if both applications were set for the same day. Mr. Wright said the issues in his letter are not relevant per say.

There was no one else in the audience wishing to give input.

Chair Knight said the Commission could continue with the hearing, continue the application off calendar, or continue to a date certain.

After the motion and vote, Commissioner Mac Cready said it seems this is more a business discussion than a land use decision. Commissioner Machado said he would like to have only one tower at the end of the next hearing. He does not know which location is the most appropriate. Chair Knight said the Commission might end up with only one application.

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MAC CREADY, IT WAS MOVED TO CONTINUE S05-0038 OFF CALENDAR WITH DIRECTION TO STAFF TO CALENDAR THIS PERMIT AND THE PERMIT FOR GEORGETOWN DIVIDE PUBLIC UTILITIES ON THE SAME AGENDA.

9. TENTATIVE SUBDIVISION MAP/SITE PLAN REVIEW (Public Hearing)

- a. **TM04-1390/SPR04-0018** submitted by PACIFIC WEST HOMES to allow the creation of 160 airspace condominium units and site plan review of the 160-unit condominium project. The property, identified by Assessor's Parcel Number 108-490-19, consists of 14.24 acres, is located on the west side of Valley View Parkway, approximately 2,000 feet south of the intersection with White Rock Road, in the **El Dorado Hills area**. (Tentative map statutorily exempt pursuant to Section 15182 of the CEQA Guidelines; site plan review statutorily exempt pursuant to Section 15268 of the CEQA Guidelines)

Lillian Mac Leod presented this item with a recommendation for approval.

Commissioner Tolhurst asked how you advertise the below market units. Mrs. Mac Leod said Human Services has been working with the Deputy Director on this issue. Joyce Aldrich from Human Services has been working on this issue.

Chair Knight said the parking requirement for this project was 320 enclosed garage. The total spaces required was 360, and they are providing 369 spaces. Mrs. MacLeod said that is correct.

Commissioner MacCready asked why this project triggers the reconstruction of on-ramps onto the highway. Chuck Collins, Department of Transportation, said those improvements are being completed by Valley View. Chair Knight asked what triggers the light at Valley View and White Rock. Mr. Collins replied that light is underway at the present time, being installed by Lennar. Commissioner Machado said it appears there are four conditions under Condition 22. Are 1 and 2 funded and under way? Mr. Collins replied in the affirmative and said 3 and 4 are under way as well. Commissioner Machado said multiple projects get tagged with the same conditions in order to make sure the improvements are made.

Roger Trout said Joyce Aldrich is not able to make the meeting today. Staff is still recommending approval based on the findings and subject to the conditions in the staff report.

Bill Thomas, Pacific West Properties, introduced Craig Sandberg and Chris Schulze. He informed the Commission about their company.

Commissioner Machado said he would like to get an idea as to where the parking will be with relation to the units. Chair Knight asked if the low cost units have been identified yet. Mr. Thomas said they have not identified those units. They will be scattered throughout the project.

Commissioner Machado commented that so many of the details are vague. He would like to have the input from Ms. Aldrich. He wants to make sure the project gets off to the right start.

Using the display map, Chris Schulze indicated the locating of the parking spaces for the units. Commissioner Tolhurst commented there are some very attractive aspects to this project, the pedestrian walkways facing the green belt for example. Chair Knight asked if the units will be sprinklered. Mr. Schulze replied in the affirmative.

Craig Sandberg said Conditions 24 and 25 are of some concern. Condition 24 relates to a road that is already built. There is a bridge and landscaping already in. What if the Department of Transportation wants more lanes? Would this project be required to build those lanes? They have been assured that would not be the case. Based on the fact the road is currently there, they would request the condition be deleted. Mr. Sandberg said the portion of Valley View Parkway that serves this project is built. Lennar has begun the process of building a portion of the road into their project. If they accept Condition 25, they would be forced to enter into a contract or acquire the land and/or proceed with condemnation before they can process the final map. He asked that Condition 25 be deleted except for the last sentence. They are willing to participate in a zone of benefit. Commissioner Tolhurst said usually roads are dedicated to the County but not maintained by the County. That is not the case on this application. They are being asked to dedicate and maintain. Mr. Sandberg said the County will accept dedications provided there is a source of funding for maintenance. In talking to Mike McDougall, MJM Company, they are in the process of establishing a zone of benefit. Mr. Collins said they would like to retain Condition 24. The roadway is complete but not accepted. The irrevocable offer of dedication has not been recorded. On Condition 25, they want public access to these projects.

Ms. Frantz suggested modification of the two conditions (24 and 25). She would not have a problem with deleting Condition 24 as the roadway has been constructed. It seems that the Department of Transportation's current objectives can be met if the zone of benefit is formed prior to occupancy.

Mr. Sandberg said there is currently a three parcel ownership that is maintaining White Rock Road. They will be completing the zone of benefit soon. He asked that this be conditioned upon occupancy and not with the final map. Ms. Frantz suggested additional modification to the conditions. Mr. Sandberg agreed with the modification.

The public hearing was closed.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE TENTATIVE MAP STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND THE SITE PLAN REVIEW STATUTORILY EXEMPT PURSUANT TO SECTION 15268 OF THE CEQA GUIDELINES; APPROVE TM04-1390 AND SPR04-0018 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

Tentative Map

1. The proposed tentative map, including design and improvements, conforms to the applicable standards and requirements of the Valley View Specific Plan and the Major Land Division Ordinance. The proposed condominium project meets the requirements established within the Development Agreement for multi-family residential development.
2. Section 2.1.2(b) of the Development Agreement allows ministerial review of multi-family housing as a means of encouraging such development. The Design Clearance process established under this section involves site plan and elevation review of each project. Under the Specific Plan, "Site Plan Design Clearance shall first be obtained from the El Dorado County Planning Director or his designated representative. Said Design Clearance shall . . . consist of a finding that the proposed development is in conformance with the Valley View Specific Plan and applicable design standards established by the Specific Plan. Where no specific design standard exists, the proposal shall be subject to the provisions of Chapter 17 of the El Dorado County Code (Zoning Ordinance)." The proposed project is consistent with the applicable provisions of the land use plan for Core Residential development under Chapter 4, as well as with the design guidelines under Chapter 9 of the Specific Plan. Further compliance with specific design standards under the Zoning Ordinance has also been met.
3. The site is physically suitable for the proposed type and density of development.

4. The proposed subdivision is not likely to cause substantial environmental damage as analyzed and mitigated under the EIR prepared for the Valley View Specific Plan. Mitigation measures from the EIR have been applied to the proposed project regarding the on site wetland area.
5. The project has been found to be Statutorily Exempt from CEQA pursuant to Section 15182 stating that: "Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section. (b) Scope. Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments."

Conditions

This tentative map approval is based upon and limited to compliance with the project description, dated April 27, 2006, 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. Deviations without the above-described approval will constitute a violation of tentative map approval.

The project, as approved, shall consist of the following:

1. A 160-unit condominium development to be constructed on one 14.24 acre parcel to be created under the subject tentative map, TM04-1390. The development shall consist of eleven residential buildings that will be 3-stories each to a maximum height of 39.5 feet. The residential buildings will consist of two different styles, referred to as Building Type I and Building Type IV in the elevations (Exhibit H). Building Type I (Type I) will consist of 12 units comprising an equal mix of 1 and 2 bedroom units. Building Type IV (Type IV) will consist of 19 units comprising one 1-bedroom, sixteen 2-bedroom, and two 3-bedroom units. Seven of the buildings will be Type I, while the remaining four buildings will be Type IV.

The first floor of each building will consist of enclosed garage space. Type 1 will have 10 single-car and 2 two-car garage spaces, and Type IV will have 18 single-car and one 2-car garage spaces. An additional 80 enclosed, single-car garage spaces will be constructed in the parking areas surrounding the buildings for a total of 258 enclosed spaces. Each unit in the development will have at least one, enclosed garage space and 98 units will have a second enclosed space.

Open or unenclosed parking totals 111 spaces to be dispersed throughout the project site. A minimum of 40 spaces shall be designated for guest parking. The project shall meet minimum ADA requirements of eight handicapped parking spaces with one designated van-accessible.

Four different color schemes will utilize compatible tones for each construction element, such as wall, trim and roofing, per building. All four schemes are compatible with each other as they consist of various shades of beige, brown and khaki. The application of each color scheme will comply with Exhibit J.

A community center to be built exclusively for the homeowners, which will contain a swimming pool, spa and adjacent pool house. The pool house facility will contain separate changing rooms and an exercise room. The facility will be single-story and will measure a total of 1400 square feet, counting both air conditioned and non-air conditioned space. A "tot lot" will be located adjacent to the community center and shall conform to Exhibit F.

A monument, identification sign measuring 4 feet high by 8 feet wide including rock base. The sign will be illuminated by ground lighting and will be located at the project entrance on the corner of Valley View Parkway and the unnamed access road. A directional sign shall be located at the entrance to each driveway off the access road, for a total of 3 directional signs. Each sign shall measure 5 feet high by 2 feet 2 inches wide including rock base, and shall be illuminated by ground lighting. All signage shall conform to Exhibit K.

Pole lights shall not exceed 30 feet in height and shall be fully shielded. All building and pole lighting shall conform to Exhibit L.

MITIGATION MEASURES FROM VALLEY VIEW SPECIFIC PLAN EIR.

2. Mitigation Measure BR-9: "The applicant shall be responsible for mitigating impacts on wetlands during construction by implementing protective buffer zone construction fencing of sensitive habitat. Provide a 50-foot buffer zone as recommended in the El Dorado County General Plan EIR, measured from the edge of the jurisdictional wetland. Keep all construction vehicles and supplies out of these fenced areas."

MONITORING: The text of MM BR-9 shall be required as a notation on subdivision improvement plans, and shall be put into effect prior to first grading permit issuance, and maintained until either all on-site construction is complete, or final occupancy of last single-family unit, whichever comes last.

3. Mitigation Measure BR-8: "(1) Mitigate indirect post construction impacts to wetlands to a less than significant level by implementing protective buffer zone fencing of wetland habitat and establishment of written protective measures for other wetland areas. Development and domestic activities and structures restricted in the wetland buffer zone include dumping of garden debris, oil, or chemicals, the placement of structures, maintaining domestic animals or gardens, ad-hoc trails, removal of the fence that defines the buffer zone, removal of vegetation, placement of outdoor furniture, and storage of vehicles or recreational equipment. These protective measures should be written into CC&Rs for residential development and maintenance requirements for commercial development. Homeowners' associations and maintenance personnel would be

responsible for implementing and enforcing these restrictions and informing El Dorado County of violations.”

MONITORING: Permanent buffer zone fencing shall be constructed prior to final occupancy of the first single-family unit. Written protective measures to include open space/wetland maintenance agreement shall be incorporated into CC&Rs. CC&Rs shall be reviewed and approved by the El Dorado Hills Community Services District prior to recordation.

PROJECT SPECIFIC CONDITIONS

4. CC&Rs, to include but not be limited to those requirements of §17.28.161 of the County Code, shall be recorded prior to building permit issuance for the first single-family unit.
5. Parking requirements shall be amended to allow for 258 enclosed garage spaces instead of 320, as required under Chapter 4 of the Specific Plan. A required minimum of 40 spaces shall be provided for guest parking out of the 111 unenclosed parking spaces. The project contains a total of 369 enclosed and unenclosed spaces. Handicapped parking shall consist of no less than 8 ADA compliant spaces, with one designated van accessible. No compact car spaces shall be allowed.
6. In exchange for approval of the parking amendment defined in condition 5, twelve of the total single-family units shall be designated as affordable or “inclusionary” housing for families of moderate income. Moderate income level is defined as those households earning between 80-120 percent of the median family income as established for El Dorado County. Of the twelve units, four shall be 1-bedroom and eight shall be 2-bedroom units. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
7. An affordable housing plan, to include but not be limited to financing arrangements, monitoring program, and 20-year deed restrictions, shall be established by the applicant through the Department of Human Services. A copy of the affordable housing plan shall be submitted to Planning Services prior to final occupancy of the first single-family unit.
8. In accordance with General Plan Policy HO-3j, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the County Department of Human Services, and the existing tenants at least two years prior to the conversion of the affordable housing units to market rate.
9. The subdivision is subject to parkland dedication in-lieu fees, calculated in accordance with Section 16.12.090 of the County Code, which shall be paid to the El Dorado Hills CSD. The fees shall be paid at the time of filing the final map.
10. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

11. The subdivider shall be subject to payment in full of El Dorado Hills Community Services District Park Development Impact Fees at the time of building permit issuance.
12. Street lights shall be provided at the intersection of Valley View Parkway and the unnamed access road and shall be shown on the Final Improvement Plans. All street lights installed shall be top-shielded to prevent excess glare and light. Light fixtures shall utilize low-sodium bulbs.
13. Lighting within the project site shall conform to 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, sign lighting shall conform to 17.16.070 so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.
14. The "tot lot" shall conform to ADA and federal playground safety standards. Adequate seating area shall be provided within the lot to accommodate parents and care providers. Shaded areas shall be provided, as well. Provisions shall be included in the CC&Rs to provide for maintenance and upkeep of the playground equipment by the home owners association.
15. As part of the building permit process, the applicant shall submit for approval a final landscape plan in substantial compliance with the preliminary plan demonstrating compliance with the County water conserving landscape standards (Exhibit G).
16. The applicant shall work with the El Dorado Hills Community Services District to form a shell landscape and lighting assessment district (LLAD) to pay for operation and maintenance of street lighting, landscaping, pedestrian and bicycle pathways, and private recreation facilities, in the event the proposed Homeowner's Association fails to maintain the installed improvements to District standards. If the Homeowner's Association does not plan to manage the project improvements, the LLAD will be immediately activated and assessments levied for the future improvements.
17. A minimum of 20-foot easements will be required by the El Dorado Irrigation District for any water or sewer lines unless otherwise noted. A meter award letter or similar document shall be provided by the District prior to filing the final map.
18. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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. A commercial permit is required.
19. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the

- higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
20. A secondary access road, providing permanent circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District.
 21. Prior to issuance of building permits or recordation of a final map, whichever occurs first, the applicant shall record a shared access agreement demonstrating rights of access over any portions of the adjacent, northerly apartment project where primary or secondary access to this project is reliant.
 22. Construction of the following Phase 1.2B ("enhancements") of the El Dorado Hills Blvd./Hwy 50 Interchange, which will occur through contract to be awarded and administered by the County. The construction of the Phase 1.2B ("enhancements"), which are itemized below, must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any portion of the project.
 - a. Construction of the El Dorado Hills Boulevard/U.S. Highway 50 Interchange Enhancement Improvements are identified below and are subject to final approval by Caltrans:
 - I. Widening/restriping the westbound off ramp to provide for a right turn lane onto El Dorado Hills Blvd. in the northbound direction, a left turn lane onto Latrobe Road in the southbound direction and shared through/left/right turn lane;
 - II. Widening/restriping the westbound on ramp for two lanes with a merge into one lane, which shall be extended 500 feet prior to entering the highway;
 - III. Providing dual left turn lanes northbound on Latrobe Road onto the westbound on ramp;
 - IV. Additional northbound through lane on Latrobe Road between the eastbound onramp and the existing Saratoga Way intersection together with any necessary facilities to accommodate pedestrian and bicycle traffic along the east side of Latrobe Road at this location.
 23. The following public roadway improvements shall be constructed and must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any portion of the project. In addition, prior to commencement of construction for onsite project improvements, a public contract for the following public roadway improvements must be awarded and executed. (The following roadway

improvements would be satisfied by construction of the public improvements required of West Valley subdivision, TM99-1359).

- a) Construction of six through lanes on Latrobe Road from White Rock Road to U.S. Highway 50, which includes widening and restriping of Latrobe Road between U.S. Highway 50 south to White Rock Road, to provide for three (3) through lanes in the northbound and southbound directions between U.S. Highway 50 and White Rock Road.
- b) Construction of the following elements at the Latrobe Road/White Rock Road intersection: right turn lane and through lane on northbound approach; left, through and right turn lanes on both eastbound and westbound approaches, and modification of the east-west phasing from split movements to protected movements; right turn lane on southbound approaches; and add northbound through lane from south of White Rock Road and connecting to a northbound right turn lane at Town Center Boulevard.
- c) Installation of a traffic signal at the intersection of White Rock Road and Valley View Parkway.
- d) Restripe the eastbound shared through and right lane on Town Center Boulevard to a separate right turn lane, at the Latrobe Road and Town Center Boulevard intersection.

If the applicant undertakes the construction obligation for the above improvements, then the developer shall follow the following "Requirements for Providing Funding and Bid-Ready Package:

Requirements for Providing Funding and Bid-Ready Package

Funding and a bid-ready package for these improvements, together with a Road Improvement Agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first residential building permit. The County will award and administer public contract(s) for this work.

The County will only assure award of the public contract between March 1st and September 1st and the Department of Transportation will schedule the bidding process for a bid opening date to occur within 70 days of receipt of the funding and bid-ready package if the package is received between January 1st and July 1st. The term "bid-ready" includes the requirement that the improvement plans and all other documents and processes have been thoroughly reviewed and approved by Department of Transportation staff prior to the submittal of the bid-ready package. The County Engineer, County Counsel, and the County Board of Supervisors are the final authority regarding the completeness of any bid-ready package.

A complete bid-ready package shall include plans, specifications, right of way acquisition (if necessary), utility agreements executed with all impacted utility relocation work completed/scheduled, environmental clearance for both on-site and off-site work complete, all necessary regulatory/encroachment permits secured, and all documents for bidding the contract signed and sealed by a registered Civil Engineer. If the funding and the complete bid-ready package for the improvements are provided to the County by the applicant prior to Final Map processing, the final maps can record without need for additional security for these improvements.

The Road Improvement Agreement or Subdivision Improvement Agreement shall include provisions that the applicant provides supplemental funds to the County as necessary to pay for any change orders generated through the construction phase, that the Developer's engineer be available to provide engineering services in support of the project during construction, and that the applicant indemnify the County per the County's standard indemnification language.

The applicant may enter into a reimbursement agreement with the County providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, for these improvements to the extent they are included as eligible in the applicable County traffic fee programs. Reimbursement shall be consistent with the *El Dorado County Department of Transportation Guidelines for Traffic Fee Program Reimbursement Projects*, including the requirement that the project is bid consistent with the State of California Public Contract Code.

In the event that the eminent domain process must be implemented to acquire right-of-way, the applicant shall make arrangements with the County Counsel, to the satisfaction of the County Counsel, as described elsewhere in these conditions of approval.

24. ~~Prior to issuance of building permits or recordation of a final map, whichever occurs first, the applicant shall secure appropriate permits from the Department of Transportation, or demonstrate that permits have been issued and are current, to complete the construction of Valley View Parkway from the project entrance to White Rock Road; this roadway shall be improved to standards set forth in the Valley View Specific Plan, including Mitigation Measure T-8. Valley View Parkway shall be substantially complete as determined by the Department of Transportation prior to occupancy of any of the project units.~~
25. ~~Prior to issuance of building permits or recordation of a Final Map, whichever occurs first,~~ sale of the first unit, Valley View Parkway from the project entrance to White Rock Road shall be offered to the County by an Irrevocable Offer of Dedication (IOD) for public road and utility purposes, together with slope easements. ~~by submitting a complete application to the Right of Way Unit of the Department of Transportation. As part of this requirement, the applicant must form~~ a Zone of Benefit, or other mechanism approved by the County, must be formed to fund the long-term maintenance of this public roadway.

26. The final map shall show and dedicate slope easement for the future Valley View Parkway adjacent to the project's boundary.
27. Prior to issuance of building permits or recordation of a Final Map, whichever occurs first, the applicant shall secure appropriate permits from the Department of Transportation to widen southbound Valley View Parkway sufficient to provide a right turn lane into the project access road as identified in the supplemental traffic study by Crain & Associates dated April 25, 2005. This road improvement must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any of the project units.
28. Prior to issuance of building permits or recordation of a final map, whichever occurs first, the applicant shall secure appropriate permits from the Department of Transportation to widen the project access road sufficient to provide a southbound ingress lane (14-feet wide), a left turn lane out (10-feet wide), and a right turn lane out (12-feet wide), as identified in the supplemental traffic study by Crain & Associates dated April 25, 2005. This road improvement must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any of the project units.
29. A notice of restriction shall be placed on the property that provides notice that no occupancy of the residential units can occur prior to the required road improvements being substantially complete, as determined by the Department of Transportation. This notice pertains to all of the road improvement related conditions of approval that contain the timing requirement statement: "prior to occupancy of any of the project units".
30. Prior to the filing of a final map, the applicant shall construct and/or bond to ensure the construction of all drainage facilities as identified in the final drainage plan. Drainage facilities shall be designed and constructed consistent with the County of El Dorado *Drainage Manual*, the project Final Drainage Report, the Specific Plan mitigation measures and the approved project improvement plans.
31. The applicant shall provide a Final Drainage Report at time of grading permit application addressing storm water runoff increases, impacts with mitigations to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
32. The applicant shall be required to fund the maintenance and replacement of all onsite drainage facilities and water quality facilities. The funding mechanism shall be by the property owner's association, and the maintenance and replacement responsibility shall be included in the CC&Rs for the condominium units, which must be prepared prior to approval of the final map and shall include a provision for future increases in funding obligations.

33. The final map shall show all utility, road and drainage easements pursuant to the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
34. The project proposal is based on completion of the future construction of Valley View Parkway adjacent to the project. Applicant shall provide grading, and drainage facilities, sufficient to accept and accommodate the storm runoff entering the project from lands up gradient from the project.
35. The project proposal is based on completion of the future grading of Valley View Parkway adjacent to the project. Applicant shall provide documentation that the applicant has the right to perform the grading within the adjacent Valley View Parkway alignment, if necessary, in order to construct onsite project grading as proposed. The Department of Transportation does not allow rockery walls to support a public roadway.
36. This project is proposing mass pad grading. Section 15.14.460 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4170, 8/20/91) states that a mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance. The district supervisor will be allowed fifteen (15) calendar days to respond, before the grading permit is issued.
37. All grading plans shall be prepared and submitted to the 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 Soil Conservation Service, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation.
38. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed. The timing of construction and method of revegetation shall be coordinated by the El Dorado County Resource Conservation District. 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 Soil Conservation Service 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.
39. Outfall devices designed to reduce shear stress from post-construction runoff into the wetland area shall be installed. The subdivider shall schedule a field meeting with the Resource Conservation District to determine correct method of installation prior to occupancy of first single-family unit.

40. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
41. Project construction involving grading and excavation operations will result in a temporary negative impact on air quality with regard to the release of nitrogen oxides (NO_x), reactive organic gases (ROG), and particulate matter in the form of dust (PM₁₀). These project emissions need to be quantified using the URBEMIS 7G for Windows 5.1.0 or a similar model that is acceptable to the Air Pollution Control District (APCD). District Rule #223, addressing the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process.
42. If the project includes the disturbance of 20 cubic yards or more of earth the applicant shall comply with Air Quality Management District (AQMD) Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation, which includes an asbestos dust mitigation plan submittal, fugitive dust prevention, speed limits, warning signs, track out prevention, excavated soil management and post-construction mitigation. This information must be submitted to the Air Quality Management District for review and approval prior to issuance of a grading permit.

Alternately, the applicant may have a California Professional Geologist inspect the project site and provide the AQMD with a report demonstrating there is no Naturally Occurring Asbestos on the project site. This evaluation must be submitted to the AQMD with the current review fee.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, the applicant must still comply with AQMD Rule 223-1 Fugitive Dust-Construction Activities. If a County grading permit is required, the applicant will be required to submit a Fugitive Dust Plan to the AQMD prior to issuance of a grading permit.

43. The applicant shall follow Air Pollution Control District Rules and Regulations regarding the use of heavy equipment and mobile source emissions during construction. In no case shall daily emissions of ROG, NO_x, and PM₁₀ exceed 82 lbs/day during any construction and grading activities on the site.
44. The potable water system for the purpose of fire protection for this condominium development shall provide a minimum fire flow of 3,500 gpm with a minimum residual pressure of 20 psi for three-hour duration. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the El Dorado Hills Fire Department for review and approval prior to final map recordation.
45. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location and specifications of each hydrant shall be determined by the El

Dorado Hills Fire Department. All access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103. A letter of compliance with the condition shall be submitted by the Fire Department to the Surveyor's Office at the time of recording the final map.

46. In order to provide this development with adequate fire and emergency medical response during construction, on-site traffic calming devices that utilize a raised bump or a lower dip section of roadway shall be prohibited.
47. The subdivider shall provide a fire access roadway to within 150 feet of every portion of the exterior walls of each building. All fire access roadways that exceed 150 in length shall be provided with turnarounds approved by the El Dorado Hills Fire Department prior to final map recordation.
48. The applicant shall provide the El Dorado Hills Fire Department with a CD that contains all CAD files for the project prior to final occupancy of the first condominium unit.
49. The proposed recreational facility, to include swimming pool, shall be constructed in conformance with the California Health and Safety Code and California Code of Regulations – Title 22.
50. The number and size of solid waste enclosures as delineated on Exhibit E are adequate to meet the needs of the project development and have adequate space within each solid waste enclosure to accommodate both mixed solid waste and recyclable bins. A solid waste disposal plan shall be subject to review and approval of the Environmental Management Department prior to building permit issuance.
51. As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property.

Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:

- a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
- b. Improvement plans prepared by a civil engineer of the required off-site improvements.

- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

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

52. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyors Office.
53. Site addresses for the project shall be coordinated with the El Dorado Hills Fire Department and the County Surveyors Office prior to filing the final map.
54. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the Public Street and service facilities. All improvements shall be consistent with the approved tentative map.
55. The construction of all required improvements shall be completed with the presentation of the final map to the Deputy Director of Planning before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, as determined by the Department of Transportation, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.
56. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
57. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.

58. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
59. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted pursuant to 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 Department 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 the Deputy Director of Planning.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

10. **DEPARTMENT OF TRANSPORTATION** - None
11. **COUNTY COUNSEL'S REPORTS** - None
12. **DIRECTOR'S REPORTS** - None
13. **ADJOURNMENT**

There being no further business, Chair Knight adjourned the meeting at 11:22 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

