



## 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  
October 12, 2006 – 8:30 A.M.  
BUILDING C HEARING ROOM  
2850 Fairlane Court, Placerville, CA**

**1. CALL TO ORDER**

Meeting called to order at 8:38 a.m. Present: Commissioners Mac Cready, Machado, Tolhurst, and Knight; Paula F. Frantz, County Counsel; Jo Ann Brillisour, Clerk to the Planning Commission.

**2. ADOPTION OF AGENDA**

MOTION BY COMMISSIONER MACHADO; SECOND BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, AND KNIGHT; ABSENT – COMMISSIONERS CHALOUPKA AND TOLHURST, IT WAS MOVED TO ADOPT AGENDA, WITH ADDENDUM.

**3. PLEDGE OF ALLEGIANCE**

A Pledge of Allegiance given by Commission and members of 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:** September 28, 2006

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, AND KNIGHT; ABSENT – COMMISSIONERS CHALOUPKA AND TOLHURST, IT WAS MOVED TO ADOPT AGENDA, WITH ADDENDUM.

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Gregory Fuz said the packet for the Oak Woodlands is being passed out today, and he would like the Commission to consider the Guidelines on October 26. Rick Lind from EN2 will be present for a discussion on October 26. Commissioner Machado would like to review the Interim Guidelines again at the next meeting as only three Commissioners were present when they were adopted.

**ADDENDUM**

**9. GENERAL PLAN UPDATE**

b. **Housing Element:** Status Report

Shawna Purvines and Joyce Aldrich gave a power point presentation and reviewed the staff report. No action was taken.

**6. COMMISSIONERS' REPORTS - None**

**PUBLIC FORUM/PUBLIC COMMENT - None**

**7. SPECIAL USE PERMITS (Public Hearing)**

- a. **S03-0008R** submitted by ALBERT DI VITTORIO to revise Condition 1 of the approved special use permit to allow the increased production of fermented grape wines from a maximum limit of 3,000 gallons to 10,000 gallons annually and to increase non-grape distillate from 100 gallons to 600 gallons annually. The property, identified by Assessor's Parcel Number 043-480-34, consists of 13.79 acres, is located on the south side of U.S. Highway 50, approximately 0.25 west of the intersection with Carson Road, in the **Camino area**. (Categorically exempt pursuant to Section 15303, Class 3(e), of the CEQA Guidelines)

Staff: Aaron Mount recommended conditional approval. The applicant was present and explained his proposal. There was no other input.

MOTION: COMMISSIONER MACHADO, SECOND COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Chaloupka was absent), IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15303, CLASS 3 (e) OF THE CEQA GUIDELINES AND APPROVE S03-0008R 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 15303 (e) Class 3* related to accessory structures.
2. The proposed use is consistent with the policies in the El Dorado County 2004 General Plan.
3. The use is found to comply with *Section 17.36.240, Uses Requiring Special Use Permit in IV Select Agricultural (SA-10) District of the County Code*, and the proposed use 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**

El Dorado County Planning Services

1. The project, as approved, consists of the following:

Operation of a small family winery and distillery for the production of specialty wines, fortified wines, mead and fruit distillates ~~in an accessory structure and storage in an~~ in a 3,000 square foot processing structure and 1,100 square foot storage building. Production would be limited to a maximum of ~~3,000~~ 7,000 gallons of fermented grape wines (4,000 gallons of wine used for distilling materials and 3,000 gallons of wine) and ~~400- 600~~ gallons of non-grape distillate annually with no site modifications. All product used in the production will be 100 percent from the El Dorado AVA or within El Dorado County. There will be no benefits of the County's Ranch Marketing Ordinance or Winery Ordinance. A tasting room will not be located on-site. All sales will take place off-site through wine clubs, internet sales, and direct sales to small restaurants and through the mail.

2. All site improvements shall conform to Exhibits D and E.
3. Pursuant to Section 17.22.260(A) of the County Code, the special use permit shall expire if the use ceases for a period of one year.

Environmental Management Department

4. ~~The applicant shall submit a Notice of Intent (NOI) to comply with the terms of General Waste Discharge Requirements Order No. R5-2003-0029 for on-site storage and off-site disposal of wastewater. The NOI shall include a Solids Storage and Disposal Operations and Maintenance Plan for the solid waste applied on-site.~~

Waste Discharge Requirements:

Based on comments from the California Regional water Quality Control Board, Central Valley Region, California Water Code Section 13260(a) requires that any person discharging waste or proposing to discharge waste (i.e., winery wastewater and solids) to surface water or land must file a Report of Waste Discharge (RWD) and obtain either Waste Discharge Requirements (WDRs) or a waiver of WDRs from the Regional Board.

If the proposed winery either (a) will crush less than 80 tons of grapes per year, (b) will produce less than 100,000 gallons of wastewater annually, or (c) will collect and haul all process wastewater for disposal off-site, then the winery should qualify for a waiver of WDRS under Resolution No.R5-2003-0106. If the discharge at the winery will not meet the conditions of Waiver Resolution No. R5-2003-0106, the owner of the winery must submit a RWD for individual WDRs.

Storm Water Permit Information:

Depending on the Standard Industrial Classification (SIC) code of the final project, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial activities may be required. In order to obtain coverage by the General Permit, the proponent must submit a Notice of Intent to comply with the permit (NOI) to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared. If construction associated with the project will disturb more than one acre or is part of a large common plan of development that encompasses one or more acres, the property owner needs to obtain NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated With Construction Activity. Before construction begins, the proponent must submit an NOI to comply with the permit to the State Water Resources Control Board and a SWPPP must be prepared.

5. Under the CUPA programs, if the operation will involve the storage of reportable quantities of hazardous materials, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

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

- b. **S06-0005** submitted by NEXTEL of CALIFORNIA/Howard Yee to allow the collocation of a wireless telecommunications facility on an existing Pacific Gas & Electric transmission tower, including an equipment shelter located near the base of the tower. The property, identified by Assessor's Parcel Number 119-010-22, consists of 5.996 acres, is located on the north side of Country Club Drive, approximately one-third mile from the intersection of Tierra De Dios Drive, in the **Bass Lake Hills area.** (Categorically exempt pursuant to Section 15301 of the CEQA Guidelines)

Staff: Shawna Purvines recommended conditional approval. Howard Yee was present and agreed to the proposed conditions. There was no other input.

MOTION: COMMISSIONER MACHADO, SECOND COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Chaloupka was absent), IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND APPROVE S06-0005 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

**Findings**

1. This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to section 15301. This section states, in part, “that projects that consist of the...minor alteration of existing public or private structures...involving negligible or no expansion beyond that existing are exempt from further environmental review.” Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The proposed use is consistent with the policies in the El Dorado County General Plan, because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.
3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use 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**

**El Dorado County Planning Services**

1. The project, as approved, consists of the following: Nextel of California proposes to collocate a wireless communication facility on Pacific Gas & Electric’s utility pole, consisting of three panel antennas and a 230 square foot equipment shelter on site.
2. All site improvements shall conform to the site plan(s) attached as Exhibit D.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
4. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent.

5. All obsolete or unused communication facilities shall be removed within six (6) 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.
6. 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.

El Dorado County Building Services

7. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department

El Dorado County Department of Environmental Management

8. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, district Rule 223.2, which addresses the regulations and mitigation measures for naturally occurring asbestos dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of naturally occurring asbestos dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos dust Mitigation Plan (ADMP) Application shall be submitted along with the appropriate fees to and approved by the District prior to start of project construction.
9. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).
10. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving materials.

11. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s) equipment specifications and emission factors.

Hazardous Materials

12. The applicant shall submit a hazardous materials/hazardous waste generator management plan for review by this Department and applicable fees paid for all hazardous wastes generated by and for the hazardous materials stored in excess of the reportable quantities (55 gallons, 500 pounds or 200 cubic feet).

El Dorado County Department of Transportation

13. 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 DOT is required.
14. 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.
15. 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.
16. The applicant shall be subject to an encroachment permit and construct said encroachment to the requirements of Std. Plan 103B-1, minimum driveway width of 12 feet for the access to County Club Drive Road.
17. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction.

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

8. **REZONE/TENTATIVE SUBDIVISION MAP** (Public Hearing)
  - a. **Z05-0004/TM05-1395/Le Caille Estates** submitted by DANNY L. DORKIN (Engineer: Gene E. Thorne & Associates, Inc.) to rezone property from Estate Residential Ten-acre (RE-10) to One-acre Residential (R1A) and tentative subdivision map proposing to create 24 lots ranging in size from 1.0 to 2.2 acres in size. Also proposed is project annexation into the El Dorado Irrigation District service area. A design waiver request has been submitted to construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk required under Standard Plan 101B. The property, identified by Assessor's Parcel

Number 070-072-44, consists of 36.51 acres, is located on the south side of Meder Road, approximately 0.9 mile west of the intersection with Ponderosa Road, in the **Shingle Springs area**. (Mitigated negative declaration prepared)

Staff: Jason Hade recommended the Commission forward a recommendation of approval to the Board of Supervisors. Gene Thorne was present. Henry Wells, property owner in the area, is concerned about construction equipment using Wrestler Way. He asked about additional utilities on Wrestler Way. There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECOND COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Chaloupka was absent), IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE Z05-0004 REZONING ASSESSOR'S PARCEL NUMBER 070-072-44 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDING PROPOSED BY STAFF; AND APPROVE TM05-1395 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.**

### **Findings**

#### **1.0 CEQA FINDING**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal. 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 County 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 Zone change Z05-0004 is a request to change the subject site zoning from Estate Residential Ten-acre (RE-10) to One-acre Residential (R1A). Tentative subdivision map TM05-1395 consists of an application to create 24 lots ranging in size from 1.0 to 2.2 acres. A design waiver request was submitted to allow the following: (1) Construct a four-foot wide sidewalk in-lieu of the six-foot wide sidewalk required under Standard Plan 101B.

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

- 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 site is found to be suitable to support the proposed density.

**2.2.2 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 and applicable General Plan policies including access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

**2.2.3 The proposed tentative map conforms to 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.

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

As shown on the Development Constraints Map (Exhibit F), adequate building areas for each lot are available considering the required septic replacement area, wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

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

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified in Attachment 1.

**3.0 DESIGN WAIVERS**

Construct a four-foot wide sidewalk in-lieu of the six-foot wide sidewalk required under Standard Plan 101B.

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

The requested two-foot reduction in sidewalk width will reduce potential project grading impacts and still provide adequate pedestrian circulation within the subdivision.

**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 sidewalk 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 have no objections.

**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 waiver 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 reduced sidewalk width will allow the subdivision to better fit within the context of the surrounding rural 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.**

**Mitigation Measures**

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

1. Mitigation Measures 1 through 3 as outlined in the attached Air Quality Impact Analysis for Meder Road Subdivision, Cameron Park, CA. Ambient Air Quality and Noise Consulting. January 11, 2005. (Pages 13 – 17)
2. Prior to the issuance of a grading or building permit, an asbestos dust mitigation plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality

- Management District (AQMD). 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.
3. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
  4. The applicant shall contact the AQMD prior to commencement of any burning. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
  5. The applicant shall submit a list of all proposed architectural coatings to the AQMD for approval prior to the issuance of a building permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.
  6. The applicant shall submit a list of equipment to the AQMD stating which of the following mitigation measures will be used to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project for approval prior to the issuance of a grading or building permit:
    - Use low-emission on-site mobile construction equipment;
    - Maintain equipment in tune per manufacturer specifications;
    - Retard diesel engine injection timing by two to four degrees;
    - Use electricity from power poles rather than temporary gasoline or diesel generators;
    - Use reformulated low-emission diesel fuel;
    - Use catalytic converters on gasoline-powered equipment;
    - Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible;
    - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes);
    - Schedule construction activities and material hauls that affect traffic flow to off-peak hours;
    - Configure construction parking to minimize traffic interference; and
    - 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.
  7. Prior to building permit issuance, the applicant shall submit payment of the mitigation area 1 rare plant fee.

8. A survey for Northwestern pond turtles and California horned lizards shall be conducted not more than two weeks before the initiation of grading or clearing and submitted to Planning Services for review.
9. A survey for Loggerhead shrike shall be conducted not more than two weeks before the initiation of grading or clearing and submitted to Planning Services for review. If an active nest is found, construction activities shall be kept 250 feet away from the nest until the young have fledged.
10. A survey for birds of prey and migratory birds shall be conducted not more than two weeks before the initiation of grading or clearing and submitted to Planning Services for review. If an active nest is found, construction activities shall be kept 250 feet away from the nest until the young have fledged.
11. Prior to grading permit issuance, the applicant shall notify the Department of Fish and Game at least 10 days in advance of changing the land use, as required under the California Native Plant Protection Act, to allow for salvage of the plants. Evidence of such notification shall be presented to Planning Services at time of grading permit submittal.
12. Prior to the commencement of grading at the project site, temporary orange fencing shall be installed between construction areas and nearby avoided El Dorado bedstraw plants under the direction of a qualified botanist. The fenced area(s) shall be shown on the submitted project improvement plans.
13. Prior to the commencement of grading at the project site, temporary orange fencing shall be installed between construction areas and nearby avoided El Dorado County mule ears under the direction of a qualified botanist. The fenced area(s) shall be shown on the submitted project improvement plans.
14. Prior to the commencement of grading at the project site, temporary orange fencing shall be installed between construction areas and nearby avoided gabbroic northern mixed chaparral under the direction of a qualified botanist. The fenced area(s) shall be shown on the submitted project improvement plans.
15. A 50-foot setback shall be shown and recorded on the final map from all wetland areas delineated in Figure 3. Biological Resources and Preliminary Jurisdictional Delineation Map attached as Attachment 1.
16. In order to avoid disturbance to wetland areas, bridges, (similar to those shown in Exhibit L of the staff report), rather than culverts or fill, shall be utilized for all project roadways and driveways proposed to cross the delineated wetlands in Figure 3. Such structures shall be shown on the submitted project improvement plans prior to Planning Services approval.

17. Prior to improvement plan approval, applicant shall submit a copy of 1602 Streambed Alteration Agreement from the California Department of Fish and Game, or evidence that such an agreement is not required, to Planning Services.
18. The applicant shall retain at least 60 percent of the existing tree canopy at the project site in accordance with Option A of General Plan Policy 7.4.4.4. Under Option A, the applicant shall also replace woodland habitat removed at a 1:1 ratio. Prior to improvement plan approval, the applicant shall identify on-site tree planting replacement areas on the submitted plans and submit a plan to maintain the replacement trees for seven years for Planning Services review and approval.
19. Option B within General Plan Policy 7.4.4.4 is not available at this time pending the development of the County's Integrated Natural Resources Management Plan (INRMP). As such, Option B is an alternative to Mitigation Measure 18 only if and when the INRMP fund is adopted. The project improvement plans shall not be approved by Planning Services prior to the adoption and implementation of the INRMP if Mitigation Measure 19 is used as an alternative to Mitigation Measure 18 above.
20. 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.
21. 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.
22. Construction activities shall be limited to between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on weekends and federally-recognized holidays.
23. Motorized construction equipment shall be equipped with intake/exhaust mufflers and engine shrouds, in accordance with manufacturers' specifications.
24. Noise-generating equipment, including portable power generators and air compressors, should be located at the furthest distance possible from the nearest occupied residence.
25. Developer shall improve sight distance from Resler Road to the east on Meder Road, to a distance of 385 feet. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.

Conditions

Department of Transportation

26. The developer shall irrevocably offer to dedicate the right of way in fee (to be accepted) and construct the half width of Meder Road, along the project frontage to the General Plan requirements for a Two Lane Regional Road standards (i.e. 60 foot right of way and 40 foot roadway) and Standard Plan 101B, with curb and gutter and sidewalk, including signage (i.e. stop signs, street name signs, etc.). This work must be substantially complete, as determined by the Department of Transportation.,~~prior to filing the final map.~~
27. The developer shall irrevocably offer to dedicate the right of way as easement with a public utilities easement (to be rejected) and construct onsite roads to Standard Plan 101B, with a 50 foot right of way and 40 foot roadway width, including signage (i.e. stop signs, street name signs, “Not a County Maintained Road,” etc.). As the lots are all greater than 10,000 square feet, no onsite sidewalks are required. This work must be substantially complete, as determined by the Department of Transportation.,~~prior to filing the final map.~~
28. The developer shall irrevocably offer to dedicate the right of way as easement with a public utilities easement (to be rejected) and construct an onsite road to Standard Plan 101B with a 50 foot right of way and 28 foot wide roadway from the existing Resler Road to join the easterly entrance road with an intersection of near 90 degrees. No sidewalks are required on this connector road. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map. Said irrevocable offer to dedicate may be rejected at the time of the final map in which case a homeowner’s agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
29. Prior to filing the final map, the developer shall obtain an irrevocable offer to dedicate right of way in easement and public utilities easement for the portion of the easterly entrance that lies on the adjacent offsite lot (Tract 1 of RS 24-19 Document 2000-0005686/APN 0070-072-96).
30. Drainage from Lots 17 and 18 must be collected in a drainage swale at the subdivision boundary and carried away from the existing offsite parcels. Drainage from offsite onto the project must be collected at the boundary and carried by a swale or conduit to the street or to the project drainage system. This work must be substantially complete, as determined by the Department of Transportation, prior to issuance of the first building permit.
31. 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.
32. Prior to filing the final map, the project applicant shall form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
  33. 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.
  34. 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 of the final map.
  35. The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
  36. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
  37. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established on the major roadway on the final map.
  38. A non-vehicular access easement shall be established along the entire frontage of Meder Road on the final map.
  39. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the responsible Fire District.
  40. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of six feet which allows structural driveway access only.
  41. Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be

reviewed and approved by the Department of Transportation prior to filing the final map. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.

42. All curb returns, at pedestrian crossings, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. All curb returns shall be profiled on the improvement plans with elevations shown at least 25 feet before the beginning (BC) and at least 25 feet past the end (EC) of the curb, at the BC and EC, and at a minimum of quarter curve lengths, in a clockwise direction.
43. An irrevocable offer of dedication, in fee, shall be made of 60 feet in radius for cul-de-sacs and knuckles, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long term maintenance of the roads.
44. The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb and shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
45. If the subdivider is required to perform off-site improvements and it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.



46. The responsibility for, and access rights to, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
47. Cross lot drainage shall be avoided. When cross lot drainage does occur it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
48. 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.
49. Prior to approval of the grading and improvement plans:
  - a. Grading activities 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.
  - b. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from, the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
  - c. The project applicant shall submit and obtain approval of final drainage plans by 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 and detention basins will be permanently maintained. The drainage plan shall be prepared by a certified Civil Engineer and shall be in conformance with the El Dorado County Drainage Manual adopted by the Board of Supervisors in March 1996. 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 proposed BMPs to reduce erosion and alter quality degradation. All onsite drainage facilities shall be constructed using El Dorado County Minimum Construction Site Storm Water Management Practices (March 31, 2004) and to the satisfaction of El Dorado County

Department of Transportation. BMPs shall be implemented throughout the construction process and permanent BMPs shall be included in the grading plan.

50. The grading plan shall comply with the provisions of the Grading Ordinance pertaining to terracing on slopes exceeding 25 feet in height, including accessibility, intervals, and cross section geometry.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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).

El Dorado County Fire Protection District

56. Prior to improvement plan approval, the applicant shall submit a review fee of \$320.00 to the El Dorado County Fire Protection District (EDCFPD)
57. Six Muller model 200 Centurion fire hydrants shall be shown on the improvement plans and installed throughout the subdivision subject to EDCFPD approval.

58. The applicant shall demonstrate a fire flow of 1,500 gpm at 20 psi for two hours for homes greater than 3,600 square feet and 1,000 gpm at 20 psi for two hours for homes less than 3,600 square feet to the satisfaction of the EDCFPD prior to final map filing.
59. A fire safe management plan, acceptable to the EDCFPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
60. Gating of the subdivision is prohibited without an approved special use permit.

Local Agency Formation Commission

61. Prior to final map filing, the applicant shall complete the annexation process into EID through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.

Planning Services

62. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
63. 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.
64. 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.
65. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.<sup>00</sup> per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.<sup>00</sup> as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation

Surveyor's Office

66. 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.

67. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

**ADDENDUM**

**NONCONFORMING USE** (Public Hearing)

- a. Consideration of the nonconforming use status of the Olde Coloma Theatre, located at 380 Monument Road, Coloma, CA. The property, identified by Assessor's Parcel Number 006-290-04, is located on the south side of Monument Road, approximately 300 feet west of the intersection with Cold Springs Road, in the **Coloma area**.

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

Staff: Peter Maurer gave the Commission two revised site plans. It appears there are 17 parking spaces which is not sufficient. Dustin Weiland, Manager of the Theatre, was present. He asked for a legal non-conforming use status, not requiring a special use permit. Jerry Griffin, adjoining property owner, would like the item continued so the information submitted today can be reviewed. There was no further input.

MOTION: COMMISSIONER KNIGHT, SECOND BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Chaloupka was absent), IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF NOVEMBER 9, 2006

**9. GENERAL PLAN UPDATE**

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

This item was continued from the meeting of September 28, 2006.

Bill Wright, representing the school districts, spoke about these Guidelines having a significant impact on the school system and school districts. Agriculture is exempt. Ideally, they would like such an exemption or waiver process. Paula Frantz, County Counsel, commented such an exemption would require a General Plan Amendment.

**10. ZONING ORDINANCE UPDATE**

Roger Trout gave the Commission a report on the update process. There was no action taken.

**11. DEPARTMENT OF TRANSPORTATION - None**

12. **COUNTY COUNSEL'S REPORTS** - None

13. **DIRECTOR'S REPORTS** - None

14. **ADJOURNMENT**

Meeting adjourned at 11:32 a.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

\_\_\_\_\_  
John Knight, Chair

