



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
July 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 8:38 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MAC CREADY 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.)

a. Minutes: July 13, 2006

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

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Roger Trout introduced Roman Anissi, Senior Planner. Mr. Anissi briefly informed the Commission of his background.

Mr. Trout said Special Use Permit S05-0025 has been withdrawn. This project had been appealed to the Board of Supervisors and was heard at several Board meetings. The application was withdrawn at the last Board hearing.

6. COMMISSIONERS' REPORTS - None

PUBLIC FORUM/PUBLIC COMMENT - None

7. FINDINGS OF CONSISTENCY (Public Hearing)

- a. Request submitted by the EL DORADO COUNTY FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

Chair Knight said it appears the fees they are collecting are keeping them up on their apparatus. Bruce Latcher, representing the fire district, said they are putting aside money for station replacement. They are looking at combining Stations 25 and 26. Commissioner Machado said it seems other stations are converting to square foot fees. Are there any exceptions in the El Dorado County Fire Protection District? Mr. Latcher said they have no exceptions. Commissioner Machado asked if they are leasing several of their engines. Mr. Latcher said they are leasing several engines. Commissioner Machado asked about the percentage of their fees for existing and new growth. Mr. Latcher explained how they determined their fees.

There was no further input.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE UPDATE OF THE EL DORADO COUNTY FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN CONSISTENT WITH THE GENERAL PLAN.

- b. Request submitted by the EL DORADO HILLS COUNTY WATER DISTRICT (El Dorado Hills Fire Department) for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

Larry Fry, representing the fire district, believes they and the other fire districts have answered the concerns addressed by the Commission last year.

Commissioner Machado asked about their plans for the training facility. Mr. Fry explained their plans.

Chair Knight said his only concern is the regional nature of the training facility. He is concerned about the possible burden that may be placed on the facility.

Commissioner Mac Cready asked if there are studies that show fighting residential fires cost the same as fighting commercial fires. Mr. Fry explained the costs and their fee structure.

There was no further input.

Commissioner Machado said the needs of affordable housing are compromised in the El Dorado Hills by the fee structure of this fire district.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONERS MACHADO AND MAC CREADY, IT WAS MOVED TO FIND THE UPDATE OF THE EL DORADO HILLS COUNTY WATER DISTRICT CAPITAL IMPROVEMENT PLAN CONSISTENT WITH THE GENERAL PLAN.

- c. Request submitted by the GEORGETOWN FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

The fire district was not represented.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF AUGUST 10, 2006.

- d. Request submitted by the MOSQUITO FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

The fire district was not represented.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF AUGUST 10, 2006.

- e. Request submitted by the PIONEER COUNTY FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

Chair Knight said there are six stations in the district. Most of the fees seem to be for apparatus and two stations being remodeled. Bob Signor said Station 38 will be moved to a more central location, and Station 35 will be remodeled.

Commissioner Machado said this fire district has also gone to the square foot fee and has the lowest fee of the fire districts.

There was no further input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE UPDATE OF THE PIONEER FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN CONSISTENT WITH THE GENERAL PLAN.

8. REZONE/TENTATIVE PARCEL MAP (Public Hearing)

- a. **Z04-0010/P04-0003** submitted by FREDERICK SIMON to rezone property from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10), and tentative parcel map proposing to create two parcels consisting of ten acres each. The property, identified by Assessor's Parcel Number 087-270-31, consists of 20 acres, is located on the west side of Amber Fields Drive, 2,000 feet north of the intersection with South Shingle Road, in the **Shingle Springs area**. (Mitigated negative declaration prepared)

Aaron Mount presented this item with a recommendation for approval.

Fred Simon explained his proposal.

There was no further input.

Commissioner Mac Cready asked if it is appropriate to put in Condition 13 when no structures are planned. Paula Frantz, County Counsel, said conditions for future structures are put on maps all the time. It is actually a standard condition. Mr. Mount said the reason for the condition is that the fire hydrant on the site did not meet the required fire flows; and the condition was required by the fire district.

ON MOTION OF COMMISSIONER CHALOUPKA SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE Z04-0010 REZONING ASSESSOR'S PARCEL NUMBER 087-270-31 FROM EXCLUSIVE AGRICULTURAL (AE) TO ESTATE RESIDENTIAL TEN-ACRE (RE-10) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P04-0003 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a mitigated negative declaration has been filed. Further, the project will not affect wetlands, watercourses, 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.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 Zone Change

2.1.1 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the Planning Commission recommends approval of the zone change request to the Board of Supervisors.

2.2 Tentative Parcel Map

2.2.1 As proposed, the tentative map, including design and improvements, is consistent with the 2004 General Plan policies and land use map.

2.2.2 The proposed tentative map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance. The project proposes to rezone the subject parcel from Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10). The proposed tentative map is consistent with Section 17.70.110 of the Zoning Ordinance, RE-10 Development standards.

2.2.3 The site is physically suitable for the proposed commercial condominium conversion development. The tentative parcel map was approved by El Dorado County Environmental Health for a septic system and a well, and access is provided by a paved County maintained road offsite and paved roads within a zone of benefit onsite.

2.2.4 The proposed tentative map is not likely to cause substantial environmental damage. Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, 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 will have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

Design Waivers

1. There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The three on-site roads related to this project are paved and within a Zone of Benefit.
2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because improvement of Bullard Drive beyond the requested 18 feet would require extensive grading due to slope, is adjacent to a manmade pond that is shown on the National Wetlands Inventory, and contains a PG&E power pole adjacent to the improved road.
3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The design waiver request reduces the road improvements to 18-feet. Two of the three on-site roads already are paved to 18-feet. California Fire Safe Standards require an 18-foot wide roadway.
4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Mitigation Measures/Conditions

MITIGATION MEASURES

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

1. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
2. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety

Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.

STANDARD CONDITIONS OF APPROVAL

Department of Transportation

3. Applicant must repair the half-width of the roadways fronting the property to Standard Plan 101C for the minimum width required by the conditions of the original subdivision map, specifically reconstruction of the pavement edge and the two (2) foot wide shoulder. This work must be substantially completed, as determined by the Department of Transportation, prior to the recording of the parcel map. *Subject to Planning Commission approval of design waiver(s), Standard Plan 101C may be reduced to a width of 18 feet. Fire Chief has the ability to approve a lesser road width due to physical constraints within road easements (i.e. power poles, wetlands, and slopes).*
4. Driveway entrances shall be constructed per Standard Plan 103A-2.
5. If site improvements are to be made, 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.
6. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
7. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
8. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible Fire Protection District. The Department of Transportation will require plans to meet Fire Safe Standards, but only the responsible Fire Protection District may waive or relax those Fire Safe Standards.
9. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

10. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
11. 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.

Fire District

12. A review fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District.
13. An NFPA 13D sprinkler system supplied by a 2,500 gallon tank shall be installed in each residence affected by the parcel map. A deed restriction for an NFPA 13D residential sprinkler system with 2,500 gallons of water storage shall be required for all new structures built on these parcels.
14. A fire safe management plan, acceptable to the fire district and the California Department of Forestry, shall be implemented. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

Planning Services

15. Applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to the County Recreation Department, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
16. A trail easement 100 feet measured from centerline from the Sacramento-Placerville Transportation Corridor right of way shall be shown on the parcel map, as required by the Sacramento-Placerville Transportation Corridor Master Plan. The trail easement is specifically measured from the centerline of Assessor Parcel Number 087-270-83 and 109-450-43 and onto the subject parcel. Said easement shall be an Irrevocable Offer of Dedication and accepted by the County Surveyor

Environmental Management

17. All drainages that may have an effect on the location of septic systems shall be shown on the parcel map.
18. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.

County Surveyor

19. All survey monuments must be set prior to filing the Parcel Map.
20. The applicant shall provide proof of access to a State- or County-maintained road as defined by Section 16.44.120(B) (2) with the legal right to improve that access as required by the County Design Manual. A Guarantee of Record provided by a title company shall be presented to the County Surveyor's Office prior to filing the final or parcel map.
21. Prior to the filing of a parcel 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 do one of the following: (a) Pay the assessment or bond in full; (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 that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493(d).
22. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

9. DESIGN REVIEW (Public Hearing)

- a. **DR05-0025/Diamond Springs Hotel** submitted by AMY and MOON SHIM (Agent: Hubbard Sign Company) to allow re-facing of the existing roof-mounted sign which will measure 7 feet wide by 3-1/2 feet tall and be internally illuminated. Also being requested is a new wall-mounted sign on the east face of the building, measuring approximately 16 feet wide by 3 feet tall, which will be non-illuminated. The property, identified by Assessor's Parcel Number 054-387-18, consists of 0.22 acre, is located on the south side of Pleasant Valley Road, approximately 100 feet west of the intersection with Diamond Meadows Way, in the **Diamond Springs area**. (Categorically exempt pursuant to Section 15311 of the CEQA Guidelines)

Jonathan Fong said the application has been withdrawn. No action was taken.

**10. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP
(Public Hearing)**

- a. **Z05-0003/PD05-0007/TM05-1394, Sierra Oaks Condominium Conversion** submitted by LA CRESCENTA ASSOCIATION, LLC/GRE MANAGEMENT SERVICES (Agent: Kevin Heeney) to rezone property from Limited Multifamily Residential-Design Control (R2-DC) to Limited Multifamily Residential-Planned Development (R2-PD); development plan to convert an existing 72-unit rental apartment complex into 72 airspace condominium units with common areas under management of a homeowner's association and four units designated as affordable housing for moderate income levels;

and tentative subdivision map creating 72 airspace condominium units on one parcel. The property, identified by Assessor's Parcel Numbers 083-053-05 and -06, consists of 3.69 acres, is located on the east side of La Crescenta Drive, approximately 750 feet south of the intersection with Green Valley Road, in the Cameron Park area. (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

Lillian Mac Leod presented this item with a recommendation for approval and made modification to Page 3 of the staff report and Condition 1.c.

Commissioner Machado commented he did not know we had the funding for the affordable housing programs. Mrs. Mac Leod said there is money available; however, they have to get the programs going. Commissioner Machado asked when and how the public will know these affordable units are available. Mrs. Mac Leod believes it is when the projects are placed on the market. Roger Trout said Planning is not going to regulate the Human Services Department. They have procedures for affordable housing that they follow in that department.

Chair Knight has met several times with the applicant, and once when Supervisor Dupray was present.

Warren Hughes, representing the applicant, said there are two separate parcel numbers, and they would like to keep the two parcels. Mr. Trout said staff did not feel any of the conditions needed to be changed in order to keep the parcels separate.

Referring to Page 4 of the staff report under Affordable Housing, Mr. Hughes said staff is recommending the time restriction be removed. That seems to conflict with Condition 7. Commissioner Tolhurst said the policy speaks to new construction. Paula Frantz, County Counsel, said the old General Plan stated 10 years before conversion. The Commission did discuss this issue last year. Mr. Trout suggest Condition 7 remain as written, but perhaps the Commission could make a recommendation on the time restriction to the Board. Mr. Hughes asked that the time restriction be waived. Commissioner Tolhurst feels they have met the time threshold for this particular project.

Mr. Hughes said this is a built project, and they feel it is unreasonable that it be the only project with curbs, gutters, and sidewalks.

Commissioner Machado asked if this is approved, what are they doing to improve the neighborhood. Mr. Hughes said they have owned the project for about three years. They have upgraded the units and landscaping. All the decks have been replaced. They will be upgrading the inside of the units to make them more marketable.

Commissioner Machado asked about the notice that the renters receive regarding moving. Mr. Hughes said there is a 180 days notice period. They have given notices to their tenants about the conversion. There are some people that are interested in purchasing their units.

There was no further input.

Commissioner Machado asked if the Commission would like to discuss the applicant's request on the curbs, gutters, and sidewalks. Chair Knight concurred with the request.

The Commission took a short break.

Ms. Frantz said on March 9 the Commission discussed the time restriction. At that time the Commission discussed amending the General Plan to change the time restrictions. This project will have four income restricted units that the Commission may consider a benefit as there are currently no such units in the project. She feels the Commission could make a finding of consistency with the General Plan for this project as it is 18-1/2 years old. The Commission has the discretion to delete Condition 7 or leave it in. Commissioner Machado feels the County is getting enough out of the project. The timing is very close.

After the motion and before voting, Commissioner Mac Cready said he would like to remove Condition 12 as the area is built out, and the sidewalk would go nowhere. Chuck Collins, Department of Transportation, does not believe the General Plan would allow the removal of Condition 12. Commissioner Mac Cready asked how the rest of the area will be upgraded. Mr. Collins said there are more projects coming in with such requests. Some means will be found to complete the balance of the sidewalks in these areas. Ms. Frantz said this is a requirement of the General Plan. There are no exceptions due to the fact there are no other sidewalks in the area. Allowing exceptions for conversions would require a General Plan amendment.

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15305 AND 15301(k) OF THE CEQA GUIDELINES; APPROVE Z05-0003 REZONING ASSESSOR'S PARCEL NUMBER 083-053-05 AND -06 FROM LIMITED MULTIFAMILY RESIDENTIAL-DESIGN CONTROL (R2-DC) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R2-PD) BASED ON THE FINDINGS PROPOSED STAFF; AND APPROVE PD05-0007 AND TM05-1394 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

Rezone/Development Plan

1. The project has been found to be Categorically Exempt from CEQA pursuant to Section 15305 stating that "Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density", and 15301(k) that applies to the "Division of existing multiple family or single-family residences into common-interest ownership . . . where no physical changes occur which are not otherwise exempt."

2. The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy, as well as the combining zone district, and the natural resources on site will be protected pursuant to related policies in the General Plan.

3. The proposed use and development plan conforms to the Zoning Ordinance as follows:

a. That the PD zone request is consistent with the general plan;

The project parcel is already zoned R2-DC, so a zone change request to R2-PD will not change the base zone district.

b. That the proposed development is so designed to provide a desirable environment within its own boundaries;

The development plan is consistent with the existing development.

c. That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;

Under the current ordinance, a condominium project requires two spaces per unit regardless of size, requiring the owner of any condominium conversion project to add more parking. The owner then becomes constrained by the existing development, which in this case was bound by out of date standards. The existing apartment complex was approved under the design review process against parking standards that at that time required one space per unit, for a total of 72 spaces. The applicant has increased parking by restriping parking areas, converting some to compact spaces, and creating new spaces involving the removal and modification of existing landscaping. The proposed site plan shows 68 additional parking spaces from what was previously required for the apartment complex. The condominium conversion does not change the density or size of the dwelling units, only the way they are marketed. Though the PD overlay allows flexibility in development, the applicant is requesting to offer the four units that will have one parking space each as affordable housing to assist the County in meeting its goals in this regard.

d. That the site is physically suited for the proposed uses;

The site is an existing apartment complex that is located within a high density, residentially developed, Community Region.

e. That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;

The project consists of an existing apartment complex, and as such, all improvements and services exist to the site.

- f. That the proposed uses do not significantly detract from the natural land and scenic values of the site.*

The existing development conforms to its multi-family residential surroundings. Added parking and landscaping required for approval will not detract from the appearance of the site.

Tentative Map

1. The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.
2. The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.
3. The site is physically suitable for the proposed type and density of development as it is of relatively flat topography, and is located in an area of similar multi-family development.
4. The proposed tentative map is not likely to cause substantial environmental damage, as it is a condominium conversion of an existing multi-family apartment complex.

Conditions

1. The subject tentative map and planned development approval is based upon and limited to compliance with the project description, dated July 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 and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

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

- a. A tentative subdivision map creating 72 airspace condominium units on one parcel consisting of 3.69 acres.
- b. A rezone of the parcel from Limited Multi-family Residential - Design Control (R2- DC) to Limited Multi-family Residential - Planned Development (R2 - PD).
- c. A development plan to convert an existing 72 unit rental apartment complex into 72 airspace condominiums, consisting of 10 residential buildings of 2-story construction. Each building contains 16 one-bedroom units and 56 two-bedroom

units. The common area contains two single-story clubhouses, two swimming pools, several lawn areas, six carports and several open parking areas.

Planned Development

2. All site improvements shall conform to Exhibits E, F, G, H, and I.
3. Parking requirements shall be reduced from 144 spaces to 140 spaces. Parking areas shall conform to Exhibit F providing the necessary five foot wide landscape buffers are maintained. In the event that added parking prevents compliance with the landscape buffer requirement, the parking space in violation shall be eliminated and an additional 2-bedroom unit shall be designated as affordable housing.
4. In exchange for approval of the parking variance defined in Condition 3, four of the total single-family units shall be designated as affordable or “inclusionary” housing for families of moderate income unless landscape buffering is not consistent with Ordinance requirements as addressed in Condition 3. Moderate income level is defined as those households earning between 80 to 120 percent of the median family income as established for El Dorado County. Of the four units, one shall be 1-bedroom, and three shall be 2-bedroom units. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
5. 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 map recordation.
6. 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.

Tentative Map

Planning Services

7. ~~The final map shall be recorded no sooner than December 1, 2007.~~
8. Prior to final map recordation, a homeowners’ maintenance agreement with CC&Rs, to include but not be limited to those requirements under §17.28.121 of the County Code, shall be recorded.
9. The applicant shall be subject to all noticing requirements under Subdivision Map Act §66427.1, as outlined in Exhibit K. Prior to final map recordation, proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.

Department of Transportation

10. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities.
11. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
12. The developer shall widen the frontage along La Crescenta Drive to 20 feet from the existing centerline, in accordance with Standard Plan 101B with the exception of allowing a 4 foot wide sidewalk. In addition, the developer shall construct a Type 2 curb and gutter along La Crescenta Drive per Standard Plan 104. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.
13. The developer shall construct driveways onto La Crescenta Drive consistent with Standard Plan 103C. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.
14. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans subject to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
15. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
16. 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.
17. The applicant shall submit a soil and geologic hazards report meeting the requirements of the El Dorado County *Grading Ordinance*, subject to review and approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
18. The project applicant shall incorporate final drainage plans into the improvement plans and obtain approval from the El Dorado County Department of Transportation. These final drainage plans shall demonstrate that future post-development storm water discharge levels from the project will remain at existing storm water discharge levels.

The drainage plan shall be prepared by a certified Civil Engineer and shall be in conformance with the El Dorado County *Drainage Manual*. The drainage plans shall include, at a minimum, written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, potential increases in downstream flows, proposed on-site improvements, and drainage easements, if necessary, to accommodate flows from the site and implementation and maintenance responsibilities. The plan shall address storm drainage during construction and propose Best Management Practices (BMPs) to reduce erosion and alter quality degradation. All onsite drainage facilities shall be constructed to the satisfaction of El Dorado County Department of Transportation using El Dorado County *Minimum Construction Site Storm Water Management Practices* (March 31, 2004). BMPs shall be implemented throughout the construction process and permanent BMPs shall be included in the grading plan.

19. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
20. 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.
21. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
22. Construction activities shall be conducted in accordance with the County noise regulations and be limited to the following hours and days: 7:00 AM to 5:00 PM weekdays; 8:00 AM to 5:00 PM Saturdays. Construction activities shall be prohibited on Sundays and holidays.
23. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, County Ordinance No. 4548 shall apply.

24. Grading and improvement plans shall incorporate protective measures toward existing oak trees pursuant to Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
25. 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.
26. 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.
27. The location of fire hydrants, systems for fire flows, and fire protection access, are to meet the requirements of the responsible fire department. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the responsible fire department.
28. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the 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. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the Development Services Director.

County Surveyor

29. 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.

11. SPECIAL USE PERMITS (Public Hearing)

- a. **S05-0007** submitted by NEXTEL WIRELESS COMMUNICATIONS (Agent: Timothy Miller) to allow the construction and operation of a new wireless tower disguised as a 95-foot monopine. The facility will consist of three antenna sectors with four antennas per sector, three proposed and one future collocation antenna per sector (12 total antennas), and ground equipment within a 35 by 45-foot lease area. The property, identified by Assessor's Parcel Number 043-011-02, consists of 30.26 acres, is located on the south side of Carson Road, 1,000 feet east of the intersection with Carson Road and U.S. Highway 50, in the **Camino area**. (Negative declaration prepared)

Michael Baron presented this item with a recommendation for conditional approval.

Tim Miller concurred with the staff report. At first they were requesting a 120-foot tower. Staff asked that the height be reduced which they have done. The trees in the area will blend in with their site. They go out of their way to look for an existing facility. The newer mono-pines are a lot better looking and very expensive, so they will try to collocate if possible.

Commissioner Tolhurst asked about Sprint and Nextel merging and about collocation of the two facilities on the same pole. Mr. Miller said there are some locations where they will have the two networks on a pole. He further explained.

There was no further input.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE S05-0007 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public hearing process. The Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- 1.4 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.

2.0 ADMINISTRATIVE FINDINGS

2.1 Special Use Permit 05-0007 Findings

Special Use Permit S05-0007 has been requested by Nextel Wireless Communications for the purpose of installing a 95-foot monopine. This special use permit authorizes Nextel Wireless Communications to place the monopine and equipment shelter within a

35-foot by 45-foot lease area. The special use permit shall only be approved or conditionally approved if all of the following findings are made:

The use is found to comply with the requirements of County Code Section 17.14.200, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

This is a new wireless proposal designed as a multi-carrier facility, to allow for future co-location, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once or twice a month to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving cellular service. After review of the submitted site plan and visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the monopine in the Camino area.

The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.

The project has been designed in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the 2004 General Plan.

Conditions

Planning Services

1. The authorization for the cellular communication facilities allowed by this permit is based upon and limited to compliance with the project descriptions and conditions of approval set forth below. Further, any deviations from the project(s) descriptions, 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 described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation hearings.

The project description is as follows:

Nextel Wireless Communications proposes to construct a new wireless tower disguised as a 95-foot monopine style monopole and a 12 foot by 20 foot equipment shelter located inside a 35-foot by 45-foot leased area. The monopole will be disguised as a pine tree with bark detail and branches beginning at ground level to 45-feet. The monopole will have up to three antenna sectors with four antennas per sector, and one future collocation

- antenna per sector. The facility would be connected to land-based electrical and telecommunications utilities located within the equipment shelter. Access to the site is provided from the south side of Carson Road, 1,000-feet east of the intersection with U.S. Highway 50 in the Camino area. This special use permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation and ongoing maintenance.
2. All site improvements shall conform to the site plan and elevations attached as Exhibit D of the staff report on file in Planning Services.
 3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to issuance of final occupancy of the facility through Building Services.
 4. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that there is no increase in overall height.
 5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
 6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
 7. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
 8. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or

complete a five-year review in a timely fashion shall not invalidate this Special Use Permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.

9. Access road shall be constructed prior to final occupancy.

El Dorado County Department of Transportation

10. 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 grading permit from Department of Transportation is required.
11. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
12. The applicant shall provide a 12-foot wide all weather surfaced (gravel) access road (Fire Safe Standards) from the maintained road to the project site. As an alternative, the El Dorado County Fire Protection District may provide a letter addressing their requirements to provide fire protection and access to the cell site.
13. The applicant shall be subject to an encroachment permit, Standard Plan 103B-1, minimum driveway width of 20 feet for the access to Carson Road.
14. In the event a heritage resource or other item of historical or archeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
15. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and deposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

El Dorado County Fire Protection District

16. A site plan review fee of \$200.00 shall be submitted to the Fire District prior to the issuance of a building permit
17. The applicant shall post address at Carson Road with (12-inch minimum size) prior to final occupancy by Building Services.
18. The applicant shall construct a Fire District approved turn-a-round at project site prior to final occupancy by Building Services.
19. Access roads shall have a 13-foot 6-inch vertical clearance and capable of supporting a 40,000 pound load.
20. Road grades shall not exceed 16 percent.
21. Gates shall have Knox padlocks.
22. The equipment shelter shall be required to have a Knox box with keys.

El Dorado County Environmental Management Department (Air Quality District)

23. District Rule #223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.
24. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.
25. The District’s goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

1. Use low-emission on-site mobile construction equipment.
2. Maintain equipment in tune per manufacturer specifications.
3. Retard diesel engine injection timing by two to four degrees.
4. Use electricity from power pole rather than temporary gasoline or diesel generators.
5. Use reformulated low-emission diesel fuel.
6. Use catalytic converters on gasoline powered equipment.

7. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
 8. Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes).
 9. Schedule construction activities and material hauls that affect traffic flows to off-peak hours.
 10. Configure construction parking to minimize traffic interference.
 11. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.
26. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines etc.) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emissions factors.

The action taken today can be appealed to the Board of Supervisors within ten working days.

12. PLANNED DEVELOPMENT (Public Hearing)

- a. **PD03-0007R1** submitted by the LAKEHILLS COMMUNITY COVENANT CHURCH (Agent: Pastor Ron Short) to revise the approved development plan to relocate the soccer field on Parcel 1 and, in its place, to site the southern parking lot from Parcel 3. The property, identified by Assessor's Parcel Number 107-130-54, consists of 19.81 acres, is located on the north side of White Rock Road, approximately 500 feet east of the intersection with Vine Street, in the **El Dorado Hills area.** (Categorically exempt pursuant to Section 15304 of the CEQA Guidelines)

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

Ron Short was available for questions. Commissioner Machado thanked the applicant for his work on the revisions to the project.

There was no further input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15304 OF THE CEQA GUIDELINES AND APPROVE PD03-0007R1 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15304 stating that “Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.”
2. The proposed use is consistent with the policy in the El Dorado County General Plan regarding deferring to the Specific Plan for land use policies, as well as with the El Dorado Hills Specific Plan regarding project implementation through the Planned Development process, as discussed in the General Plan/Specific Plan section of this staff report.
3. The use is found to comply with the requirements of Chapter 17.18 of the Zoning Ordinance, as well as the Specific Plan’s *Commercial Design Guidelines* regarding parking lot construction, and the proposed revision to the approved development plan is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.

Conditions

Planned Development

1. The ~~subject parcel map and~~ revised planned development approval is based upon and limited to compliance with the project description, dated ~~September 8, 2005~~ July 27, 2006, and revised Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

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

- a. A parcel map creating three parcels ranging in size as follows:

Parcel 1 = 12.34 acres

Parcel 2 = 5.55 acres

Parcel 3 = 1.92 acres

- b. A development plan for a phased church facility to be constructed on Parcel 1 ~~and~~ 3, as follows:

Phase 1:

- Multi-purpose building - 16,415 square feet.
- Pre-school/kindergarten classrooms - 3,200 square feet.
- Classroom wing - 4,660 square feet.

- 201 paved parking spaces. Eight shall be ADA compliant with one designated van accessible.
- ~~179~~ 71 gravel parking spaces.

Phase 2:

- Common lobby - 1,800 square feet.
- Worship Center - 17,023 square feet.
- Wedding Chapel - 3,077 square feet.
- Paving 71 of the gravel parking spaces ~~on Parcel 1~~ of Phase 1.

Phase 3

- Administration/Library building - 4,057 square feet.
- Classroom wing - 4,660 square feet.

- c. Road improvements consisting of shared primary and secondary access ways to serve the three parcels. The secondary access road will be required prior to issuance of building permits for either Phase 2 or Phase 3 development of Parcel 1, whichever comes first.
 - d. One hundred thirty four paved parking spaces constituting the Phase 2 parking lot, to be constructed when the secondary access road is required to be built. The parking lot, to include lighting and landscaping, shall be completed prior to final occupancy of the first building permit for either Phase 2 or Phase 3 development, whichever comes first. Crosswalks within the lot, and between the lot and the church facility, will be subject to paving material requirements under §3.8 of the Specific Plan.
2. The soccer field will be reduced in length to fit entirely on Parcel 1 as a modification to the development plan approved under PD98-0009. It will be relocated north of the Phase 2 parking area. The hardcourt area planned for this location will be relocated to the northern Phase 1 parking lot.
 3. ~~Parcel 3 shall remain dedicated to parking unless a revised development plan is approved relocating the parking for the church use and authorizing a different use on Parcel 3.~~

All site improvements shall conform to Exhibits E, G, and I. Final landscape plans shall be in substantial compliance with Exhibit H, the preliminary landscape plans, with the exception of Parcel 3 and the relocation of the soccer field on Parcel 1. Prior to final occupancy of the first building permit for either Phase 2 or Phase 3 development, whichever comes first, the applicant shall submit landscape plans for the Phase 2 parking lot demonstrating compliance with §17.18.090 for buffering along the secondary access road, as well as §3.6 of the Specific Plan's *Commercial Design Guidelines* for shade requirements within the lot itself. Recycled water shall be used for all landscape irrigation.

- 4.5. Lighting for the site shall be fully shielded to prevent any spillage onto adjacent properties in conformance with Section 17.14.170 of the County Code and the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning Department. The sport field lights shall be turned off by 10:00 p.m.
- 5.6. The applicant shall gain access to the site per item 3 in the Addendum to the Agreement of Purchase and Sale between El Dorado Hills Investors, Ltd. ("Seller") and Lakehills Community Covenant Church ("Buyer") which states:
- "3) Buyer and Seller agree to enter into an Easement Agreement which establishes an easement over Seller's property for access into Buyer's property. The easement agreement will also provide Buyer with permanent and reasonable signage at the entrance to the shared entry which signage shall conform to the Directional Signage standards set forth in the Appendix 5 (Master Signage Program) of the Design Guidelines and Development Standards for Town Center East, dated "Revised July 10, 1995."
- 6.7. The applicant shall provide a drainage report and project drainage plan at time of grading permit application identifying appropriate storm water quality management practices to the satisfaction of the Department of Transportation. The project drainage shall be in accordance with the County Of El Dorado Drainage Manual. Drainage facilities shall be designed and constructed consistent with the project drainage plan and the Carson Creek Regional Drainage Study. Drainage facilities shall be installed with the respective phasing of the on-site development or as specified in the drainage plan.
- 7.8. Prior to approval for development of Parcels 2 and 3, traffic impact review must verify that the parcel development is consistent with the County's General Plan regarding level of service standards for the County's road system.
- 8.9. In order for the Fire Department to provide services from the single access point, all buildings within Phase 1 of Parcel 1 and future buildings proposed for Parcels 2 and 3 shall be fire sprinkled in accordance with Fire Department regulations.
- 9.10. To assist the El Dorado Hills Fire Department with the rapid identification involving emergency response agencies, all buildings shall be identified with street numbers on the building that can be seen from access roadways. The minimum height of these numerals shall be 16 inches.
- 10.11. If the phasing of Parcel 1 development creates a dead-end roadway that exceeds 150 feet in length, a circular turnaround shall be constructed in accordance with Fire Department requirements.

11~~12~~. The proposed developer shall allow for adequate ground clearance from the wires as set forth in California Public Utilities Commission General Order No. 95. Should an infraction occur the developer will be responsible for the costs in raising the lines. Grading shall not occur within 15 feet of any existing pole or tower footing. All improvement plans must delineate PG&E easements and include contact information for approval of design within the easement.

12~~13~~. Should PG&E be prevented from accessing utilities within their 120 foot easement due to development on Parcel 2, the applicant shall provide an all-weather access road across Parcel 1 to the affected poles.

13~~14~~. 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.

Project construction involving road development and parking lot paving shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

14~~15~~. Prior to grading on Parcel 1, the applicant shall conduct a Ground Penetrating Radar (GPR) survey from the point of intersection of the southern and eastern property lines that surround the Clarksville cemetery to determine the potential existence of unmarked graves as follows:

- a. 120 feet west along the southern property line of the cemetery for a width of 35 feet into the project parcel.
- b. 150 feet north along the eastern property line of the cemetery for a width of 50 feet into the project parcel.

The GPR survey zone should extend from under the existing fence lines. If an anomaly representative of a grave is noted during the survey, the surveyed zone should be extended an additional 50 feet beyond the last anomaly identified until no further anomalies are located within 50 feet of the last found grave. In the event that graves are discovered outside the existing fenced boundary, the applicant shall retain an archaeologist in order to perform further exploration to verify an actual grave exists. If further work confirms that actual graves are within the applicant's property, the applicant shall relocate the grave(s) for re-internment in the enclosed portion of the Clarksville cemetery. The developer shall agree to allow an observer from the El Dorado County Pioneer Cemeteries Commission on-site whenever grading occurs near the fence line by notifying them at least one week prior to grading. At no time will grading occur any nearer than the distance shown on the plans. Orange mesh fencing shall be placed along the line shown on the plans to prevent any possible error in operator judgment.

~~15~~ 16. Prior to final recordation of the map, the applicant shall replace the existing fencing on the southern and eastern sides of the Clarksville cemetery parcel with a six-foot high wrought iron fence.

~~16~~ 17. Noise attenuation measures shall be incorporated into the final building plans and grading plans to ensure compliance with the noise standards set forth in Tables 6.1 and 6.3 of the El Dorado County General Plan.

The action today can be appealed to the Board of Supervisors within ten working days.

13. DETERMINATION OF CONFORMANCE (Public Hearing)

a. **Interim Interpretive Guidelines – Policy 7.1.2.1/30 Percent Slopes:** Site Plan Review SPR06-0134 submitted by GREG HAUBNER for a Determination of Conformance for a grading plan for Assessor's Parcel Number 110-633-02. The property is located on the southeast corner of Clear View Drive and North Shoreline Circle (Lot 13/Vista Del Lago, Unit 1), in the **El Dorado Hills area.**

Brian Baca introduced Mel Pabalinas, Senior Planner, who gave the Commission a power point presentation on this item. Mr. Baca presented the report.

Carolyn Craig, Air Quality Control District, said asbestos was found on this parcel. Chair Knight asked what that has to do with the 30 percent slope determination. Paula Frantz, County Counsel, said there are actually two policies, one dealing with minimum disturbance. Ms. Craig said the Dust Mitigation Plan needs to be amended if there is exportation of any soil from the property.

Greg Haubner asked why we are here today. They are well within the parameters of the Guidelines as adopted by the Commission in June. Ms. Frantz said they are only interim guidelines. In June the Commission set the maximum authority staff could approve. That does not mean staff has to approve the request. Reasonable use is not a ministerial approval. Staff did

not feel all the disturbance was necessary for reasonable use of the property, and that is why the request is before the Commission today.

Mr. Haubner feels the interpretation made by Commission was changed. They are in conformance with what the Commission voted on in June. They spent more than a year trying to design their house for this lot. He does not believe they should have to go back and redesign their plans, as they have done what the County asked for.

Bobbie Lebeck, representing the applicant, said based on the existing reasonable use guidelines their design is 4,000 square feet under the allowable disturbed area. The way the guidelines have changed, they are now 4,000 square feet over the guidelines. Mrs. Lebeck explained their design. A study was prepared on this parcel, and there was no asbestos found, although there was some on two parcels in the area. Six thousand yards of dirt will be removed from the parcel. They do not feel a plan needs to be prepared as there is no asbestos.

Commissioner Tolhurst said people move to El Dorado County because they like the rural atmosphere and view. If you cut down the hill you have destroyed the reason you are here. He does these types of projects all the time, and there is a way to do it. Commissioner Tolhurst likes Option B with items 2 through 5.

Commissioner Machado looks at this as one level housing. They could have had a smaller footprint. It is the second garage that causes real disturbance issues. Mr. Baca said this project is before the Commission mainly because of the minimum disturbance issues. Commissioner Machado said Items 1, 2, 3, and 5 under Option B are the items that really minimize the disturbance on the site.

Chair Knight does not like projects like this; because he has to give his determination of reasonable use, and he does not like to tell people how to develop their property. He thought this issue was taken care of at the previous meetings.

Commissioner Mac Cready asked how people can find out about these types of problems before they proceed with their plans. Paula Frantz, County Counsel, said individuals are responsible for making themselves aware of the policies of the General Plan.

Commissioner Mac Cready asked Mr. Haubner if any of the measures to reduce the disturbance would be acceptable to him. Mr. Haubner said eliminating thin walls is going to move more dirt off the property. Number 2 would be possible. Under 3, they have SUV's. He does not know if reducing the area is a viable solution. Chair Knight said the fire district would probably like the larger turnarounds. They could increase the height of the retaining walls. Mr. Haubner said they could not eliminate Number 4. Under 5, this is a one-car detached garage. He is not opposed to changing some things to reduce grading. He spends most of his time in his backyard and would not like to reduce that. Mrs. Lebeck said there are two retaining walls. One could be extended around the detached garage to reduce some of the grading.

Commissioner Machado asked where the fill is coming from. Mrs. Lebeck replied probably the yard area.

Mr. Baca believes Number 3 could be reduced six or seven feet to 24 feet. Mrs. Lebeck said with SUV's you need more room to make a turn.

There was no further input.

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND TOLHURST; NOES – COMMISSIONER KNIGHT, IT WAS MOVED TO FIND THAT THE GRADING FOR THE SUBJECT PROPERTY, ASSESSOR'S PARCEL NUMBER 110-633-02, EXCEEDS WHAT IS NECESSARY TO PROVIDE REASONABLE USE OF THE PROPERTY BASED ON THE FOLLOWING FINDING:

1. The project is in substantial conformance to the General Requirements of the Interim Guidelines, is designed to minimize inconsistency with the General Plan, and the magnitude of proposed grading would be the minimum necessary to provide site access and to establish reasonable use of the property with implementation of the following measures:
 - a. The level yard area proposed to be located northeast of the residence shall be limited to 45 feet in width, measured perpendicular to the topographic contours.
 - b. The motor court area shall be reduced in width to the minimum necessary for vehicle turnaround and the associated retaining walls increased in height to minimize the magnitude of grading along the eastern side of the property.
 - c. The detached garage shall be deleted from the project.

The action taken today can be appealed to the Board of Supervisors within ten working days.

14. GENERAL PLAN

- a. **Draft Interim Guidelines Implementing General Plan:** Policies 7.4.4.4/7.4.4.5 (Oak Woodlands)

Steven Hust said the purpose today is to introduce information regarding the Oak Guidelines. This item will also be on the agenda August 10 for further discussion. Staff does not want to get into the Guidelines today, as the Commission does not have a copy of them yet. Mr. Hust briefly went through his memo before the Commission today.

Commissioner Chaloupka asked for clarification of Dimension at Breast Height.

Commissioner Mac Cready suggested staff look at Linkages, Issue 17, Spring 2006. There is a lot of discussion in the issue about what we are trying to implement. Chair Knight suggested staff look at the resources of the Sacramento Tree Foundation.

Chair Knight asked that anyone with comments on this issue contact Steve Hust.

No action was taken.

15. WORKSHOP – ZONING ORDINANCE UPDATE

a. Structure and Format

Pierre Rivas went through his staff report. There was no input.

No action was taken.

b. Zone Districts

Pierre Rivas went through his staff report. There was no input.

No action was taken.

16. DEPARTMENT OF TRANSPORTATION - None

17. COUNTY COUNSEL’S REPORTS – None

18. DIRECTOR’S REPORTS- None

19. ADJOURNMENT

Meeting adjourned at 3:02 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

