



## 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  
August 10, 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 8:40 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, and Knight; Paula F. Frantz, County Counsel; 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, WITH ADDENDUM.

**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 27, 2006**

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR, AS CORRECTED.

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Chuck Collins, Department of Transportation, introduced Jon Vegna from their department. Mr. Vegna will be assisting Mr. Collins on projects.

**6. COMMISSIONERS' REPORTS - None**

**PUBLIC FORUM/PUBLIC COMMENT** - None

**ADDENDUM**

**These items were considered before Item 7.a.**

**FINDINGS OF CONSISTENCY** (Public Hearing)

To consider a request submitted by THE AMERICAN RIVER CONSERVANCY for a finding of consistency with the General Plan on the real property acquisition of Assessor's Parcel Numbers 102-010-32 and -34 for inclusion in the Pine Hill Ecological Preserve. The properties are located west of Kanaka Valley Road, within the Salmon Falls/Martell Creek Ecological Preserve Unit, in the El Dorado Hills/Salmon Falls area. (Categorically exempt pursuant to Section 15313 and 15325 of the CEQA Guidelines)

Steve Hust explained the proposal. Chair Knight asked what the acreage of the preserve will be after this acquisition. Mr. Hust replied 3,900 of the 5,000 acre goal.

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

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FIND THE REAL PROPERTY ACQUISITION OF ASSESSOR'S PARCEL NUMBERS 102-010-32 AND -34 FOR INCLUSION IN THE PINE HILL ECOLOGICAL PRESERVE CONSISTENT WITH THE GENERAL PLAN.

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.

This item was continued from the meeting of July 27, 2006.

As a representative from the fire district was not present, the Commission made a motion to continue the request to the next meeting. The Fire Chief arrived after the Commission began consideration of Item 7.a. The Commission reconsidered this item upon the completion of Item 7.a.

Chief Greg Schwabb was present.

Chair Knight said most of the capital improvements appear to be for rolling stock. He complemented the fire district on their joint use facility.

Commissioner Machado spoke about the per square foot fee which helps the low cost housing issue. He asked how they developed the fee structure. Chief Schwabb was not working at the station when the fee structure was developed. He will look into the fees.

Commissioner Machado asked about the pressure text facility. Chief Schwabb explained.

There was no further input.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FIND THE ANNUAL UPDATE TO THE GEORGETOWN FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN CONSISTENT WITH THE GENERAL PLAN.

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.

This item was continued from the meeting of July 27, 2006.

Chief Leo Chaloux was present. Commissioner Machado commented it appears they have converted to a square footage fee. He thanked the Chief for the conversion.

There was no one else wishing to give input.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FIND THE ANNUAL UPDATE TO THE MOSQUITO FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN CONSISTENT WITH THE GENERAL PLAN.

**7. SPECIAL USE PERMIT (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 previously prepared and advertised)

Jonathan Fong presented this item with a recommendation for conditional approval. Roger Trout said staff did check the status of the Georgetown Divide Public Utilities District permit. That application is scheduled for September 28.

Erin Merrill explained their proposal.

Alex Goetze said they are asking that their application go forward on its own merits. This is the third time they have come before the Commission on this application. They have been trying to get a facility in this area since 2005.

Hank White, General Manager of Georgetown Divide Public Utilities District, said they have a competing application for the same approximate location. He would like the applications considered at the same time as consideration separately would be detrimental to their application.

Bill Wright, representing GDPUD, said they are in opposition to this application, as they have a competing application. The policy of the County is not to approve sites on adjacent parcels. Verizon has had a facility on their property for some time. They asked before that the Commission consider both applications on the same agenda. Verizon chose to have their application heard before the application for GDUD. Their application is in the public interest. They have given free service to public agencies and will give free service to the radio station in the area. They may have to find another participant for their tower. If the Commission approves this application it will not benefit the public as the GDPUD application. The CC&Rs on the subject property do not allow this type of use. He gave the Commission a copy of a letter he previously presented on this issue. They are asking that the Commission approve their application which is on public property. Mr. Wright presented a petition from members of the community supporting the GDPUD facility.

Rob Shambert, representing the school district, asked that this application be tabled so both applications could be heard together. Commissioner Machado asked the differences for safety purposes. Mr. Shambert said he does not have experience on citing towers. The GDPUD tower was free. Working in a cost effective manner would be to their benefit. The cost would be less with the GDPUD tower. They feel it would be in the public's interest to hear both applications at the same time.

Pat Lades opposed approval of the Verizon application. When it comes to comparing the benefits to the Georgetown area, GDPUD wins hands down.

Al Menard, resident of Greenwood, said the applications should be weighed simultaneously. People cannot afford to pay higher rates to use the tower. The Commission should take into consideration the future use of the tower for the public, the cost to the public, and agencies that would be utilizing the tower.

Mary C(?), Chair of the Volcanoville Fire Safe Council, commented they were instrumental in getting the first tower installed. The cell tower is of extreme importance to them. It is important to the residents of the Volcanoville area to have cell phone possibilities. It might be beneficial to hear both applications at the same time. They are not taking sides on either application. Delay is detrimental to the public safety. They need something as soon as possible.

John Foley, manager of the radio station in the area, spoke as a resident. He would like to see the tower stay with the community, GDPUD. He would like to see both permits heard at the same time. He asked that this tower be denied.

Ed Marshall said the proposed tower has been cited to go on his property. Verizon came to him over a year ago about this tower. They all agreed that the public agencies would have free access. Today is the first time he heard that the school district and radio station want to use the tower.

Norm Krizel, Board member for GDPUD, said if the Commission approves this tower today, their application is denied. They have spent \$20,000 on the permit process.

Commissioner Mac Cready said the minutes of April 27 state the permits should be heard together. Paula Frantz, County Counsel, stated she said at that time that each application had to be heard on its own merit.

Ms. Frantz said there is no process for linking applications to be heard at the same time. The applications are taken as they come in and are processed. Verizon asked to be heard in an expeditious manner. They do have the right to have their application heard on its own. The Commission could deny the permit if it does not feel it is in the best interest of the public to go in this location.

Robert Bloomfield, resident on Chipmunk Trail, said their request is to deny both permits. One issue that has not been discussed is this is private property, and anyone driving to the tower will have to go through their property. There are plenty of other peaks that could facilitate such a tower. Their property goes to the centerline of the road. He cannot believe the road easement issue has not been discussed.

Winnie Neal, resident of Volcanoville, said this is politics. There is a safety problem in this area. They have no way to protect themselves if there is a problem. How long is it going to take to get a tower built on the Divide so they can have service?

Roland Chaz, resident of Garden valley for 16 years, asked that Verizon be denied. The further you go up, the more communications go down. They have to stay in proximity of downtown Georgetown. The FAA has a tower where the GDPUD tower is located. There is no question regarding access. Height is an issue.

Gary Oswald asked that Verizon be denied. Keep it local and do not give it to some big corporation.

Marianne Smith asked that the Verizon application be denied today and be heard with the GDPUD application.

David Balonski asked that the Verizon application be denied and that the GDPUD application be looked at favorably.

Commissioner Machado asked if anyone from the Hotchkiss Hill Property Owners Association was present. The answer was no.

There was no one else wishing to give input.

Addressing access, Chair Knight asked if they have the right of access. Has their legal section addressed the CC&R question? Mr. Goetze said this application has been reviewed by their company. To their knowledge there is no problem with access. Today is the first time he has heard there may be a problem with access. Regarding CC&Rs, they do not believe there is a problem either. There is no violation according to their attorneys.

Commissioner Mac Cready asked about the height of the tower on this site compared to the GDPUD site. Mr. Goetze said their temporary site does not provide that good of coverage. Their engineers have reviewed this site extremely well. They need something that provides substantially better coverage.

Commissioner Mac Cready said they commented they would give free service to the public agencies. Mr. Goetze replied they absolutely would. They are proposing to build this tower for public collocation. It would be fine with them if the Commission decides to have all the public agencies go to the GDPUD facility. He suggested that the Commission allow both towers to go up. They are both tree poles. There has been a lot of talk about if one facility is approved the other will be denied. There is no prohibition against having both towers.

Commissioner Chaloupka asked if it is necessary to have the tower at 126 feet. Mr. Goetze replied it is necessary. Verizon would be the top user.

Commissioner Chaloupka asked if this site is higher than the other application. Ms. Merrill said it is about 10 to 15 feet lower.

Commissioner Machado asked if Verizon would volunteer to continue this application to September so both applications could be heard at the same time. Mr. Goetze said he would not agree to a continuance. He has been working for 14 months on a deal with GDPUD but has not been successful. There have been ten versions of the lease agreement that have gone back and forth. He cannot come to a deal with the GDPUD.

Commissioner Machado asked about other public agencies going on the tower. Mr. Goetze said he does not know if there is a cost to the Sheriff's Department. They have said the fire district could go on free. He does not know the needs of the school district, but they could also go on the tower.

Commissioner Machado read the requirements from the Hotchkiss Hill Property Owners Association letter. Mr. Goetze said they have agreed to the property owners association requirements.

Mr. Wright said they have allowed the temporary site for the past four years. He read a May 12 communication from the Verizon attorney regarding the lease form. GDPUD was told they would have to pay the same as a commercial business. He does not believe there are two towers on adjoining parcels anywhere in the County. The CC&R restrictions cannot be waived. Mr. Wright said Verizon does not want to be continued, so they are asking that the tower be denied. It is not in the best interest of the community to approve a use that violates CC&Rs. It is in the public interest to consider both applications to see which is in the best interest of the public.

Commissioner Machado asked Mr. Bloomfield about the easement issue. Mr. Bloomfield said the property owners association cannot allow access across his property on a majority vote. It has to be a unanimous vote of the property owners. Ms. Frantz asked for clarification on which road is involved in the easement question. Mr. Bloomfield explained. Chair Knight asked staff's analysis of the access issue. Mr. Fong said it is a non-exclusive public utility easement. Staff did not believe access was an issue.

Commissioner Chaloupka said the application should be continued to September 28 so both applications could be heard together. Ms. Frantz said the Commission does not have the option of continuing without the applicant's permission. The options are deny the permit because the Commission does not believe it is in the best interest of the health, safety and welfare of the public. The permit could be denied unless the applicant can demonstrate compliance with the CC&Rs and that there is demonstrated access. The Commission could also find the project meets the zoning standards and is in the best interest of the health, safety, and welfare of the public. If the Commission does not feel it has adequate information to approve the permit, the other option is to deny the application.

Commissioner Mac Cready asked if the Commission could continue the application until the CC&Rs are cleaned up. Ms. Frantz said the Commission could deny or ask the applicant if they would continue the item to clear up the two issues, access and CC&Rs.

Ms. Frantz read from the CC&Rs. The second sentence allows towers by special use permit. The Commission may want to hear from the property owners association. She does not see anything that states the use would be consistent with the CC&Rs. She feels the Commission has broad discretion to go either way on this application.

After the motion and before voting, Commissioner Mac Cready asked if the Commission needs to get the applicant's concurrence.

**ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO CONTINUE S05-0038 OFF CALENDAR TO ALLOW TIME FOR CONFIRMATION OF THE CC&R AND ACCESS ISSUES AND**

CONFIRMATION THAT FREE ACCESS WILL BE PROVIDED TO THE SHERIFF'S OFFICE, FIRE DISTRICT, AND SCHOOL DISTRICT.

Ms. Frantz said the action today cannot be appealed to the Board as it is a continuance.

Mr. Wright said there is a problem with a motion to continue without the applicant's consent. Under the Streamlining Act the application can be determined approved.

- b. **S04-0006/Elks Lodge** submitted by TURE ROSLAND (Trustee Elks Lodge #1712) to revise Condition 7 imposed on the subject permit to allow gravel surfacing of the recreational vehicle (RV) parking lot instead of asphalt in order to extend the viable use of the RV parking lot. The property, identified by Assessor's Parcel Number 109-402-19, consists of 1.731 acres, is located on the north side of Quest Court, at the intersection with Product Drive, in the Barnett Business Park, in the **Shingle Springs area**. (Categorically exempt pursuant to Section 15311 of the CEQA Guidelines)

Jonathan Fong presented this item with a recommendation for approval. Ture Rosland was present and had nothing to add. There was no one in the audience wishing to give input.

Commissioner Machado commented the request makes sense.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15311 OF THE CEQA GUIDELINES AND MODIFY CONDITION 7 OF S04-006 AS FOLLOWS:

7. "The parking areas for RV day use and overnight parking facility (occupied or unoccupied) shall be graded and surfaced with a minimum of ~~two inches of asphaltic concrete over~~ four inches of aggregate base. Ingress and egress approaches connecting the RV parking area with the existing parking facilities shall be integrated and blended properly.

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

- c. **S93-0019** submitted by CHURCH OF THE FOOTHILLS/Brian Long, Senior Pastor, to revise the approved site plan to include the final phase which consists of a three-story building, revised building footprint, and additional tree removal. The property, identified by Assessor's Parcel Number 108-280-12, is located on the south side of Merrychase Drive, adjacent to U.S. Highway 50, in the **Cameron Park area**.

Roger Trout presented this item with a recommendation that the Commission approve the revised site plan. Brian Long was present and introduced Dan Russell, Administrator for the project. Mr. Long agreed with the staff report.

Richard Bringuel and Mrs. Bringuel, adjacent property owners, said the church has been a good neighbor, but they want to know how much more traffic this school will create. There are current traffic problems. They do not object to the church building a school. They just want to know the effect on their property. Mrs. Pringle said there are no traffic speed signs in the area. There are current traffic problem in the area.

There was no further input.

Chair Knight said this is a modification of a special use permit. He informed the audience what was approved with the original permit. With the revision they are building a smaller building. Mr. Trout said any time speeding issues come up, people are referred to the Department of Transportation Safety Unit. During the reconstruction of the park-and-ride at Merrychase, the church leased an area at the church for that facility. When the park-and-ride is complete, it will no longer be on the subject property. Mr. Trout said the County has no control over the traffic for public schools.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE REVISED SITE PLAN FOR S93-0019, BASED ON THE FINDINGS PROPOSED BY STAFF.

### **Findings**

1. The total building area of the revised site plan does not exceed the original approval. Original approval allowed 33,016 square feet, and the revised site plan provides 28,879 square feet.
2. No changes to the conditions of approval or environmental document are required.
3. The revised site plan is substantially the same as the original site plan except for the modified design of the Education Center as a three story building instead of a two story building, removal of a fifth building from the site plan (Foothill Training Center), provision of a larger courtyard area for church activities, and changes to the tree removal plan.
4. Tree removal is substantially consistent with the original site plan and special use permit approval. Since 1994, a number of trees have been planted, and many of the oak trees on the 1993 site plan were not plotted, because they were less than eight inches diameter. The 2006 site plan shows that many of the smaller oaks have become larger and are now shown on the plans, consistent with current General Plan Policies. In addition, many of the landscape trees planted in 1994 have grown substantially and contribute to the number of trees on site and the total tree canopy.
5. The revised site plan is consistent with Policy 7.4.4.4 in that 85 percent tree canopy is retained. In addition, the Church of the Foothills will replace the six trees that constitute

nine percent of the canopy with six new oak trees with the following approximate dimensions: 8 to 10 foot height, 6 foot crown spread, 2.5 to 3 inch diameter trunk in a 24 inch root ball, to be planted on the east end of the property.

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

**8. TENTATIVE SUBDIVISION MAP (Public Hearing)**

- a. **TM05-1398/Thousand Oaks, Unit 3** submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consists of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area**. (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for conditional approval.

Commissioner Mac Cready asked the requirements of Standard Plan 101B. Mr. Hade explained.

Chuck Collins, Department of Transportation, said there are two driveways. No one is responsible for maintenance of the two driveways. If you have a 10-foot driveway, only one car can get in and out. You can have a reciprocal agreement, but he would like to see it wider up to the area where the road splits. There should be two lanes so cars can pass. Mr. Collins said the definition of a road is something that serves two or more parcels. He believes there is going to be a conflict with cars going in and out.

Gene Thorne said the length of the road before it splits is about 50 feet from the edge of the cul-de-sac. The reason for the requested waiver is because of the number of trees that would be removed. There is no sight distance problem. They have the concurrence of the fire district and thought they had the concurrence of the Department of Transportation. They agree with the modified conditions.

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

Commissioner Mac Cready would like to know how long the driveway is before it splits. Chair Knight replied 50 feet. Commissioner Mac Cready asked how the Department of Transportation feels. Mr. Collins said he would agree with 18 feet rather than 24 feet for the 50 foot portion of the road. Chair Knight said the applicant wanted to save some trees. Commissioner Mac Cready questioned safety issues with going to 10 feet. Commissioner Machado asked if removing the trees triggers the General Plan policy. Mr. Trout said he does not believe removing a few more trees would affect the analysis on the tree policy. Commissioner Machado asked the applicant about going to 18 feet. Mr. Thorne said there is substantial landscaping that currently exists. There is no sight distance problem. They would not disagree to widening the road but does not see why it should be wider. Eight more feet can be done.

Mr. Collins said there are instances where there is a narrower road for short distances. There should be room for two cars to pass. Chair Knight spoke about leaving the 10-foot paved portion with a shoulder area on both sides so cars could pass. Mr. Collins said it would be a four-foot area on both sides which would be subject to Standard Plan 101C. Mr. Thorne agreed if it is only for a turnout area and not for the entire length of the 50-foot road.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE TM05-1398 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

#### **1.0 CEQA FINDING**

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration and Addendum together with the comments received and considered during the public review process. The Mitigated Negative Declaration and Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

## 2.0 ADMINISTRATIVE FINDINGS

- 2.1 Tentative subdivision map TM05-1398 consists of an application to create three lots ranging in size from 1.83 acres to 3.34 acres. A design waiver request was submitted to allow the following: (1) Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on the tentative map; and (2) Permit the existing roads to remain as they currently exist.

The tentative subdivision map shall only be approved or conditionally approved if all of the following findings are made:

### 2.1.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.**

As proposed, the tentative map conforms to the Medium-Density Residential General Plan land use designation. ~~With the merging of Lots 1 and 2 as detailed above, the tentative map is consistent with the General Plan policies.~~ Pursuant to General Plan Policy 7.3.3.4, the Planning Commission has reviewed detailed biological information, prepared by Sycamore Environmental Consultants on December 21, 2005, and has determined that a 25-foot minimum non-building setback from the identified ponds and wetlands at the subject site is sufficient to protect the water quality and habitat value of the man-made ponds and wetlands in this ephemeral drainage. A building setback of 25-feet from the ponds and wetlands will have a less than significant impact on the Northwestern Pond Turtle and no impact on the California Red-Legged Frog. Because the biological report was completed and submitted prior to the adoption of the *Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4* on June 22, 2006, the report is considered adequate for the purposes of establishing consistency with General Plan Policy 7.3.3.4 in this case. As such, the tentative subdivision map is consistent with all applicable General Plan policies, including Policy 7.3.3.4.

### 2.2.2 **The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.**

As proposed and with the approval of the requested design waivers, the tentative map conforms with the development standards within the One-acre Residential (R1A) Zone District and the Major Land Division Ordinance.

### 2.2.3 **The site is physically suitable for the proposed type and density of development.**

As originally proposed, the site is ~~not~~ physically suited for the proposed three lots because of the lack of a sufficient buildable area exists on Lots 1, 2, and 3 when 25-foot pond and wetland setbacks, building setbacks, tree canopy retention standards, and septic area repair and replacement area requirements are applied to the site. ~~For this reason, merging proposed Lots 1 and 2 will address these constraints.~~ As a result of this action

the 25-foot non-building setback from the ponds and wetlands, the site is physically suitable for the proposed type and density of development.

**2.2.4 The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the application of 25-foot pond and wetland setbacks consistent with General Plan Policy 7.3.3.4. No project grading is proposed.

**3.0 DESIGN WAIVERS**

Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and permit the existing roads to remain as they currently exist.

**3.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

The irregular shape of the proposed lots does not permit the frontage of each lot to be 100 feet. Access to the proposed lots will be provided by driveway connections and driveways linked to St. Ives Court and Mineshaft Lane which are existing County maintained roads.

**3.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

Strict application of the design and improvement requirements would require a wider driveway resulting in an increased amount of project grading and potential tree removal. The Department of Transportation and El Dorado County Fire Protection District have reviewed the design waiver request and support a driveway width of 10 feet.

**3.3 The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

The waivers will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the design waivers will allow the subdivision to better fit within the context of the surrounding residential uses.

**3.4 The waivers 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.**

Conditions modified during this hearing are indicated by double underlining for additions and ~~double strikethrough~~ for deletions (Condition 6).

### MITIGATION MEASURES

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

1. Avoidance Measures 1 through 4 as outlined in the attached Air Quality Analysis for Proposed Residential Subdivision of Assessor's Parcel Number 070-300-15, El Dorado County, CA, Sycamore Environmental Consultants, September 8, 2005.
2. 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.
3. 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.
4. A Notice of Restriction shall be recorded concurrently with the filing of the final map for each lot requiring the installation of sprinklers for fire suppression in all homes constructed at the subject sites to the satisfaction of El Dorado County Fire Protection District.

### CONDITIONS OF APPROVAL

#### Department of Transportation

5. The applicant shall obtain an encroachment permit for and construct a Standard Plan 103C driveway connection onto the cul-de-sac of Mineshaft Lane and Standard Plan 103B-1 driveway connection onto the cul-de-sac of St. Ives Court.
6. The applicant shall improve the on-site access, from Mineshaft Lane to the proposed driveway ~~to~~ for Lot Parcel 3 to the standard of a 24 10 foot wide roadway per Standard Plan 101B, as modified by the design waiver request, (including signage as necessary — stop signs, street name signs, “not a county maintained road,” etc.) prior to filing the final map as a 10-foot wide fire-safe driveway with a standard fire safe turnout to be constructed between the convergence of the driveways to Parcels 2 and 3 and the cul-de-sac, prior to filing the final map.

7. The applicant shall irrevocably offer to dedicate a sufficient road and public utilities easement for the on-site access road for lot two and three. Sufficient easement width is defined as the width needed to accommodate all existing and required roadway, drainage and utility improvements.
8. 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.
9. If burning activities are to occur during the construction of the project improvements, the 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.
10. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District.
11. 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 County Planning Director
12. 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.
13. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
14. 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.
15. 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 and geotechnical reports in PDF format and the record drawings in TIF format.

**Surveyor's Office**

16. 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 the 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 Surveyor's Office.

**El Dorado County Fire Protection District**

17. Driveways serving each home are to be 10-feet wide, have a 13-foot six-inch vertical clearance, and be capable of supporting a 40,000 pound load. If a driveway becomes longer than 300 feet in length, a fire safe turnaround will be required subject to fire district review and approval.
18. Any future proposed project gates are subject to fire district approval.

**Environmental Management Department**

- ~~19. Adequate on-site sewage disposal system and repair area shall be identified on the revised tentative subdivision map subject to Environmental Management Department review and approval prior to final map approval.~~

**Planning Services**

- ~~20~~ 19. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
- ~~24~~ 20. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
- ~~22~~ 21. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
- ~~23~~ 22. ~~At time of improvement plan and final map submittal, the applicant shall submit a final map reflecting the merging of Lots 1 and 2.~~ The final map shall include a ~~100~~ 25-foot non-building setback from all ponds and a ~~50~~ 25-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F. A 100-foot setback from all ponds and wetlands shall be shown for septic systems.
- ~~24~~ 23. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lots.

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

9. **PLANNED DEVELOPMENT** (Public Hearing)

- a. **PD02-0002/Special Use Permit S03-0007/Sundance Mini-Storage** submitted by SUNDANCE PROPERTIES to revise the conditions of approval for the subject development plan and special use permit to amend only the following: a. Roof color; b. Signage; c. Landscaping; d. Elevations, E. No Build area; f. Manager's unit; g. Fencing; h. Total square footage; and i. Project entrance. The property, identified by Assessor's Parcel Number 112-110-44, is located on the south side of Green Valley Road, approximately 800 feet west of the intersection with Francisco Drive, in the **El Dorado Hills area.**

Roger Trout presented this item with a recommendation for approval. Jon Vegna, Department of Transportation, said Condition 13 should state a Class II Bike Trail rather than Class I.

Commissioner Machado asked for clarification on several items. What if they are not in agreement on the items? Mr. Trout said everything has been agreed to. Commissioner Machado asked what changed since the Commission and Board approval and the settlement of the suit. Paula Frantz, County Counsel, explained. Staff has found that all the changes are consistent with the Zoning Ordinance and design standards. Chair Knight asked if both parties have to agree to any further changes made by the Commission today. Ms. Frantz said any changes could be challenged by the Foothill group. If the Commission approves the project as submitted today the Foothill group cannot challenge the action.

Rich Mc Grath, Sundance Properties, said they have made some good changes to the project based on the suit that was brought forth. He briefly explained the modifications that have been made.

Harriett Segel said Class II bike paths are usually on the road. Is there going to be a sidewalk along Green Valley Road? Mr. Vegna said a five-foot sidewalk will be provided along Green Valley Road. This is specific to Green Valley Road and is in the Department of Transportation capital improvement plan. Ms. Frantz said the applicant is responsible for a six-foot sidewalk along Hidden Acres Drive. The applicant was responsible for a Class I bike trail along Green Valley Road. The applicant is not responsible for providing a sidewalk along Green Valley Road as that is included in the Department of Transportation capital improvement plan. Chair Knight commented that eventually there will be a light at Brown's Ravine. Ms. Frantz said this project is not triggering the differences between the Class I and II bike trail. It is to make this project consistent with the project that has already been approved for the widening of Green Valley Road. The capital improvement plan has been approved by the Board for a Class II and not Class I bike trail.

There was no further input.

Commissioner Machado asked if the sidewalk along Hidden Acres Drive was an original condition. Ms. Frantz replied in the affirmative.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE PD02-0002/S03-0007 BASED ON THE MODIFIED FINDINGS PROPOSED BY STAFF, SUBJECT TO THE MODIFIED CONDITIONS PROPOSED BY STAFF AS FURTHER MODIFIED TODAY.

Note: Deletions of conditions are shown as ~~striketrough items~~ and additions are shown as underlined items. Changes made during the hearing today are indicated by double underlining for additions (Condition 13).

### Findings

1. The total building area of the revised site plan does not exceed the original approval. Original approval allowed 121,500 square feet, and the revised site plan provides 100,000 square feet.
2. No new environmental impacts that were not evaluated in the original mitigated negative declaration will result from the changes to the site plan and conditions of approval.
3. The revised site plan is substantially the same as the original site plan except for the modified design of the mini-storage buildings as a result of the February 15, 2005, settlement agreement between the County, FALU, and Sundance.
4. Incorporated by reference are the findings approved for PD02-0002 from the approval date of March 30, 2004.

### Mitigation Measures

1. All buildings shall be painted or utilize earth tone colors and materials designed to match or blend in with the existing surrounding vegetation on the property. All roofing materials shall also be colored to match or blend in with the existing vegetation on the property.
2. The applicant shall provide a minimum 5-foot-wide landscaping strip along all property lines and in front of or behind the proposed perimeter wall containing shrub or tree species that will grow vertically in order to provide visual screening of the site from adjacent residential properties. The applicant shall provide a minimum of one 5-gallon or equivalent shrub and one 15-gallon or equivalent tree alternating every 5 feet along all property lines. The size and species of the shrubs and trees shall be shown on a final landscaping plan, which shall be approved by the Planning Director prior to approval of any building permits for the site.
3. The proposed project shall comply with any applicable requirements of the **El Dorado County Air Pollution Control District Rule 502: General Conformity**

**Rule**, which requires compliance with the State and National Ambient Air Quality Standards.

4. The project shall adhere to the provisions of **District Rule 223**, and the applicant shall submit a **Fugitive Dust Prevention and Control Plan** to the APCD prior to any grading activities on the site, and the applicant shall implement the Fugitive Dust Mitigation Measures listed in Table C.4, Appendix C-1, Page 3, 4, and 5, and Table C-5, Page 5, in the Air Quality Management Department's "Guide to Air Quality Assessment."
5. The project shall adhere to the provisions contained in El Dorado County Ordinance No. 4548. No grading or excavation activities may take place on site until an Asbestos Hazard Dust Mitigation Plan has been submitted to and approved by the El Dorado County Air Pollution Control District.
6. Asphalt surfacing of site access and parking areas shall conform with **El Dorado Air Pollution Control Rule 224: Cutback and Emulsified Paving Materials**, which prohibits the atmospheric discharge of volatile organic compounds caused by the use, manufacture, mixing, storage, and/or application of cutback or emulsified asphalt.
7. Pursuant to **El Dorado County Air Pollution Control District Rule 501.3(A): Authority to Construct**, the applicant shall receive authorization for construction (Authority to Construct) from the Air Pollution Control District prior to commencement of grading and construction activities on the site.
8. Pursuant to **El Dorado County Air Pollution Control District Rule 501.3(B): Permit to Operate**, the project proponent shall obtain a written permit from the Air Pollution Control Officer prior to the issuance of a building permit.
9. In no case shall daily emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> exceed 82 lbs/day during any construction and grading activities on the site.
10. A minimum of 30 days prior to initiating any construction activities during raptor nesting season (February 1 to July 31), a qualified biologist shall survey the project site and areas beyond the site limits but within 0.25 mile of any proposed grading and areas for nesting raptors. If nesting raptors are found during the survey, no grading or tree removal will occur within 500 feet of any active nest until the young have fledged (as determined by a qualified biologist), or until the project proponent receives written authorization from the California Department of Fish and Game to proceed. If no raptor nests are found during the survey, grading and tree removal may proceed with no further mitigation except as specified for the project.

- a. Should construction lapse for 30 days or more between February 1 and July 31, the area shall be re-surveyed as outlined above before construction activities resume.
  - b. If construction activities are required in subsequent years, nesting raptor surveys as outlined above shall be completed in the month of January for each New Year of construction.
  - c. All nesting raptor surveys shall be completed following the California Department of Fish and Game's guidelines for wildlife surveys, and completed copies of the surveys shall be submitted to the Planning Department and the California Department of Fish and Game.
11. Show a defined 50-foot non-disturbance setback on each side of the centerline of Evans Creek and the other site drainages on the final development plan and improvement and grading plans submitted to the Planning Department for approval. Grading, filling, and construction activities within the setback width will be minimized to the greatest extent possible, and no buildings or permanent parking areas will be allowed within the defined setback area. No healthy vegetation or trees shall be removed within the defined setback area. Dead, weakened, or diseased trees or vegetation may be removed, but only after review by a licensed arborist, El Dorado County, and any other responsible agency.
  12. For wetlands to be preserved on the project site, the project proponent shall establish a 50-foot non-building and non-disturbance setback from the edge of the wetland(s). The setback area shall be shown on the plans/recorded maps and shall be clearly marked in the field using brightly colored flagging or temporary construction fencing. Limited ground disturbance, grading (grade cuts or fills), impervious surfaces, or landscaping within the setback area shall be allowed only as shown on the approved grading and improvement plans. In no case shall activity result in the discharge of fill material to protected wetlands.
  13. With the exception of oak trees specifically identified for removal, all other oak trees on the project site having a minimum diameter of 6 inches (in the case of multi-stemmed trees this measurement will include all stems at breast height) or greater at breast height shall be preserved and protected as follows:
    - a. A circle having a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs may not be removed or cut back to alter the dripline. Removal of limbs for project purposes does not change the dripline.
    - b. In order to avoid damage to the oak trees and their root systems, highly visible temporary fencing, or other similar protective barrier shall be installed around the driplines of the oak trees to be preserved within 50 feet of any ground disturbing activity prior to initiating any grading or

- construction activity on the site. Barriers may be temporarily moved during construction to accommodate site work in the driplines of oak trees to be retained.
- c. All grading and construction activities shall be limited to the greatest extent possible to planned road and parking lot alignments and building envelopes. Limited ground disturbance, grading (grade cuts or fills), impervious surfaces, or landscaping under the canopy or within the defined dripline of any preserved oak tree shall be allowed only as shown on the approved grading and improvement plans. In the case where grading or ground disturbances affect a preserved oak tree, and the tree weakens and dies within five years of the completion of construction, the affected tree shall be replaced on an inch-for-inch basis consistent with the measure above and become part of the five-year monitoring program.
  - d. No signs, ropes, cables, or other devices may be attached to preserved oak trees.
  - e. No vehicles, equipment, mobile home/temporary office facilities, or materials shall be placed under the canopy or within the dripline of any preserved oak tree.
  - f. Construction shall not alter drainage patterns so that water collects or stands within the dripline of any preserved oak tree.
14. No mechanized trenching shall be allowed within the driplines of oak trees. In the case it is necessary to install underground utilities or complete trenching within the dripline of an oak tree it shall be completed by hand. In the event the tree weakens and dies within five years of the completion of construction, the affected tree shall be replaced on an inch-for-inch basis consistent with the measures above and become part of the five-year monitoring program.
15. The construction or placement of impervious materials within the driplines of oak trees in developed areas shall be minimized wherever possible. Where feasible, porous materials shall be used and/or a piped aeration system shall be installed under the supervision of a licensed arborist. In the case where impervious materials are placed under the dripline of a preserved oak tree and that tree weakens and dies within five years of the completion of construction, the affected tree shall be replaced on an inch-for-inch basis consistent with the mitigation measures above and become part of the five-year monitoring program.
16. Landscaping under the canopy or within the dripline of preserved oak trees shall be limited to non-plant materials such as wood chips, organic mulch, non-compacted decomposed granite, or other acceptable material (including live vegetation) as approved by the Planning Department. No spray irrigation shall be permitted. Landscaped materials and irrigation shall be kept a minimum of two

feet from the base of the trunk. If vegetation is to be included in landscaping under the canopy or within the dripline of preserved oak trees, the project proponent must include on the project-landscaping plan a list of species and a schematic of the irrigation system. The landscaping plan will be subject to review by the Planning Department.

17. 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 appropriate measures are taken or the site is determined not to be of significance.
18. In the event of 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 with 24 hours. The treatment and disposition of human remains shall be completed consistent with the Guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation in the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

### Conditions of Approval

1. The Special Use Permit and Development Plan as approved, allows the following:

~~Building A – 40' X 235' (46 Storage Units) Building B – 30' X 235' (49 Storage Units)  
Building C – 40' X 235' (50 Storage Units) Building D – 40' X 235' (50 Storage Units)  
Building E – 30' X 235' (30 Storage Units) plus a 30' X 65' Office / Managers Residence  
Building F – 30' X 240' (48 Storage Units) Building G – 40' X 240' (48 Storage Units)  
Building H – 40' X 240' (48 Storage Units) Building I – 30' X 240' (48 Storage Units)  
Building J – 40' X 240' (48 Storage Units) Building K – 30' X 180' (35 Storage Units)  
Building L – 40' X 240' (48 Storage Units) Building M – 30' X 240' (48 Storage Units)  
Building N – 30' X 240' (48 Storage Units) Building O – 40' X 240' (48 Storage Units)~~

Building A – 11,800 square feet  
Building B – 16,000 square feet  
Building C – 12,343 square feet  
Building D – 11,500 square feet  
Building E – 7,810 square feet  
Building F – 12,000 square feet  
Building G – 10,200 square feet  
Building H – 10,848 square feet

Manager's Office – 2,670 square feet

All of the proposed storage buildings (except the office/residence) will be metal pre-fabricated structures. All of the buildings will be painted ~~with earth-tone colors~~ with colors consistent with Exhibit A of the Settlement Agreement. The site will be surrounded by ~~a 10' high combination wall/fence~~ fencing consistent with Exhibit A of the Settlement Agreement. The total number of storage units = 666 units. ~~and the total square footage of buildings = approximately 121,500 square feet.~~ The total square footage of the proposed project shall be a maximum of 100,000 square feet.

2. ~~All site improvements shall conform to Exhibits D, E, F, G, H, I, and J, as attached.~~

All improvements shall conform to Exhibits A, B, C, D, and E as attached and shall also conform to the Settlement Agreement and Exhibit A provided as Attachments 1 and 2 respectively.

3. The hours of operation of the mini-storage facility shall be limited to the hours of 8:00 a.m. to 7:00 p.m., Monday through Thursday and Sunday, and 8:00 a.m. to 10:00 p.m. on Friday and Saturday.
4. The applicant shall submit a site improvements and grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plans shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*," the "*Grading, Erosion and Sediment Control Ordinance*," and the State of California Handicapped Accessibility Standards. A commercial grading permit is required.
5. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to the commencement of any work on the site.
6. The applicant shall be subject to the El Dorado County traffic fee program(s). Said fee(s) shall be due upon the issuance of a building permit.
7. Development of this parcel will be prohibited until full funding of the Green Valley Road/Miller Road Intersection Signalization Improvement Project is secured. Should development occur after funding is secured, occupancy of said development will be prohibited until said Green Valley Road/Miller Road Intersection Signalization Improvement Project is constructed, or alternative improvements are identified and constructed or secured to the satisfaction of the Department of Transportation.
8. The applicant shall provide a soils report at the time of grading permit application, addressing at a minimum, grading practices, compaction, slope stability of existing and proposed cut and fills, erosion potential, ground water, and pavement

section based on TI and R values. The report shall include recommended design criteria for all retaining walls. Any dirt import/export to be deposited within El Dorado County shall require an additional grading permit.

9. Provide a drainage report at time of grading permit application addressing storm water runoff increases, impacts to downstream facilities and properties to the satisfaction of the Department of Transportation. A final drainage plan shall be prepared by the developer identifying the improvements needed to address the impacts as identified in the final drainage plan. Improvements to address any significant impacts shall be included in the report and in the project design. The report shall include water quality facilities (BMP's), grassy swales, etc. The report shall discuss the necessity of storm water detention, either from increased flow rates or to prevent water quality degradation. The project shall include any recommended detention facilities in the construction design. Paved surface storm drainage shall include facilities to separate oils and grits from storm water in accordance with the recommendations of the Storm Water Quality Task Force's *California Storm Water Best Management Practices Handbook* (1993). Flows through landscaped areas or grassy swales are the preferred approach to storm water quality enhancement.
10. The storm drainage system shall incorporate water quality enhancement facilities. Flow through grassy swales, weekly parking lot sweeping are examples of water quality facilities. Best Management Practices and source control shall be included in the project description and drainage plans.
11. The applicant shall obtain a minimum of a 60 foot right-of-way for Hidden Acres Drive along the frontage of the project from Green Valley Road to the northerly proposed driveway access and reconstruct Hidden Acres Drive along this project frontage to Standard Plan 101A, with the following improvements:
  - a. One half of a 40 foot road width plus 12 feet width on the opposite side
  - b. Curb, gutter and 6 foot sidewalk on the east side.
  - c. Extra width on Hidden acres Drive at Green Valley Road for a left-turn lane onto Green Valley Road.
12. As specified in these conditions of approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County shall, at the applicant's expense acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceeding for the immediate possessing of the property. Where the applicant is required to make improvements on land which neither the applicant nor the County has sufficient

title or interest to make such improvements, the applicant 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.
  - d. Prior to issuance of the commercial grading permit, the applicant 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.
  - e. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal cost subject to the approval of County Counsel.
13. Provide a ~~Class I~~ Class II Bike Trail within the County right-of-way easement along the south side of Green Valley Road. The improvements for the Bike Trail shall be incorporated into the improvement plans. The improvement shall be approved by the Planning Department as well as the Department of Transportation.
  14. The on-site drive aisles shall be a minimum of 24 feet wide for two way travel and 12 feet for one-way travel or to standards as approved by the local fire protection agency. Appropriate pavement markings and signage shall be provided.
  15. The developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) to the State Water Quality Control Board (WQCB) for any project that will have a cumulative disturbance of one (1) acre or more. As a receipt of the NOI, the WQCB provides a Waste Discharge Identification (WDID) letter and number. The developer will provide a copy of the WDID to the Department of Transportation prior to scheduling of any pre-construction meeting, and will have the SWPPP available onsite at all times.
  16. The proposed development shall connect to both public water and sewer capable of providing the required flows to serve the project needs as determined by the El Dorado Irrigation District and the Diamond Springs/El Dorado Fire Protection District.

17. All on-site lighting shall comply with the provisions of Section 17.14.170 of County Code.
  - a. Parking lot and any outdoors security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).
  - b. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
  - c. No outdoor floodlights shall project above 20° below the horizontal plane.
  - d. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50% of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.
18. ~~All on-site signage shall comply with the provisions of Chapter 17.16 of County Code. Any future on-site freestanding or monument signs will required an amendment of the Development Plan.~~

Any signage shall comply with the Settlement Agreement and Exhibit A.
19. The rental space contract shall contain a provision stating that no hazardous, flammable, or explosive materials, liquids, or substances may be stored in any of the storage units on the site.
20. The Development Plan does not become effective until the Board of Supervisors approves the rezone.
21. The development plan and special use permit shall expire in 36 months, subject to the definition and extension provisions contained in Section 17.22.250 of the County Code.
22. The applicant shall convey to a public entity or otherwise grant to the County development rights, in a form acceptable to County Counsel, whether by conveyance of a conservation easement, recordation of a declaration of restrictions or by other document acceptable to the County Counsel to those portions of the property on which improvements for the shelf storage facility shall not be constructed, consisting of approximately eleven (11) acres. If the conveyance is not made directly to the County, then at County's request the County shall be named as a beneficiary of any such conveyance or agreement. The terms of the conveyance or grant of development rights shall provide that the property so restricted shall be maintained as a preserve area and in its natural state

and that the oak trees thereon shall remain unless removal is required due to damage or disease. The portion of the property subject to these restrictions shall be shown on a diagram, sketch or similar document submitted prior to rehearing on the Project (the "Diagram"). The conveyance shall be made before any building permit for the Project is issued.

23. The applicant shall grant to the County an easement for the purposes of maintaining a pedestrian trail through that portion of the property maintained as a preserve area as shown on the Diagram. The precise description of the easement shall be drawn and the easement granted prior to issuance of any building permit for the Project. This pedestrian trail shall be located in a manner to facilitate the planned trail system extending from Wild Oak Park, through the Francisco Oaks subdivision providing access to the State Park at Brown's Ravine. Petitioner shall cooperate with the adjoining property owners and provide assistance to the County in attempting to obtain required easements to complete the pedestrian trail from adjoining property owners.

#### 10. RESOLUTION OF INTENTION

- a. Open Space and Planned Developments: To consider amending Policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13 of the Housing Element to provide exemptions from the 30 percent open space requirement for infill projects, affordable housing projects, small projects, and condominium conversions, and to make the policies more general in nature.

Roger Trout presented this item in the absence of Peter Maurer. There was no one in the audience wishing to give input.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUKKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT RESOLUTION OF INTENTION 2006-04, CHANGING THE WORDING HOUSING ELEMENT IN THE FIFTH PARAGRAPH TO LAND USE ELEMENT.

#### 11. GENERAL PLAN

- a. Interpretation of General Plan Policies: Policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13 - Planned Development Open Space Requirements; Policy 2.2.5.16 – Level of Planning; Policy 7.2.2.3 – Mining Buffer; Policies 8.1.2.1 and 8.1.2.2 – Identification and Protection of Range Lands; Policy 8.1.4.1 – Agricultural Commission Review; Policy 8.4.1.1 – Timberland Buffers; and Policy 10.2.15 – Public Facilities and Service Financing Plan.

Pierre Rivas presented the remaining items under this item (Policies 8.1.2.1, 8.1.2.2, 8.1.4.1, and 8.4.1.1). Peter Maurer did attend the Agricultural Commission meeting last night, and the Agricultural commission was in favor of staff's recommendation on Range Lands. Mr. Rivas

took Policy 8.1.4.1 before the Agricultural Commission some time ago, and the Commission felt RA lands should be included in the zoning districts reviewed by the Agricultural Commission. The Agricultural Commission was in support of staff's interpretation on Policy 8.4.1.1.

Commissioner Mac Cready said the RA Zone is scheduled to be changed. The new zoning should be included so we know what is being reviewed. Mr. Rivas said that is correct. The RA Zone is being changed to Rural Lands (RL). Until the change is made the Agricultural Commission will review lands adjacent to agricultural lands. When the new districts are established the Agricultural Commission will review projects on those lands. The RA Zone will no longer be considered agricultural lands.

Art Marinaccio said he has been attending the Agricultural Commission meetings. There was discussion at the meeting last night on Policy 8.1.4.1. There is not much viable grazing occurring in El Dorado County. The Commission needs to look at properties that were used for grazing in the past and whether the County wants to retain these lands and not allow development on the properties. On Policy 8.4.1.1 the Commission needs to get involved as to whether the agricultural policies are going to be exempt in Rural Centers and Community Regions.

Commissioner Mac Cready said it was his impression that Rural Centers were to be developed in support of surrounding agricultural lands. Therefore, perhaps the Agricultural Commission should review projects in Rural Centers.

Chair Knight agrees with Art Marinaccio that there are not many viable parcels of range land in El Dorado County.

**Policy 8.1.2.1**

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT - COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT STAFF'S INTERPRETATION FOR POLICY 8.1.2.1.

Regarding staff's recommendation for initiation of a General Plan amendment to Policy 8.1.2.1, the following action was taken: ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT - COMMISSIONER TOLHURST, IT WAS MOVED TO CONSIDER THE AMENDMENT TO THE POLICY AND THE IDENTITY OF RANGE LANDS CONCURRENTLY.

**Policy 8.1.4.1**

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES- COMMISSIONERS

MAC CREADY, MACHADO, CHALOUKKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT STAFF’S INTERPRETATION, WITH THE INCLUSION OF RA LANDS.

**Policy 8.4.1.1**

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAC CREADY, MACHADO, CHALOUKKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT STAFF’S INTERPRETATION, AS MODIFIED (see below).

The minimum parcel size on lands adjacent to lands zoned TPZ or designated NR shall be 40 acres for parcels at or above 3,000 feet in elevation and 10 acres below 3,000 feet. Parcel sin Rural Centers or community regions are exempt from this buffer requirement.

**12. ZONING ORDINANCE UPDATE**

a. Design Review

Pierre Rivas presented this item. No action was taken.

b. Home Occupations

Pierre Rivas presented this item. No action was taken.

c. Surface Mining and Reclamation

Pierre Rivas presented this item. No action was taken.

**13. INTERIM INTERPRETIVE GUIDELINES FOR GENERAL PLAN**

- a. **Policy 7.1.2.1:** To consider revisions of the Interim Guidelines in order to clarify standards and simplify implementation. These Guidelines apply to development on properties with slopes over 30 percent gradient.

Brian Baca presented this item.

Kirk Bone, Serrano Associates, asked if this applies only to existing parcels and not parcels to be created. Mr. Baca said this would apply to subdivisions being crated. Paula Frantz, County Counsel, said the exception applies to existing created lots. You would review a subdivision to make sure there are adequate building sites under 30 percent slope. The policy applies, but the reasonable use exception does not. Kathy Russell, Builders Exchange, asked for further clarification. Ms. Frantz explained.

Mr. Baca said the guidelines were developed so everyone would be treated equally.

Art Marinaccio read Objective 7.1.2. from the 1996 General Plan. The Commission needs to ask staff exactly what was and what was not said about development on slopes. He does not believe there were quantitative figures used. Thirty percent is unacceptable for El Dorado County. He does not believe the mitigations were that strongly worded. Mr. Marinaccio suggested that staff review the General Plan records on this issue.

There was no further input.

Greg Fuz said staff is planning to take a list of possible General Plan amendments to the Board within the next couple of weeks. He would defer to the Board on the review of the General Plan records on the 30 percent slope.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ACCEPT STAFF’S RECOMMENDATIONS TO ROUND OFF THE NUMBERS FROM THE CHART ADOPTED ON JUNE 22, 2006 (Staff Authority Threshold [sf]), TO THE NEXT 1,000 SQUARE FEET AS INDICATED IN REVISED TABLES 1.a. AND 1.b. AND TO CLARIFY THAT THE STAFF AUTHORITY THRESHOLD VALUES REPRESENT THE TOTAL AREA OF DISTURBANCE ON A PARCEL INCLUDING AREAS ABOVE AND BELOW 30 PERCENT SLOPE..

**14. GENERAL PLAN**

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

Greg Fuz explained the item before the Commission today. He spoke about the contract for the consultant on the Oak Woodland Management Plan, the mitigation fee, and the draft ordinance.

Art Marinaccio is very concerned with what he has heard from staff. He is of the opinion that the Commission and Board need to understand this issue and give some very specific direction to staff. We need to look at what we know, do not know, and where we want to go. This is no justification for Policy 7.4.4.4. We need to have a significant discussion as to what we want and why. The policy does not say implementation but discussion.

John Firchau encouraged the Commission to pass on whatever it can. It would help keep the cost of projects down.

Kathy Russell, Business Alliance, gave the Commission and staff copies of their Newsletter on this issue. They see two major problems. There are no guidelines for the studies they have to do now. They support the issue clarifying the intent applies only to oaks. They would like to know what studies have to be prepared on a parcel-by-parcel basis. There are problems with the existing subdivisions. Ms. Russell briefly went through the issues in their Newsletter. It would

help if they could get something in for Option B. They could get some projects through. The main thing is to get something as soon as possible, even on an interim basis, like Option B.

Doug Grinade purchased five acres in the Barnett Business Park and submitted applications over a year ago. They were stopped by the Planning Department in December. The property is zoned Industrial and has trees on the parcel. No one has given them any relief. Mr. Grinade asked that the Commission find a way to let some of the projects move forward.

Robert Laurie said the question of oak trees has been before the County for at least 20 years. Policy 7.4.4.4 is a mess. It is contradictory. The Business Alliance proposed an option to B. There are property owners that cannot move forward. He agrees that the whole oak tree policy needs to be reviewed. We need to look at the reasonable use issue. There are questions that have to be answered.

Camille Courtney, Standard Pacific Homes, said they would like to have some type of workshop. She met with some people this morning trying to implement this policy. It is a mess. There are many problems. It sounds like there are some very good studies that were done in the General Plan EIR. She believes there are better solutions.

Dolly Wager, El Dorado County Builders Exchange, said you need to keep in mind there are not only developers but single family residences. The cost being placed on builders is ridiculous. It is causing people not to be able to build in this county. They encourage that this only apply to oak woodlands. In subdivisions they discourage any numbers that are not already in the General Plan. They encourage the Commission to look at the Kuehl Bill. They feel there should be off-site mitigation as an option. They encourage the seven years maintenance instead of 10 or 15. The maintenance of off-site areas should be transferred to people that want to do the maintenance. The Commission needs to look at the expense involved.

John Costa said they agree with everything that has been stated tonight. There should be a fee so people can proceed.

Kim Beal, El Dorado County Association of Realtors, said the exemption for fire safe standards needs to be expanded. Off-site mitigation should be allowed. The County should come up with some sites where the trees should go off-site. We should look at the Kuehl Bill as an interim measure.

Kirk Bone, Serrano Associates, said we need to be able to mitigate off-site. Under reasonable use, he asked for clarification of the 80 to 100 percent. Steve Hust said that is just an example. Off-site mitigation is the key to dealing with this policy as it is written now.

Norm Kringel said you cannot preserve oak trees. There are more forested acres in El Dorado County now than there were 100 years ago. The increased threat to the eco system is the increase in tree canopy due to the threat of forest fires.

Commissioner Machado asked, starting with the stakeholders meeting next week, what type of time frame are we looking at to get an ordinance in place. Mr. Fuz said we are not currently

looking at an ordinance, just the policy. On August 24 the Commission will look at the staff report as amended by input received today. The guidelines before the Commission provide for off-site mitigation and reduction of the canopy. Paula Frantz, County Counsel, said there are two parts to off-site mitigation. This interpretation would allow off-site mitigation for the portion of the canopy you are not required to retain. There is no possibility currently to cut the canopy down and mitigate off-site. The retention policy is still in place.

Mr. Fuz said the County has asked the consultant to have something in place six months from the date they start.

This item was continued to the meeting of August 24, 2006.

15. **DEPARTMENT OF TRANSPORTATION** - None
16. **COUNTY COUNSEL'S REPORTS** - None
17. **DIRECTOR'S REPORTS** - None
18. **ADJOURNMENT**

The meeting was adjourned at 6:55 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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John Knight, Chair

