



## EL DORADO COUNTY PLANNING SERVICES

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

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### MINUTES

**Regular Meeting of the Planning Commission  
April 12, 2007 – 8:30 A.M.  
BUILDING C HEARING ROOM  
2850 Fairlane Court, Placerville, CA**

**1. CALL TO ORDER**

Called to order at 8:32 a.m. Members present: Commissioners Mac Cready, Machado, Mathews, Tolhurst (after 9:00 a.m.), and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

**2. ADOPTION OF AGENDA**

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS, 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: March 22, 2007**

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSTAIN – COMMISSIONER MAC CREADY (as he was not present March 22, 2007); ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

a. **Report:** Golf courses at Serrano

Larry Appel gave the Commission some background information on the golf courses. Kirk Bone, Serrano Associates, gave more detailed information on the issue. The second golf course is now permanent open space.

b. **Update:** Bass Lake Park

Larry Appel will bring this update back to the Commission on May 10, 2007.

**6. COMMISSIONERS' REPORTS - None**

Commissioner Machado asked about the status of the Arco sign in Cameron Park. Larry Appel said County Counsel is reviewing the letter from the property owner's attorney.

Commissioner Machado asked about information gathering for applications so 10 or 12 years down the road staff will know what has happened on a project in the past. Greg Fuz informed the Commission of a feasibility study included in the budget this year to consider updating our tracking system. He suggested a presentation to the Commission regarding possibly updating our current system. The Commission concurred with the idea of a presentation.

Commissioner Machado spoke about a "team concept" for processing applications. Mr. Fuz said the CAO has been discussing with him the additional steps that need to be taken since the creation of the Development Services Department. The department will be assuming the duties of subdivision inspections, subdivision plan checks, development engineering, agreement processing, etc. After he meets with the CAO and Department of Transportation, he will report back to the Commission before the process is put in place, perhaps the first meeting in May.

Commissioner Machado said the public is still being told you cannot apply for design waivers. Mr. Appel commented that the Department of Transportation is planning to report back to the Board on this issue, giving examples of design waivers that can be waived.

**PUBLIC FORUM/PUBLIC COMMENT - None**

**7. FINDING OF CONSISTENCY (Public Hearing)**

a. Request submitted by the CAMERON PARK COMMUNITY SERVICES DISTRICT/Park Impact Fee Nexus Study for a finding of consistency on the proposed capital improvements funded by District's park impact fee.

Staff: Jason Hade recommended the Commission find the request consistent with the General Plan. Peter Maurer said the Commission is to look at the improvements today, not the fee. It is

up to the Board to consider the fee. Paula Frantz, County Counsel, said the role of the Commission is to look at the improvement program to see if it is consistent with the General Plan policies. This is actually a County fee. The CSD does not have the authority to impose fees.

Commissioner Tolhurst asked if the Building Industry Association agrees with this fee. No one from the BIA is present today. Chair Knight commented he knows that the BIA does have a copy of this study.

Blair Aaz prepared the study and stated he talked to real estate agencies and John Costa from the BIA. He went through the study with Mr. Costa, and Mr. Costa seemed satisfied with the report.

Commissioner Machado does not see where there is any ability of the District to obtain any flat land. He asked how the CSD is progressing on their goals from 2000. Tammi Mefford, Cameron Park Community Services District General Manager, explained their accomplishments. Mr. Aaz explained the current and proposed fee, including the yearly escalation fee. Commissioner Machado asked how the District is doing on surplus some of their property. Ms. Mefford said they are not proposing to surplus any of their property at the present time.

Ms. Frantz said this fee is not for land acquisition; that is the Quimby fee. This is a park development fee.

Commissioner Machado asked where Cameron Park Lake is counted. If you give credit for the water acreage you may be able to reduce the fee.

Commissioner Machado spoke about Measure C adopted by the residents of the Cameron Park area.

Commissioner Mac Cready said perhaps the fee should be based on bedrooms instead of residents. A mobile home with three bedrooms pays less than a single family residence with one bedroom. Mr. Aaz said this is the standard for park fees across the state. Ms. Frantz said a fee based on bedrooms does not work well. Square footage is also not a true indicator.

Chair Knight asked where the standards came from in Table 9. Ms. Frantz commented a nexus study was prepared when the State adopted the Quimby Act. The minimum standard was three acres of parks per 1,000 population.

Chair Knight asked if shared facilities were taken into consideration. Mr. Aaz said the findings did not go beyond the Master Plan.

There was no further input.

Commissioner Machado is very pleased that Cameron Park took the fee to the voters to pay for more parks. That has helped keep their fees lower than in other areas of the County. He would like to see the CSD convert their fees to a square footage fee. He would like to see a credit for Cameron Park Lake.

COMMISSIONER MACHADO MADE A MOTION, SECONDED BY COMMISSIONER MAC CREADY TO CONTINUE THE ITEM AND HAVE THE COMMUNITY SERVICES DISTRICT LOOK AT A SQUARE FOOTAGE FEE AND LOOK AT A CREDIT FOR CAMERON PARK LAKE. (This motion was later withdrawn).

Mr. Aaz said there is no fee in the study to obtain open space. There is more equity with this type of approach.

Mr. Maurer reiterated that the action today is limited to the improvements proposed as a result of the fee and whether the improvements are consistent with the General Plan. It is not the authority of the Commission to make any decision the fee today.

**The original motion was withdrawn.**

Commissioner Machado commented we need to urge the Board to look at the fee. We are preventing the possibility of affordable housing in this County. Chair Knight said we need to look at what can be afforded in the County. We need to look at what is adjacent to the County and other uses that can be joint use facilities.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE CAMERON PARK COMMUNITY SERVICES DISTRICT/PARK IMPACT FEE NEXUS STUDY CONSISTENT WITH THE GENERAL PLAN.

- b. **GOV07-0003** submitted by EL DORADO COUNTY GENERAL SERVICES for the proposed Cameron Park Courthouse expansion. The County is proposing to construct a 1,920 square foot modular building, associated building pad, and utilities infrastructure adjacent to the existing Cameron Park Courthouse. The existing courthouse building is a branch of the Superior Court of El Dorado County, and the modular unit would be used for civil mediations that are affiliated with court-related activities and currently held at the Main Street Courthouse in Placerville.

Staff: Jason Hade recommended the Commission find the request consistent with the General Plan.

Chair Knight commented this is adjacent to the rare plant preserve. Peter Maurer said the preserve was considered in the mitigated negative declaration that was prepared for the project. That document will be considered by the Board sometime in the future. Staff did rely on the negative declaration to make the recommendation on the finding of consistency.

Greg Garrett does not believe the request is consistent with the General Plan. He does not believe a modular unit is consistent with the surrounding area. It may be from a land use point but not a construction point.

Shelly Perry feels a modular building is a bad way to go for a government building. The traffic in the area is currently poor. There is also the rare plant preserve.

There was no further input.

Commissioner Mac Cready asked that the questions be answered before taking action.

Chair Knight asked if a modular would be permitted if this were a commercial entity. Mr. Maurer replied in the affirmative. It would have to go through the design review process with the Cameron Park Design Review Committee. General Services could opt not to go through a design review process. Mr. Hade has not looked at the specific design of the project. Parking was addressed in the environmental document prepared by PMC. No parking spaces will be removed. There may be additional striping.

Commissioner Machado commented this facility is meant to be for mediation. If this is zoned Commercial a mini-storage facility could be built there. It would be nice if the project goes through the design review process. Are they disturbing the rare plants with the grading? Mr. Maurer said the County is paying fees into the plant fund.

Commissioner Mathews asked if this is a modular or manufactured home. There is a big difference. Mr. Hade explained this is a modular structure.

There was no further input.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT, AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MAC CREADY, IT WAS MOVED TO FIND GOV07-0003 STUDY CONSISTENT WITH THE GENERAL PLAN.**

**8. SPECIAL USE PERMIT (Public Hearing)**

**Special Use Permit S06-0013/Shinn Ranch Road Gate/Finding of Consistency** submitted by THOMAS E. SHINN to allow an electronic security gate located at the entrance to Shinn Ranch Road, and a finding of consistency for the abandonment of the public roads. The property, identified by Assessor's Parcel Number 331-620-05, consisting of 12.07 acres, is located on the north side of Shinn Ranch Road, approximately 1,200 feet south of the intersection with Mother Lode Drive, in the **El Dorado area**. (Categorically exempt pursuant to Section 15303 of the CEQA Guidelines)

Staff: Aaron Mount recommended conditional approval of the special use permit and that the Commission find the abandonment of roads consistent with the General Plan.

Commissioner Machado asked about an east/west connector road in this area. Are we looking at long-term transportation problems? Peter Maurer said there is nothing in the General Plan that shows a road alignment. An application was just received for a project on property adjacent to this parcel. There is also an application for a multifamily housing project towards El Dorado.

The gating of this cul-de-sac road will not have an affect on any of the circulation routes in this area. There will be a loop system through the larger project that is being processed.

Mr. Maurer understands that the gate already exists. County counsel has pointed out that the road needs to be abandoned prior to approving the gate. He suggested that the recommendation be changed to recommend that the Board approve the special use permit after the road is abandoned. Paula Frantz, County Counsel, said until the road is vacated the use permit should not be approved. There needs to be something in place that the gate would have to stay open until the road is abandoned. If the Board does not vacate the road, there needs to be something in place that requires the removal of the gate.

Thalia Georgiadis represented the applicant. She stated that the road was built several years ago. She gave the Commission some background information on the construction of the gate and the area.

One of the residents on the road asked that the Commission approve the request. They would like the gate for security reasons.

There was no further input.

Chair Knight said the use permit cannot be activated until the Board abandons the road. Ms. Frantz said with the additional conditions, the permit can be approved.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15303 OF THE CEQA GUIDELINES, APPROVE S06-0013, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND MAKE THE FOLLOWING FINDING OF CONSISTENCY ON THE ABANDONMENT OF THE ROAD:**

**Finding** – Abandonment of road

Pursuant to California Government Code Section 65402, the abandonment of the road easements offered for dedication on Parcel Map 48-120 from any implied public use is found to be consistent with the El Dorado County General Plan.

**Findings** – Special Use Permit

**1.0 CEQA FINDING**

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures...

include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Although not specifically listed, an electronic gate is similar to the items listed in Section 15303 of the CEQA Guidelines.

- 1.2 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.

## **2.0 SPECIAL USE PERMIT FINDINGS**

- 2.1 The issuance of the permit is consistent with the General Plan;

The gate proposal as conditioned is consistent with General Plan Policy 6.2.3.2 in that the gate will allow emergency vehicle access and private vehicles can evacuate the area.

- 2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The El Dorado-Diamond Springs Fire Protection District has determined that with inclusion of the proposed conditions the automatic gate will not have a significant affect on response times and would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

- 2.3 The proposed use is permitted by special use permit pursuant to Chapter 17.14.

The Single-family Two-acre Residential (R2A) Zone District allows by special use permit "other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16, and 17.18." Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Chapter 17.14 regulates fencing and encroachments into required yards. Section 17.14.155.E specifically states that "Fences shall not be permitted within road easement or County road right-of-way." Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a special use permit from the Planning Commission must be obtained.

## **Conditions**

### **El Dorado County Planning Services**

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit B, dated April 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit

and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A special use permit to allow an electronic security gate located at the entrance to Shinn Ranch Road. The proposed gate will consist of two 15-foot wide vehicle entrances and a pedestrian entrance. The total gate width will be 41 feet 4 inches. The gate is constructed of wrought iron with the words Shinn Ranch on it.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit, which action is brought within the time period provided for in Section 66499.37.

The County shall notify the applicant of any claim, action, or proceeding, and the County will cooperate fully in the defense.

3. Prior to issuance of a building permit, the applicant shall pay all Development Services fees.

#### **El Dorado County Department of Transportation**

4. The applicant shall provide a turnaround at the gate entry to the requirements of the local fire district. A general grading permit shall be required by the Department of Transportation for the construction of this turnaround.
5. a. The applicant shall complete a General Vacation of Shinn Ranch Road and Fine Road, subject to review and approval of the Department of Transportation per the

requirements of Section 8320(a) (2) Chapter 3 of the Streets and Highways Code. Consent shall be required by all property owners that access these roadways and all utility companies that either access these roadways or have facilities in these road and public utility easements. A satisfactory application shall be received prior to issuance of any building permits.

- b. Unless and until the abandonment occurs, the gate must remain open.
  - c. If the abandonment is denied by the Board of Supervisors, the use permit shall become null and void, and the gate must be removed within 60 days from the date of the Board decision or a Code Enforcement action will be taken.
6. The applicant shall join and/or form an entity, satisfactory to the County, prior to the issuance of the special use permit, to maintain all roads not maintained by the County, that is required for access to County or state maintained roads. If a zone of benefit, homeowners association, or informal road maintenance association does not exist or cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

**Diamond Springs-El Dorado Fire Protection District**

- 7. Entrance roads at the gate shall have a minimum unobstructed width of 15 feet each lane if divided or 20 feet total width if not divided. In all cases, unobstructed vertical clearance shall be not less than 13 feet 6 inches.
- 8. All automatic gates shall be equipped with a “Knox” emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements.
- 9. All automatic gates shall also be equipped with a linear receiver device and transmitters (approved by the Fire Department) to allow remote activation by emergency vehicles. Gates that serve four or more homes, or greater than one mile of roadway, shall require an Opticon receiver to open the gate.
- 10. Automatic gates shall be equipped with a mechanical release.
- 11. A loop system located on the inside of the portion of the access roadway shall permit vehicular traffic within the gated area ability to open the gate and exit without any special knowledge, action, or codes. The loop system shall also keep the gate open as long as a vehicular traffic is passing through it.
- 12. All automatic gates shall be designed to automatically open and remain in fully opened position during power failures.

13. Gates creating a dead-end road in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
14. The gradient for the fire apparatus access road shall not exceed the maximum approved by the Fire Department. The intent is to provide a level landing area a minimum of thirty (30) feet either side of the gate to allow emergency apparatus to be parked in a safe manner when it is necessary to exit the vehicle for manual gate activation.
15. All vehicle access control devices or systems must reach the fully open position within a total time not to exceed one second for each one foot from the gate location.
16. The receiving devices shall be installed so the signal from the transmitter will open the gate approximately 25 feet from the gate location.
17. On order to ensure that the gate/access control devices are properly maintained, a copy of the yearly maintenance contract for the control device or system is required to be supplied to the Fire Protection District. The maintenance contract shall include an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gate shall be locked in the open position and will remain locked open until such time as the maintenance contract is restored.
18. Prohibited devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes are prohibited. No device may be used which will delay ingress or egress of emergency responders, including but not limited to speed bumps. The total number of vehicle access control gates or systems through which emergency equipment must pass to reach any address shall not exceed one.
19. Plans for installation of automatic gates on fire apparatus roadways shall be submitted to the Fire District for approval prior to installation.

Gates and access control equipment shall not be placed into service prior to being inspected and tested by the Fire District.

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

**9. ZONE CHANGE/PLANNED DEVELOPMENT/PARCEL MAP (Public Hearing)**

**Z06-0044/PD06-0003/P06-0045/Durock Business Park** submitted by DUROCK ROAD, LLC to change the zoning from Commercial (C) to Commercial-Planned Development (C-PD); planned development for a 17 unit commercial condominium within two building and one common area parcel; and tentative parcel map proposing to subdivide the property into 17 parcels ranging in size from 810 to 4,058 square feet and one common area parcel of approximately 96,067 square feet. The property, identified by

Assessor's Parcel Number 109-040-68, consisting of 2.97 acres, is located on the south side of Durock Road, approximately 0.25 mile west of the intersection with South Shingle Road, in the Shingle Springs area. (Categorically exempt pursuant to Section 15301(a) of the CEQA Guidelines)

Staff: Tom Dougherty proposed the Commission forward a recommendation of approval to the Board of Supervisors.

Nello Olivo said they have CC&Rs developed for the project. They will not allow uses that cause noise (i.e., automobile facility). A lot of oak trees have been left along the border. There is a lot of vegetation along the southern boundary.

There was no further input.

Commissioner Mathews feels this is a nice looking project. Commissioner Machado said there is no problem with parking in this project. He feels this is a great project and is what the business community needs.

**MOTION:** COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301(a) OF THE CEQA GUIDELINES AND APPROVE Z06-0044 REZONING ASSESSOR'S PARCEL NUMBER 109-040-68 FROM COMMERCIAL (C) TO COMMERCIAL-PLANNED DEVELOPMENT (C-PD), BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE PD06-0003, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF; AND APPROVE P06-0045, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

## **Findings**

### **1.0 CEQA Findings**

- 1.1 El Dorado County has determined that the project is exempt from the requirements of CEQA pursuant to Section 15301 (K) of the CEQA Guidelines because it involves splitting an approved commercial project into condominium parcels and involves negligible or no expansion of an approved use.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

## 2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.1.5, 2.2.3.1, 2.8.1.1, TC-Xf, TC-5b, 5.1.2.1, 7.3.5.1, 7.3.5.2, 7.4.4.2, 9.1.2.4, and 9.1.2.8 concerning the requirement for a planned development request, the floor/area ratio, lighting glare, traffic impacts, landscaping, and the inclusions of provisions that promote non-vehicular travel. Because of the project's provisions of adequate access, site design, and attention to architectural design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

## 3.0 Zoning Findings

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the proposed project provides areas for office/warehouse, retail, and various other uses pursuant to section 17.32.020 of the Zoning Code.
- 3.2 The project, as proposed and conditioned, along with the zone change to Commercial-Planned Development, is consistent with the El Dorado County Zoning Ordinance Development Standards because the 17 parcels ranging in size from 810 to 4,058 square feet along with one 96,067.53 square-foot parcel to be used as a common area for the 17 parcels are being addressed with a planned development application, and the proposed buildings meet the development standards pursuant to section 17.32.

## 4.0 ADMINISTRATIVE FINDINGS

### 4.1 Planned Development PD06-0030 Findings

- 4.1.2 **The planned development zone request is consistent with the General Plan.** The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.3 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development provides landscaping, lighting, pedestrian traffic, and subdued design features which will enhance the environment for the tenants within the Business Park.
- 4.1.4 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** Except for minimum parcel sizes for the individual units, the project is being developed or conditioned to comply with all County Code requirements.

- 4.1.5 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since it is located within a business, commercial environment.
- 4.1.6 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.7 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs except for those along the south and west parcel boundaries and has previously been mass graded, and the proposal will provide the required landscaping, enhancing the natural environment.

#### **4.2 Parcel Map P06-0045 Findings**

- 4.2.1 **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.** The parcel map request is consistent with the General Plan, because the application is for a commercial development being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.2.2 **The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.** The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size for each unit and the Minor Land Division Ordinance, because the project site has been evaluated in accordance with the Commercial development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.
- 4.2.3 **The site is physically suitable for the proposed type and density of development.** The site is physically suitable for the proposed type and density of development because the site is located within a commercial district, and it can be found that the site is suited for the retail/office/warehouse development.
- 4.2.4 **The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.** The proposed parcel map will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The parcel map is an administrative document to allow the individual ownership of buildings within the development. No environmental impacts will be created by the parcel map.
- 4.2.5 **The design of the parcel map is not likely to cause serious public health hazards.** The design of the parcel map is not likely to cause serious public health hazards. The proposed parcel map would not create an undue negative impact upon the Business Park.

It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to the Business Park because the surrounding infrastructure is in place that can support it.

**Conditions**

1. This rezone, parcel map and planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-I7, approved April 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Zone change from Commercial (C) to Commercial-Planned Development (C-PD) and a planned development for a 17 unit commercial condominium within two buildings and one common area parcel. The commercial parcel map is proposed to subdivide the 2.97-acre parcel into 17 parcels ranging in size from 810 to 4,058 square feet along with one 96,067.53 square-foot parcel to be used as a common area for the 17 parcels.

The buildings are proposed to provide offices for various professions. The project includes two concrete tilt-up buildings surrounded by landscaping. The eighteenth parcel includes the parking spaces, driveways, landscaping areas, and two electrical utility rooms which will be shared with a common maintenance agreement between each parcel owner.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Planning Services**

Planned Development Conditions:

2. The final landscape plan shall meet Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4 and be approved by the Deputy Planning Director or designee the prior to installation. The applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity.

3. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
  - a. 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.
  - b. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

4. All signs must comply with all applicable conditions of the "Sign Program" attached as Exhibit I2. Any signage subsequent to the approval of this permit shall conform to Chapter 17.32.140 (D) and Chapter 17.16 of the El Dorado County Zoning Ordinance and shall be provided to, and approved by, the Deputy Director of Planning or designee prior to issuance of a building permit.
5. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The uses will be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking will be available for each use that had been authorized by the approval of building permits 173496 and 173498 and to be sure the initial proposed uses were not subjected to a change. Parking shall conform to the site plan approved by building permits 173496 and 173498. Any tenant improvement use that causes the total approved number of parking spaces to be exceeded shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Deputy Planning Director or designee.

**Parcel Map Conditions:**

6. The applicant shall include provisions for bicycle parking on the site by providing a minimum of four bicycle spaces/racks, not necessarily all together, within the project where they can be shared by all parcels. Maintenance of the bike rack and access shall be included in the joint access and parking agreement. The bike racks shall be installed prior to recording of the parcel map.
7. A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking to all property owners within the Durock Business Park. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the final parcel map.

8. All Development Services fees shall be paid prior to clearance by Development Services of the parcel map.

**El Dorado County Fire Protection District**

9. All installation, maintenance, and repair of all portions of the fire system sprinkler and alarm systems shall be shared equally by all parcel owners subject of this permit application. The final version of the Declaration of Covenants, Conditions and Restrictions and Reservation of easements for Durock Road Business Owner's Association shall be reviewed and approved by El Dorado County Fire Protection District for the inclusion of this requirement prior to recordation and prior to filing of the final parcel map.

**El Dorado County Surveyor**

10. All survey monuments shall be set prior to filing and recording the parcel map.
11. Prior to filing the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions place on the map. The letter shall state that all conditions placed on the map by that agency have been met.

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

**Tentative Subdivision Map TM05-1398/Thousand Oaks, Unit 3** submitted by HELEN L. THOMAS (Agent: Gene E. Thorne) to create three lots ranging in size from 1.138 to 4.056 acres. A design waiver request has been submitted to allow the following: 1. Irregular shaped lots and frontage for lots 2 and 3 to be less than 100 feet as shown on the tentative map; and 2. Permit the existing driveway serving proposed lots 2 and 3 to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B. The property, identified by Assessor's Parcel Number 070-300-15, consisting 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)

Staff: Jason Hade recommended conditional approval.

Commissioner Machado asked about mitigation fees. Mr. Hade replied the fees will be paid with the building permit. Commissioner Machado commented one of the letters received speaks about a redesign of the septic system. Mr. Hade replied that Environmental Management has approved the design of the system.

Gene Thorne said the map has been modified based on the comments made at the appeal hearing before the Board of Supervisors. Jeff Little from Sycamore Environmental will talk about the streams, rare plants, etc., on the parcel.

Chair Knight asked that Mr. Thorne explain the comments by the Board and what changes were made to the map. Mr. Thorne said there were issues with the strange configuration of the lots and a lot frontage issue. Both issues have been addressed with the revised map.

Jeff Little said the rare plant fee is the prime mitigation. The applicant has added mitigation to protect the actual plants growing on the property. This should reduce the impact to less than significant. Regarding the ephemeral stream, there is no wetland or stream in the location pointed out by one of the individuals submitting a letter. There is no stream, so there is no conflict with the septic system.

Cathy Keeling, Environmental Health, was at the site several times. There is no indication of a stream. The water is caused by run-off.

Commissioner Mathews asked if the ponds are year-round. Ms. Keeling replied in the affirmative. They are on the opposite side. Commissioner Mathews asked if all the homes are on septic systems. Again, Ms. Keeling replied in the affirmative. Commissioner Mathews asked if the neighbors will be affecting the ponds. Ms. Keeling said there was a repair several years ago. A neighbor had to put in a pump.

Ben Parks said it is nice to see the County dealing with rare plants. The plan is to transplant. Transplant survivability is questionable. We need to keep our eye on this issue.

Shelly Perry, Native Plant Society, asked that the mitigated negative declaration for the El Dorado bedstraw be denied. There are three measures identified other than the fee. She has a problem with all three measures. There are many plants that do not germinate like others. There is no information on how to germinate bedstraw. As a mitigation measure, it is inadequate to say the least. Transplanting is a good idea, and sometimes it works. There is no information on transplanting bedstraw. There is a good chance it will not work at all. The Department of Fish and Game has guidelines for transplanting if you use transplanting as a mitigation measure. The requirements that give transplanting a chance to work are not in the document. She likes the deed restrictions and conservation easements. The problem is that they need follow-up work that this County does not do. There are only 11 populations of the plant in the country. A negative declaration is supposed to mean that the impacts have been reduced to a level of insignificance. Ms. Perry asked that the applicant be required to come up with an environmental document that identifies actual mitigation measures and follows existing guidelines.

Annie Walker, member of the Board for the Native Plant Society, concurred with all the comments made by Ms. Perry.

Mike Mines, 30 year resident of Shingle Springs and retired environmental scientist for 40 years, said if you follow the General Plan setbacks, we would not be here today. This project causes a problem. A 1600 consultation is state law and must be done on this project. Before the project is approved, the consultation needs to be done with Fish and Game. Mr. Mines asked that the County look at the septic system again. Mr. Mines said Doug West submitted a letter with several pictures. He explained the location where the pictures were taken.

Mr. Thorne said they are obligated to pay the fee. They were also trying to promote the growth of the plants on the property. They are only obligated to pay the fee. They are volunteering to do the replanting.

Carla Meadows, Native Plant Society, said the information given to applicants by the County for rare plant mitigation is not very good. They would be happy to work with the County and develop something else.

The public hearing was closed.

Commissioner Mathews commented if the mitigation measures do not work, it is up to the experts to come up with measures that do work and not infringe on private property owners.

Commissioner Tolhurst asked that staff explain the mitigation fee and how it works. Mr. Maurer explained. Commissioner Tolhurst said legally they have met their obligation by paying the fee. Mr. Maurer concurred. They will have to get several permits from the state however. Commissioner Tolhurst said it appears there is only one place where there would be a problem, and that is on Pad 1. Commissioner Machado commented the applicant is going along with the rules in place today.

Mr. Maurer said if the Commission feels additional mitigation is needed, the mitigation measure could be expanded to make the monitoring three or five years. The fees were acceptable to Fish and Game. There could also be a fence put around the mitigation area. Ms. Frantz said the mitigated negative declaration found the fees alone are adequate to mitigate. The other measures are voluntary.

Commissioner Mathews suggested adding a condition delineating the rare plant area (identify the four corners of the area on the ground, i.e., the physical boundary of the deed restricted area shall be physically marked). Mr. Thorne agreed.

The Commission asked that there be an update on May 10 on the rare plant fees.

**MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MAC CREADY, IT WAS MOVED TO ADOPT THE REVISED MITIGATED NEGATIVE DECLARATION, AS PREPARED; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH THE CEQA GUIDELINES, SECTION 15074(d), INCORPORATED AS CONDITIONS OF APPROVAL; APPROVE TM05-1398 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE THE FOLLOWING DESIGN WAIVERS: 1. Irregularly shaped lots and frontages for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and 2. Permit the existing driveway serving proposed Lots 2 and 3 to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide a required by Standard Plan 101B.**

**Findings**

**1.0 CEQA FINDING**

- 1.1 The Planning Commission 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 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 1.138 acres to 4.056 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. 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 physically suited for the proposed three lots because sufficient buildable area exists on Lots 1, 2, and 3 when a 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. As a result of 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. Minimal project grading is proposed.

**3.0 DESIGN WAIVERS**

Irregularly 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 driveway serving proposed lots two and three to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by 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 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 ground 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 I of Chapter 16 of the County Code or any other ordinance applicable to the division.**

As the requested design waivers are expected to result in less grading and tree removal, they will not nullify the objectives of Article I of the *El Dorado County Subdivisions Ordinance* to insure that growth and development of the county is orderly. The design waivers will also not invalidate the policies of the General Plan or development standards within the Zoning Ordinance.

**Conditions**

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B "Revised Map," dated September 13, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: TM05-1398 consists of a tentative subdivision map to create three lots ranging in size from 1.138 to 4.056 acres on an 8.4 acre site. Water will be provided to the lots by the El Dorado Irrigation District, and sewage disposal will be provided by individual on-site septic systems. A driveway from St. Ives Court will provide access to Lot 1 while an improved existing driveway from Mineshaft Lane will provide access to Lots 2 and 3.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### MITIGATION MEASURES

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

2. 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.
3. To further reduce impacts to the El Dorado bedstraw, the applicant shall collect seed from the El Dorado bedstraw plants on Lot 1 at an appropriate time of year, as determined by a qualified botanist, and sow the seed in suitable habitat near the existing El Dorado bedstraw plants on proposed Lot 2 prior to final map recordation. The qualified botanist shall submit a letter to Planning Services once the seeds have been properly sowed on proposed Lot 2.
4. To further reduce impacts to the El Dorado bedstraw, the applicant shall transplant the El Dorado bedstraw plants found on Lot 1 to suitable habitat near the existing El Dorado bedstraw plants on proposed Lot 2 under the supervision of a qualified botanist prior to final map recordation. The qualified botanist shall submit a letter to Planning Services once the seeds have been properly transplanted on proposed Lot 2.
5. To protect existing and propagated El Dorado bedstraw plants, the applicant shall record a deed restriction on Lot 2 for the area between the pond and the existing house, as shown on Attachment 2, "Deed Restriction Area," to include the existing and propagated El Dorado bedstraw plants prior to final map recordation. The deed restriction shall restrict tree removal, landscaping, and other activities incompatible with the continued growth of the El Dorado bedstraw. Within one year of seed sowing and transplantation, the qualified botanist shall submit a monitoring report to Planning Services verifying that the plants are growing. The Deed Restricted Area shall be physically identified on the property by corner markings prior to recording the final map.
6. 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.

7. 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.
8. 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.

**Department of Transportation**

9. 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.
10. The applicant shall improve the on-site access, from Mineshaft Lane to the proposed driveway for lot three, as a 10-foot wide fire safe driveway with a standard fire safe turnout to be constructed between the convergence of the driveways to lots two and three and the cul-de-sac, prior to filing the final map.
11. 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.
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.

**Planning Services**

19. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
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.
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.
22. The final map shall include a 25-foot non-building setback from all ponds and a 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.
23. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lots.
24. A common driveway maintenance agreement between lots two and three shall be recorded prior to filing the final map.
25. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.

26. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
27. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold the County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

The County shall notify the subdivider of any claim, action, or proceeding, and the County will cooperate fully in the defense.

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

### **ADDENDUM**

**This item was considered after Item 10.**

**Site Plan Review SPR07-0001** submitted by MIKE and SUE LEE for a reasonable use determination. The residential development of the property will only achieve 79 percent canopy retention instead of the required 90 percent required under Policy 7.4.4.4. The property, identified by Assessor's Parcel Number 110-631-04, consisting of 1.2 acres, is located on the west side of Shoreview Drive, 0.3 mile north of the intersection with Shoreline Circle, in the **El Dorado Hills area**. (Supervisory District I)

Staff: Pierre Rivas recommended the Commission find the request consistent with the intent of Policy 7.4.4.4, and that strict compliance with Policy 7.4.4.4 would deny the property owners reasonable use of the property.

Bobbie Lebeck explained that they saved all the trees they could (79 percent). It appears seven trees will be removed.

Commissioner Machado agreed with staff that the request should be approved.

Mike Lee said this is their dream home. He agrees with the oak tree ordinance. They purchased their lot many years ago before some of the new regulations were put in place. He asked for approval of their request.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE REQUEST CONSISTENT WITH THE INTENT OF POLICY 7.4.4.4, AND THAT STRICT COMPLIANCE WITH POLICY 7.4.4.4 WOULD DENY THE PROPERTY OWNERS REASONABLE USE OF THE PROPERTY, BASED ON THE FINDINGS PROPOSED BY STAFF.

**Findings**

1. “The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources.”

**Finding:** The residence is designed to fit into the topography on the uphill side of the lot preserving 50 percent of the lot as undisturbed. Reconfiguring the residence would likely result in additional grading and tree removal.

2. “The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.”

**Finding:** The proposed size and scope of residential development is similar to that in the neighborhood. The residence is proposed to be approximately 5,168 square feet with a 1,373 square foot garage.

The Vista Del Lago subdivision consists of 24 lots zoned One-acre Residential (R1A). The lots range from 1.00 acres to 2.2 acres, but most lots are 1 to 1.5 acres in size. Twelve lots in the subdivision have residences built or proposed with the following sizes (in square feet):

	<b>APN</b>	<b>Permit</b>	<b>Residence Size</b>	<b>Garage Size</b>	<b>Notes</b>
1	067-761-02	161770	6,527	929	
2	067-761-05	154468	3,055	2,809	
3	067-761-06	161594	5,495	1,262	
4	067-761-08	171675	4,179	1,205	
5	067-761-13	163964	5,365	1,307	Includes 1,400 square feet basement charged at the same value as residential.
6	110-633-02	175195	6,913	1,096	Planning Commission Reasonable Use hearing July 27, 2006.
7	110-633-05	178432	6,015	1,295	
8	110-633-10	174410	6,582	705	
9	067-763-03	166052	5,522	1,157	
10	067-763-06	167068	6,516	1,096	
11	067-763-08	143438	3,991	1,106	
12	067-764-04	152466	5,343	1,256	
	<b>Total:</b>	12 permits	65,503	15,223	
	<b>Average:</b>		5,459	1,269	
	<b>Proposed on 110-631-04</b>		5,168	1,373	Proposed residence is 290 square feet less than average. Proposed garage is 104 square feet larger than average.

3. “Soil disturbance and tree removal is minimized through the incorporation of some or all of the following measures into the project design:

a. “Stepped foundations are used on sloping areas rather than graded pads.”

**Finding:** The building is designed as a three story building and utilizes some stepped foundation design, thus minimizing onsite grading.

b. “Depth of excavation and/or fill outside of the building footprint is limited to no more than five feet measured vertically from the natural ground surface, except for grading necessary to install retaining walls designed to reduce the total area of tree canopy that will be removed and/or damaged.”

**Finding:** Due to the steep slope of the property, additional retaining walls are used in order to minimize the disturbance area of the lot pursuant to Policy 7.1.2.1 that also minimizes potential impact on oak trees along the lower portions of the lot.

c. “Structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the greatest extent feasible.”

**Finding:** The residence and garage are designed on the upper portion of the property and parallel to the topographic contours as shown on Sheet G1.

d. “Patio decks are included in the design of dwellings to minimize the need for graded yard areas.”

**Finding:** Decks and small patios are incorporated into the residence design. One area in the back yard is designed as a flat pad area for a future pool or other outdoor activity area. This area results in the loss of a pine tree, but no additional oak trees would be removed because of this outdoor yard area.

e. “Design techniques, such as clustering of buildings, are proposed to take advantage of the portions of the property which are least constrained by oaks.”

**Finding:** The residence and garage are designed in the upper portion of the property near the access road. The largest, 38-inch, oak located in this area is being preserved. The residence is also designed to follow the natural topography. There are a few oak trees that will be removed because of the location of the residence, but the trees need to be removed in order to provide access and minimize tree removal on the remainder of the lot.

f. “The project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan. *It is recognized that more than one policy may have to be considered in the determination of reasonable use of a particular parcel.*”

**Finding:** The proposed residence is designed as a multistory building and utilizes retaining walls to minimize grading in order to be consistent with the Interim Guidelines for Policy 7.1.2.1:

The property is 1.2 acres in size; 85 percent of the property contains 30 percent or steeper slopes. Pursuant to the Interim Interpretive Guidelines for Policy 7.1.2.1, only 17,000 square feet of the site can be disturbed under the “staff authority threshold.” The proposed development shown on Sheet G1 is consistent with the 30 percent development policy because only 15,713 square feet are disturbed. This amount excludes the areas disturbed for driveway access.

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

## **11. GENERAL PLAN UPDATE**

Gregory Fuz said the General Plan Annual Report was submitted to the state. The Board was interested in receiving a more thorough report on General Plan implementation. The report will be going back to the Board on May 15. The Commissioners are invited to attend that meeting to hear the report.

The Board sent a letter to SACOG expressing strong concerns regarding housing allocations in El Dorado County. The numbers for the County almost doubled. It appears El Dorado County is the only county being asked to increase its housing. The Commission will receive a copy of the letter. Doubling the numbers will open some parts of the General Plan, i.e., circulation, where to locate the units, etc.

## **12. ZONING ORDINANCE UPDATE**

### **Winery Ordinance**

Larry Appel gave a verbal report on the winery ordinance. The Board directed staff to move forward with the Agricultural Commission’s version. Staff is working on the initial study. Roger Trout and Lillian Mac Leod will be working on the study. There was some discussion regarding a consultant for the initial study, but it will be done in-house. Staff will be reporting back to the Board on May 1. There will probably be an EIR done on the ordinance. Paula Frantz explained the conditions that might require an EIR.

Commissioner Mac Cready asked if he would have to abstain on a ranch marketing ordinance. Ms. Frantz explained reasons for abstaining on a project.

After further discussion, Mr. Appel said when staff goes back to the Board on May 1, it will inform the Board that the Commission feels ranch marketing should be included in an EIR for the winery ordinance.

## **13. DEPARTMENT OF TRANSPORTATION**

Eileen Crawford said their department is working on a matrix for road widths and will bring it to the Commission for input in the very near future.

**14. COUNTY COUNSEL'S REPORTS**

Paula Frantz said the Board continued the agricultural setback item because of the time it took on the Mercy Housing applications. The setback issue will be on the next agenda as well as the appeal on the Olde Coloma Theatre.

**15. DIRECTOR'S REPORTS**

Gregory Fuz said the Mercy Housing project was approved by the Board this past Tuesday. A more detailed development plan will come before the Commission some time in the future.

The General Plan amendment for condominium conversions was also approved during this last General Plan window.

**16. ADJOURNMENT**

Meeting adjourned at 1:15 p.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

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John Knight, Chair

