



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
January 10, 2008 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Meeting called to order at 8:35 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, 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 MACHADO AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Tolhurst was absent for adoption of the agenda), IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

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

4. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Appel updated the Commission on the Oak Woodland Management Plan, Integrated Natural Resource Management Plan, Housing Element, and Zoning Ordinance.

Mr. Appel spoke about a workshop with the Department of Conservation on Williamson Act Contracts. It would be a joint workshop with the Agricultural Commission.

Presentation: Kelowna Agricultural Tour and Study Mission

5. COMMISSIONERS' REPORTS

The Commission discussed the BIAC meeting and the processing of permits through the Building and Planning Departments, specifically parallel approval. Kathy Russell, Gene E. Thorne & Associates, gave input. The Commission asked that a discussion be placed at the end of the January 24 agenda on parallel processing.

Chair Knight asked that an interpretation on Policy 8.1.3.1 be placed on the January 24 agenda as well as an update on tentative subdivision maps TM06-1425 and TM-07-1447.

6. 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:** December 13, 2007

b. **Finding of Consistency** – Pioneer Fire Protection District Capital Improvement Plan

Staff: Thomas A. Lloyd recommended the Commission find the request consistent with General Plan

Commissioner Machado pulled this item from the Consent Calendar because of the increase in square footage fee. Pierre Rivas commented the fee was \$0.66 last year. Commissioner Machado said it is proposed to be increased to \$1.57 this year. He would like to see some justification for this increase. The representative from the fire district agreed to a continuance so the new Chief could be present.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THE PIONEER FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN TO THE MEETING OF JANUARY 24, 2008.

c. **Finding of Consistency** – El Dorado County Fire Protection District Capital Improvement Plan

Staff: Thomas A. Lloyd recommended the Commission find request consistent with General Plan

CONSENT CALENDAR ACTION: MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE ITEMS 6.a. AND 6.c.

END OF APPLICATION CONSENT CALENDAR

PUBLIC FORUM/PUBLIC COMMENT – Todd Cunningham, Chief of the Diamond Springs/El Dorado Fire Protection District, gave the Commission a copy of their booklet on “Standards of Cover.” Chief Cunningham briefly discussed the document.

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

a. **S85-0070R2** submitted by JEAN and REN REINDERS to amend Condition 5 to read as follows: A minimum of ~~126~~ 21 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area. ~~and~~ ~~Two employees shall be available to direct vehicles to the parking area that location~~ 11:30 a.m. to 4:00 p.m., ~~weekends and holidays as needed during peak hours~~. The property, identified by Assessor's Parcel Number 048-160-44, consisting of 10.01 acres, is located on the east side of High Hill road, approximately one-quarter mile north of the intersection of High Hill Road and Carson Road, in the **Camino area**, Supervisorial District III. (Categorically exempt pursuant to Section 15301 of the CEQA Guidelines)

Staff: Michael Baron recommended this item be continued to the meeting of February 14, 2008.

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

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE S85-0070R2 TO THE MEETING OF FEBRUARY 14, 2008.

b. **S00-0028R/Telos Youth Outpost** to allow the expansion of a 24-hour licensed residential care facility to increase the number of residents from 8 to 12 and allow a 1,391 square foot addition of two new bedrooms and two new classrooms. The property, identified by Assessor's Parcel Number 092-231-19, consisting five acres, is located on the east side of State Route 49, approximately 1.4 miles south of the intersection with Crystal Boulevard, in the **El Dorado area**, Supervisorial District II. (Categorically exempt pursuant to Section 15301(e) of the CEQA Guidelines)

Staff: Tom Dougherty recommended conditional approval.

Commissioner Mac Cready asked if there have been any problems with the existing facility. Mr. Dougherty replied the County has not received any complaints.

Commissioner Machado said the office is not reflected on the site plan. John Hyatt, Director of the facility, stated there would be a two-story structure with the office on the top floor. Commissioner Machado asked where the staff person sleeps. Mr. Hyatt replied that person does not sleep but is awake all night to supervise the children. Commissioner Machado asked for clarification on the classrooms. Mr. Hyatt explained along with explaining the laundry facilities. There will also be a separate septic system for the addition.

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

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301(e) OF THE CEQA GUIDELINES AND APPROVE S00-0028R2, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

1.1 The project has been found to be Categorically Exempt from CEQA pursuant to Section stating that Section 15301 (e) of the CEQA Guidelines stating that; *additions to existing structures provided that the addition will not result in an increase of more than:*

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

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 General Plan which designates the subject site as Low-Density Residential (LDR) because lacking a specific policy either permitting or discouraging such a use, the long-term practice of allowing special uses as identified in the Zoning Ordinance is a practice deemed consistent with the General Plan. However, it can be considered consistent only when the use is found to satisfy the provisions and required findings of Chapter 17.22 of the Zoning Ordinance, and is consistent with applicable General Plan policies which it has been found to do.

2.2 As conditioned and mitigated, the proposal is consistent with the intent of General Plan Policies 2.2.5.2, 2.2.5.9, 2.2.5.21, 7.1.2.1 and 7.4.4.4, because of the review for General Plan consistency and impacts of the proposal on existing natural resources and compatibility with the community, review of the proposal by the Diamond Springs – El Dorado Fire Protection District, no history of complaints from neighbors and adequate buffering from surrounding residences, reasonable use determination concerning 30 percent slopes, and that it is conditioned to replace impacted oak tree canopy.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Five-acre (RE-5) Chapter 17.28.200 of the Zoning Ordinance lists the proposed use as one that is permitted by issuance of a special use permit within this zone district. Chapter 17.22 of the Zoning Ordinance permits the processing and approval of such listed uses as long as the appropriate findings of Section 17.22.050 can be made and Planning Services has determined they can be made as discussed in section 4.0 below.

4.0 Special Use Permit Findings

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing development area. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the 1,391-foot expansion, will not have a detrimental affect nor be injurious to the neighborhood.

4.3 The proposed use is specifically permitted by special use permit pursuant to County Code Section 17.28.200 of the Zoning Ordinance lists the proposed use as one that is permitted by issuance of a special use permit within this zone district.

Conditions

Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through S dated January 10, 2008, 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:

Special Use Permit to allow the expansion of a 24-hour licensed residential care facility to increase the number of residents from eight to twelve and a 1,391 square-foot addition to the existing 2,208 square-foot residence to house two (2) new bedrooms, two (2) new classrooms, two (2) full-sized baths and one classroom sink area. The expansion includes the following rooms/uses as shown on Sheet A – 1 in Exhibit G:

Room Label	Square Footage (outside measurements)	Proposed Use
BDRM – 1	12.83' by 12.33' (158 sq. ft.)	Bedroom
BDRM – 2	11.17' by 12.33' (138 sq. ft.)	Bedroom
CLASS RM – 1	12.83' by 14.17' (182 sq. ft.)	Classroom
CLASS RM – 2	28' by 20.83' (583 sq. ft.) including a 11.17' by 7.33' (82 sq. ft.) bathroom	Classroom/bathroom
LN.	8.83' by 11.17' (99 sq. ft.)	Classroom sink area.
BA – 1	5.33' by 11.17' (60 sq. ft.)	Bathroom
	Total Square Footage: 1,391	

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 Site Specific and Standard Conditions

2. The applicant is required to replant a combination of 10 one-gallon sized valley oaks (*Quercus lobata*) either/or blue oaks (*Quercus douglasii*) trees (200 trees x 0.05 acre = 10). The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits M1, M2 and M3. Prior to final occupancy, the applicant is required to enter into an *Agreement for Replacement and Maintenance of Oak Trees* through Planning Services. Applicant shall adhere to the *Revegetation and Restoration Plan* in Exhibit M2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement.

3. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

4. 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.
5. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
6. All outdoor lighting shall conform to County Code Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit, shall conform to Exhibit H and shall be reviewed for conformance prior to issuance of a building permit. In addition, the following shall apply:
 - a. 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.
7. Building design and placement shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall conform to Exhibits F, G, H1, H2, and I. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Development Services Director or designee prior to project modifications.
8. All Planning Services fees shall be paid prior to issuance of any building permits.
9. 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 applicant 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~~ special use permit.

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

Diamond Springs - El Dorado Fire Protection District

10. The applicant shall meet with the District and determine where the proper fire lanes and signage shall be installed and identified at the site, so as to provide for easy access by fire and emergency apparatus during incidents that occur at the site.
11. Applicant shall comply with all applicable Building and Fire Codes. A full set of building and site plans shall be provided to the District for review and approval prior to certificate of occupancy.
12. Fire Alarm system shall be installed for this building according to NFPA 72 standards.
13. All existing fire apparatus access driveways shall contain all weather access surfacing capable of supporting a 40,000 pound load with a vertical clearance of 13 feet 6 inches. Said requirement shall be fulfilled prior to final occupancy.
14. Fire flow of 1,500 gallons per minute for 2 hours at 20 psi. shall be met. In lieu of available fire flow, 3,000 gallons of on-site water storage, dedicated for fire protection shall be made available, with Fire District plan review and approval prior, to building permit issuance.

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

8. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP (Public Hearing)

a. Z06-0029/PD06-0020/TM06-1420/Bass Lake Estates submitted by CARMICHAEL INVESTMENT GROUP (Agent: Gene E. Thorne and Associates, Inc.) to rezone property from One-family Residential-Airport Safety (R1-AA) to One-family Residential-Airport Safety-Planned Development (R1-AA-PD); development plan to allow for flexibility in the development standards of the R1 Zone District; and tentative subdivision map to create 36 residential parcels ranging in size from 3,020 to 5,665 square feet, and three open space lots totaling 2.37 acres. Five design waivers have been requested to allow the following: Reduction of the right-of-way (ROW) width from 60 feet to 50 feet for Trout Lake Court; Reduction the sidewalk requirement on Trout Lake Court from six feet to five feet and to limit the sidewalk improvements to one side of the road only; To allow a joint access for Parcels 1 and 2; Reduction the length of turn pockets and tapers onto Bass Lake Road; Waiver the sidewalk requirement for Bass Lake Road. The property, identified by Assessor's Parcel Number 115-030-06, consisting of 7.45 acres, is located on the southeast side of Bass Lake Road, approximately 175 feet southwest of the intersection with Woodleigh Lane, in the Cameron Park area, Supervisorial District I. (Negative declaration prepared)

Staff: Mel Pabalinas presented this item in the absence of Jonathan Fong and recommended approval to the Board of Supervisors. Design waiver (e) should be changed from waiver of sidewalks to reduction of sidewalks from six to five feet for Bass Lake Road. He recommended deletion of Condition 8 as it is a duplicate of Condition 27. Mr. Pabalinas suggested several new conditions.

Eileen Crawford, Department of Transportation, explained the five-foot sidewalk and proposed several modifications to the conditions.

Referring to Condition 7, Commissioner Mac Cready asked how you enforce that the new owner replace a tree that has died. Gina Hunter said there will be a 15-year monitoring contract on this project, so it would be up to the homeowners association or responsibility party.

Commissioner Machado did not understand the joint access for parcels 1 and 2. Mr. Pabalinas explained.

Commissioner Machado asked how many lots would be allowed without a planned development. Mr. Pabalinas explained and stated the original map proposed 20 lots.

Gene Thorne represented the applicant and agreed to the proposed conditions, as modified. They are working with Silver Springs on a fair share cost improvement agreement.

Commissioner Machado asked if they are proposing a homeowners association. Mr. Thorne replied in the affirmative, stating it will take care of the open space and road. Commissioner Machado said Lot 3 only has 30 feet frontage. Mr. Thorne said the back of the lot is 45 feet wide. The driveway will be considerably longer, so there will be parking available.

John Thomson, Bass Lake Action Committee, presented a letter on the project. Most of their concerns have been met (meandering sidewalk and homeowners association). They feel this project would be an asset to the community.

There was no further input.

Commissioner Machado asked for clarification on the open space.

Paula Frantz, County Counsel, recommended that the Fish and Game fees be made a condition of approval.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0029/PD06-0020 REZONING ASSESSOR'S PARCEL NUMBER 115-030-06 FROM ONE-FAMILY RESIDENTIAL-AIRPORT SAFETY (R1-AA) TO ONE-FAMILY RESIDENTIAL-AIRPORT SAFETY-PLANNED DEVELOPMENT (R1-AA-PD), ADOPTING THE DEVELOPMENT PLAN AS

THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE TM06-1420, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.

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 Tentative Map Findings

2.1. The proposed parcel sizes are consistent with the General Plan land use map and/or policies.

The proposed density is consistent within the High Density Residential (HDR) Land Use Designation. As required by General Plan Policy 2.2.5.13, the project has provided the required 30% open space requirements for Planned Developments. The project is consistent with the retention and replacement provisions for onsite oak canopy as required by General Plan Policy 7.4.4.4.

2.2. The design or improvements of the proposed division are consistent with the General Plan.

The road improvements to Bass Lake Road and the proposed width of the onsite access road are consistent with the Circulation Element of the General Plan and the Design and Improvement Standards Manual. The subdivision arrangement is consistent within the High Density Residential (HDR) land use designation and consistent with the objectives and policies relating to Planned Developments.

2.3. The site is physically suitable for the type of development proposed.

Adequate areas exist onsite to minimize impacts to the oak canopy onsite and to avoid slopes exceeding 30 percent. The proposed residential development would be suitable on the project site.

2.4. The site is physically suitable for the proposed density of development.

Adequate public utilities exist to serve the project. Upon completion of the required road improvements, adequate access exists to provide circulation within the development and to provide emergency access.

2.5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

No special status plant species exist onsite. The site is not known to provide a habitat for wildlife or riparian species. The project would be consistent with the retention and replacement provisions for impacts to oak canopy.

2.6. The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The proposed road improvements and extension of public utilities to the project site would not cause significant public health or safety hazards. The required road improvements on Bass Lake Road are consistent with the approved conditions of approval of the adjacent subdivision.

2.7. The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

The Cameron Park Fire Protection District has reviewed the project and determined that the installation of fire hydrants and implementation of a Fire Safe Plan would be acceptable for emergency access.

2.8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.

The project would not result in conflicts with existing easements. No access through the project site for public use currently exists. The project would not conflict with the existing EID water line easement that runs along the western boundary of the project.

3.0 Planned Development Findings

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

The General Plan encourages the use of the PD concept in order to minimize impacts to the natural features on a project site. The project would cluster the residential lots in order to minimize impacts to the oak canopy onsite. The project would provide the required 30% open space.

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

The project would create open space lots and would construct sidewalks along the interior access road. The project has been designed to minimize the impacts to the natural features of the site.

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

The modifications to the Development Standards of the R1 Zone District would allow clustering of the lots to minimize impacts to the oak canopy.

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

The project is not constrained by riparian areas or by slopes exceeding 30%. The development has been clustered to minimize the impacts to the oak canopy onsite.

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

The project would be served by public water and sewer. The public water supplier has determined that adequate water and sewer services are available to serve the project. The Department of Transportation has determined that the improvements to Bass Lake Road and the construction of a new interior access road would provide adequate circulation for the project.

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

Scenic features onsite are limited to the mature oak canopy onsite. The project has been designed to minimize impacts to the oak canopy.

4.0 Design Waiver Findings of Approval

a) Reduce the right-of-way (ROW) width from 60 feet to 50 feet for Trout Lake Court;

b) Reduce the sidewalk requirement on Trout Lake Court from six feet to five feet and to limit the sidewalk improvements to one side of the road only;

c) Allow a joint access for Parcels 1 and 2;

d) Reduce the length of turn pockets and tapers onto Bass Lake Road;

e) Reduction in sidewalks from six to five feet for Bass Lake Road.

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

The project would incorporate the Planned Development concept which would allow for reduced lot sizes and modifications to the Development Standards of the R1 Zone District. The proposed Design Waivers would allow for clustering of the proposed lots and would reduce the impacts to onsite oak canopy and would minimize necessary grading for the improvements. The proposed Design Waivers would further the Planned Development concept for the project.

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

The County design requirements would require wider roads, additional sidewalk improvements which would result in additional grading without providing a better designed project. The Department of Transportation has reviewed the proposed Design Waivers and recommended approval. Approval of the Design Waivers would reduce the impacts to the onsite oak canopy and would reduce the grading necessary to perform the improvements.

4.3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed Design Waivers would allow for access roads which meet County Standards. Pedestrian traffic would be facilitated by the construction of sidewalk on one side of Trout Lake Court.

4.4. This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

The Design Waivers would be consistent road improvement requirements required by County Code and would not conflict with the Zoning Ordinance, General Plan, or the Fire Safe Regulations.

5.0. ~~Design Waiver Findings of Denial~~

~~———— e) Waive the sidewalk requirement for Bass Lake Road.~~

~~**5.1 The adjustment or waiver(s) would be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**~~

~~Bass Lake Road is a major thoroughfare in the Cameron Park area. Pedestrians in the area would be subject to additional vehicular hazards and may walk in the road right-of-way without the construction of the sidewalk. General Plan Policy TC 5A requires sidewalk improvements throughout residential subdivisions which create parcels less than~~

~~10,000 square feet in area. Approval of this Design Waiver would be inconsistent with the General Plan.~~

Conditions

Planning Services:

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated December 13, 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:

The project is for a Tentative Subdivision Map to create 36 residential lots ranging in size from 3,020 to 5,665 square feet, a Zone Change to add the Planned Development (PD) zoning overlay, and a Planned Development to allow the clustering of units and modification to the development standards. The project includes ~~four~~ five design waivers to allow a reduced right-of-way from 60 feet to 50 feet on Trout Lake Court, a reduced sidewalk width from six (6) feet to five (5) feet on Trout Lake Court and to limit the improvements to one side of Trout Lake Court with improvements limited to one side of the road, and a five-foot meandering sidewalk on the south side of Bass Lake Road, to allow a joint access for parcels 1 and 2, and to reduce the length of the turn pockets and tapers onto Bass Lake Road.

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. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
3. Prior to filing of the final map, 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.

4. 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 applicant shall pay all fees at the time of filing the Final Map.
5. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
6. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.00 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. The increase is calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant shall 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 owner of record shall pay the fee at the time the building permit is issued. The owner of record shall record on the property the agreement or a notice of restriction to alert subsequent owners of this obligation.
7. Any oak trees removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County. Replacement of removed tree canopy shall be at a 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the Tentative Map. A letter from the certified project arborist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.
8. ~~The developer shall pay adequate parks fees, based on County appraisal. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the Cameron Park CSD.~~

Prior to final map, the applicant shall file a Notice of Restriction prohibiting parking along the common driveway easement between parcels 1 and 2.

9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
10. 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 applicant 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.

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

- 11. All Development Services Planning fees shall be paid prior to filing of the Final Map.
- 12. Prior to final map, the previous map TM96-1320E shall be considered null and void.

The Department of Transportation:

SPECIFIC PROJECT DOT CONDITIONS:

- 13. The applicant shall construct the following roadways:

Table 1		
ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
Bass Lake Road	Overall 36 ft roadway (60 ft ROW), per Std. Plan 101B with Slope easements as needed	12 foot through lanes, 4 foot shoulders, Type 2 vertical curb & gutter and 6 foot sidewalk <u>along the north side and a 5-foot meandering sidewalk along the south side of Bass Lake Road</u> , per DISM Std. Plan 104 & 110. Required turn pocket channelization will necessitate additional roadway improvements and right of way.
Trout Lake Court	36 ft roadway (50 ft ROW) per Std. Plan 101B with slope easements as needed	Type 1 rolled curb and gutter. 5 foot sidewalk (one side only) per DISM Std. Plan 104 & 110.
Access Road for Lots 1 & 2	18 ft roadway (25 ft ROW), per Fire Safe Regs & DISM	No curb, gutter, sidewalk, turn-around if required by Fire Prevention Officer

Notes for Condition 1 table:

Road widths in the preceding table are measured from curb face to curb face.

Curb face for rolled curb and gutter is 6” from the back of the curb.

- 14. The applicant shall construct the required frontage improvements to Bass Lake Road consistent with the approved improvement plans for the Silver Springs Subdivision that were prepared by Stantec Consulting Inc. and modified, as necessary, to accommodate this project. The applicant shall provide curb, gutter, and sidewalk to the requirements as specified in Condition 1, and right and left turn channelization for access to this development. The improvements shall be substantially completed, to the approval of the

- Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
15. The applicant shall construct Trout Lake Court to the requirements as specified in Condition 1. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 16. The applicant shall design and construct a left turn pocket on Bass Lake Road at the northerly intersection with Trout Lake Court. The DOT will work with the applicant to limit the pocket and transitions to the extent possible while maintaining conformance with the El Dorado County curve design and speed criteria. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the final map.
 17. The applicant shall design and construct a right in/right out at the southerly intersection of Trout Lake Court and Bass Lake Road. This design shall include providing a raised traffic island and curbing to prevent left turn movements at this intersection according to the provisions of the Caltrans Highway Design Manual. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 18. The applicant shall design and construct both roadway encroachments from Trout Creek Court onto Bass Lake Road to the provisions of DISM, Standard Plan 103D. These improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 19. The applicant shall connect the 6 five-foot wide meandering sidewalk along the frontage of Bass Lake Road, southerly to the existing sidewalk that connects to the adjoining Bass Lake Village Subdivision, and northerly connecting to the Woodleigh Lane intersection according to the provisions in the DISM Std. Plan 104 & 110. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 20. A vehicular access restriction shall be placed along the entire frontage of Bass Lake Road, except at the Trout Lake Court encroachments, prior to the filing of the final map.
 21. The applicant shall irrevocably offer to dedicate, in fee, on the final map, the required right of way, with the appropriate slope easements as needed, as specified in Condition 1 for the on-site portion of Bass Lake Road along the entire property frontage. This offer will be accepted by the County.

22. The applicant shall provide a 50 foot wide non-exclusive road and public utility easement (R & PUE) for Trout Lake Court and a 25 foot wide R & PUE for the on-site access roadway that serves Parcel 1 & 2, prior to the filing of the final map.
23. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
24. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. 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 Unit, 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 certified appraiser of the cost of land necessary to complete the off-site improvements.

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

25. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant on July 5, 2007.

Cameron Park Fire Protection District:

26. The District shall require three new hydrants. The location and type of fire hydrants shall be reviewed and approved by the Fire District prior to filing the final map.
27. The applicant shall prepare a Fire Safe Plan for the project. The Fire District shall review and approve the plan prior to filing of the final map.
28. The applicant shall stripe one side of Trout Lake Court as 'No Parking.' Adequate signage shall be required along the striped side of Trout Lake Court. The Fire District shall review and approve the striping and signage prior to filing of the final map.

Cameron Park Community Services District

29. The developer shall pay adequate parks fees, based on County appraisal. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the CSD.

Department of Environmental Health- Air Quality Management District

30. Project applicant shall adhere to Rules 223, 223.1, and 223.2 during construction. The applicant shall submit a Fugitive Dust Plan to and receive approval by the District prior to the issuance of a grading permit and start of project construction.
31. Project construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
32. Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
33. The project construction shall adhere to District Rule 215 Architectural Coatings.
34. The applicant shall submit a list to the District stating which mitigation measures the applicant must comply with to reduce impacts to air quality from equipment exhaust emissions during all construction involved in this project for approval prior to issuance of a Grading Permit.

Surveyor's Office:

35. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

36. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the final map.

b. **TM05-1398/Thousand Oaks, Unit 3**, submitted by HELEN THOMAS (Agent: Gene E. Thorne & Associates, Inc.) to create two lots ranging in size from 1.22 to 7.18 acres. A driveway from St. Ives Court will provide access to Lot One while Lot Two will be served by connecting to Mineshaft Lane. 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**, Supervisorial District IV. (Mitigated negative declaration prepared)

Staff: Jason Hade recommended conditional approval and proposed that the Fish and Game fees be added as a condition of approval.

Nick Avdis represented the applicant and presented several letters in favor of the project. He asked that several of the mitigation measures and conditions be deleted from the project (2, 3, and 4) and went over his reasons for requesting deletions of the conditions.

Jeff Little, environmental consultant for the applicant, was also present.

Paula Frantz, County Counsel, did not agree with the attorney, Mr. Avdis, or the environmental consultant on the ability of the County to impose the mitigation measures. You cannot remove mitigation measures from the mitigated negative declaration without recirculation of the document. She further discussed the mitigation measures in question. Mr. Hade said the applicant did review the mitigation measures and signed an agreement to comply with the mitigation measures in December.

Commissioner Tolhurst said Conditions 2 and 3 are to compensate for disturbance. If you are not going to disturb the area the conditions should not be there. Pierre Rivas said there is no building setback, and that is the problem. Mr. Hade said the setbacks have been reduced from 100 feet to 25 feet. Mr. Rivas said the 100-foot setback is for the septic system from the pond. Commissioner Tolhurst said if there was a 100-foot setback easement, the problem would be solved.

Mr. Avdis agreed to placing on a deed restriction on the plant areas that exist today.

Diane spoke in favor of the project.

Kim Beal said there is an ordinance in place for plants. You only have to pay fees in Mitigation Area 1. Today, the Commission should look at what the ordinance says.

There was no further input.

The Commission took a short break to allow staff time to revise the conditions and findings of approval.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE REVISED MITIGATED NEGATIVE DECLARATION; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 150749(d) INCORPORATED AS CONDITIONS OF APPROVAL; AND APPROVE TM05-1398, INCLUDING THE DESIGN FOR IRREGULARLY SHAPED LOTS AND FRONTAGE FOR LOT 2 TO BE LESS THAN 100 FEET AS SHOWN IN THE TENTATIVE MAP, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.

Conditions

I. PROJECT DESCRIPTION

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 July 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:

TM05-1398 consists of a tentative subdivision map to create two lots ranging in size from 1.22 to 7.18 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 one while lot two will be served by connecting to Mineshaft Lane. The project will not result in direct impact to the El Dorado Bedstraw plants.

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.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

- ~~2. To further reduce impacts to the El Dorado bedstraw, the applicant shall collect seed from the El Dorado bedstraw plants on lot number one 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 number one prior to final map recordation.~~

~~**Monitoring:** The qualified botanist shall submit a letter to Development Services once the seeds have been properly sowed on proposed lot one.~~

- ~~3. To further reduce impacts to the El Dorado bedstraw, the applicant shall transplant the El Dorado bedstraw plants found on lot number one to suitable habitat near the existing El Dorado bedstraw plants on proposed lot number one under the supervision of a qualified botanist prior to final map recordation.~~

~~**Monitoring:** The qualified botanist shall submit a letter to Development Services once the seeds have been properly transplanted on proposed lot one.~~

4. To protect 123 existing and propagated El Dorado bedstraw plants, the applicant shall record a deed restriction on lot number one for the area ~~between the pond and the existing house~~, as shown on Revised Attachment 1, "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. (New MM BIO 1)

~~**Monitoring:** The applicant shall submit one monitoring report prepared by a qualified botanist to Planning Services within one year of plant seed sowing and transplantation. Monitoring shall include an assessment of the population of El Dorado bedstraw and activities within the deed restriction area. Planning Services staff shall review the deed restriction area prior to final map filing.~~

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

5. 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 finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
6. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to *Section 7050.5* of the *Health and Safety Code* and *Section 5097.98* of the *Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.

7. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
8. 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.
9. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
10. 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 B. A 100-foot setback from all ponds and wetlands shall be shown for septic systems.
11. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lot.
12. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
13. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
14. 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 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.

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

15. The applicant shall submit to Planning Services a \$50 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.

Air Quality Management District

16. Prior to the start of project construction, an asbestos dust mitigation plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
17. If naturally occurring asbestos is encountered during project construction, all project driveways and roads shall be paved or require the application of a minimum of three inch depth asbestos free gravel.
18. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
19. 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.
20. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day;
 - Using track-out prevention devices at construction site access points;
 - Stabilizing construction area exit points;
 - Covering haul vehicles;
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour; and
 - Replanting disturbed areas as soon as practical and other measures, as deemed appropriate to the site, to control fugitive dust.

Department of Transportation

21. The applicant shall obtain an encroachment permit for and construct a Standard Plan 103B-1 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.
22. A non-vehicular access restriction shall be placed across lot 2 for lot 1 with the filing of the final map.
23. 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.
24. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.

25. 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.
26. 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.

El Dorado County Fire Protection District

27. 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.
28. Any future proposed project gates are subject to fire district approval.

Surveyor's Office

29. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have 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.

Findings

1.0 CEQA FINDINGS

- 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 Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 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.~~ The Planning Commission, in exercising its independent judgment, has reviewed the changes to the Mitigated Negative Declaration, including the clarifying text in the biological section, and the modification to the biological mitigation measures, including the deletion of MM BIO-1 and MM BIO-2 and the substitution of new MM BIO-1 for MM BIO-3. The Planning Commission finds that the payment of the fee reduces the biological impacts to a less than significant level. The Planning Commission further finds that the mitigation measures, as modified, are more protective of the environment than those previously proposed. The Planning Commission therefore adopts the revised Mitigated

Negative Declaration based on the Initial Study prepared by staff and as revised here today.

- 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 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately 0.24 dwelling units per acre. This is consistent with the General Plan land use designation of MDR for the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits a maximum density of one dwelling unit per acre and parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 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.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains two lots which are consistent with the development standards outlined in Section 17.28.080 of the Zoning Ordinance, including a minimum lot area of one acre. Proposed lot sizes range from 1.22 to 7.18 acres consistent with the minimum parcel sizes permitted under the Zoning Ordinance.
- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.060.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County. As proposed, the tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.*
- 4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 0.24 dwelling units per acre.*
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. A Mitigated Negative Declaration (Exhibit A) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources and hazards and hazardous materials. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.*
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. Access to lot one will be provided by a driveway from St. Ives Court while lot two will be served by connecting to Mineshaft Lane. As such, the existing access points are sufficient to serve the two proposed lots.*
- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties. The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and will require fire safe driveways and sprinkler systems. Fire issues are addressed within the project's conditions of approval.*

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Irregularly shaped lots and frontage for lot two to be less than 100 feet as shown on the tentative map.

- 5.1.1 *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 lot two to be 100 feet.*

- 5.1.2 *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 not permit the subdivision of the subject site because of its existing irregular lot shape.
- 5.1.3 *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 waiver will permit the re-configuration of an existing irregularly shaped lot. Because the lots will be served by existing access points, only minor traffic impacts will result from project implementation.
- 5.1.4 *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.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

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

9. GENERAL PLAN UPDATE

Workshop: Fast Track process for affordable housing and employment-generating projects.

Staff: Peter Maurer recommended this item be continued off-calendar.

10. ZONING ORDINANCE UPDATE - None

11. DEPARTMENT OF TRANSPORTATION - None

12. COUNTY COUNSEL'S REPORTS - None

13. DIRECTOR'S REPORTS - None

14. ADJOURNMENT

Meeting adjourned at 12:45 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

