



EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room
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Alan Tolhurst, Chair, District V
John MacCready, First Vice Chair, District II
Dave Machado, Second Vice Chair, District III
John Knight, District I
Walter Mathews, District IV

Jo Ann Gillion Clerk of the Commission

MINUTES

Regular Meeting
April 24, 2008 – 8:30 A.M.

1. CALL TO ORDER

Meeting called to order at 8:44 a.m. Present: Commissioners Knight (after 8:48 a.m.), Mac Cready, Machado, Mathews, and Tolhurst; Paula F. Frantz, County Counsel; and Jo Ann Gillion, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

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

4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

a. **Minutes:** April 10, 2008

b. **River Use Permit**

Transfer of 12 weekend and 10 weekday user days from RUP #63 to RUP #11.

Staff: Noah Rucker-Triplett recommended approval.

Finding

The transfer of 12 weekend and 10 weekday user days from River use Permit #63 to River Use Permit #11 meets the standards required by the River Management Plan Element 12.2.1.4.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

END OF APPLICATION CONSENT CALENDAR

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Appel informed the Commission of the actions taken by the Board this past Tuesday. Paula Frantz, County Counsel, further explained Measure Y.

6. COMMISSIONERS' REPORTS - None

PUBLIC FORUM/PUBLIC COMMENT - None

7. SPECIAL USE PERMITS (Public Hearing)

a. **S04-0019/Newtown Mini Storage** submitted by BERNARD LEONG for a 18-month time extension for the subject use permit which allows a 56,077 square foot mini-storage facility, 10,461 square foot commercial development, and a 1,296 square foot caretaker/manager residence.. The property, identified by Assessor's Parcel Number 078-270-71, consisting of 6.11 acres, is located on the north side of Pleasant Valley Road, 2,910 feet west of the intersection with Mt. Aukum Road, in the **Pleasant Valley area**, Supervisorial District II. (Negative declaration prepared and adopted with original approval)

Staff: Tom Dougherty presented this item.

Commissioner Mac Cready asked if this is the only time the applicant can request a continuance. Pierre Rivas believes that is correct. There is no provision for a second extension. As long as the applicant submits further permits for this use, i.e. grading permit, building permit, his special use permit would remain valid.

Bernard Leong said the reason for extending the application is because of the economic situation. The sign was not 14 feet high but 10 feet and has been removed.

There was no further input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE AN 18-MONTH EXTENSION FOR SPECIAL USE PERMIT S04-0019.

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

b. **S07-0024/Union Mine Tower** submitted by VERIZON WIRELESS (Agent: Stephen A. Smith, Project Manager) to allow the construction of a wireless communications facility to include a 100-foot self-supporting lattice tower with 12 panel antennas and related ground equipment within a 1,750 square-foot proposed lease area. The proposed lattice tower will replace an existing 90-foot guyed lattice tower. The project includes relocation of all existing emergency agency antennas to the new tower at the same heights. The facility is proposed to be enclosed by a six-foot tall chain link fence with barbed wire atop. The property, identified by Assessor's Parcel Number 092-152-04, consisting of 0.23 acre, is located on the east side of Quartz Drive, approximately 0.6 mile north of the intersection with State Route 49, in the **El Dorado area**, Supervisorial District II. (Categorically exempt pursuant to Section 15302 of the CEQA Guidelines)

Staff: Robert Peters recommended conditional approval. He presented a letter from the applicant referring to Senate Bill 1627 which speaks to time limits for these types of towers. Pierre Rivas does not believe the conditions need to be modified based on this information. Mr. Peters corrected the location to the intersection with Crystal Drive rather than State Route 49 and corrected the fire district to the Diamond Springs/El Dorado Fire Protection District.

Stephen Smith said the problem they have with Condition 11 is that this site is a County facility. He does not believe this condition is necessary for a County facility. They are not interested in a continuance today and would like a decision so that they can move forward.

Commissioner Mathews asked for clarification on Condition 11. Paula Frantz, County Counsel, explained. She does not see a problem with the Commission including Condition 11 on the permit. Mr. Smith suggested "may" instead of "shall." Ms. Frantz said the Commission could change the condition to provide for review by Planning Services. Ms. Frantz proposed modification of Condition 11.

Commissioner Knight asked which fire district owns the property. Mr. Smith replied the Diamond Springs/El Dorado Fire Protection District is the owner.

Ms. Frantz read the modified language for Condition 11. The applicant agreed with the proposed revision.

There was no further input.

MOTION: COMMISSIONER MATHWES, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15302 OF THE CEQA

GUIDELINES AND APPROVE S07-0024 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS REVISED.

Findings

1.0 CEQA FINDING

1.1 Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15302 of the CEQA Guidelines. Class 2 exemptions consist of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

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.

2.0 SPECIAL USE PERMIT FINDINGS

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

It can be found the proposed use is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with the Policies 2.2.5.21 and 5.6.1.4 in the 2004 El Dorado County General Plan because the aesthetics of the proposed self-supporting lattice tower have been addressed and the designed attempts to minimize the effects on adjacent properties. The lattice tower is to be painted a flat grey color to match the existing fire station and other towers in the vicinity, and the ground equipment will be painted flat tan color. Proposed chain link fencing is to be covered entirely by tan colored slats or sufficient landscaping shall be installed to further screen the facility.

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

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than 3.2 percent of the public safety standard established by the FCC the risk of the release of hazardous materials or emissions to the public is remote. Also, improved cellular coverage in the area will assist in backing-up land lines for emergency uses.

2.3 The proposed use is specifically permitted by a special use permit pursuant to this Title.

Section 17.14.200 (D)(5)(b) of the County Code requires a Special Use Permit for location of new towers or monopoles outside of industrial, commercial and research and development zoned districts shall be subject to approval of a special use permit by the planning commission pursuant to Section 17.22.500 et seq. Also, the proposed use complies with the requirements of County Code Sections 17.14 and 17.28.050 thru 17.28.080.

Conditions

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description 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:

Construction and operation of a new Verizon wireless communications facility to include a 110-foot self-supporting lattice tower with 12 panel antennas at the 100-foot level. Also, related ground equipment including a 360 square-foot equipment shelter, a back-up emergency diesel generator, and two Global Positioning System (GPS) antenna are to be located within a 1,750 square-foot lease area. A 30-foot long six-foot wide utility easement is provided from the western property line to the lease area. The facility is enclosed by a six-foot tall chain link fence with barbed wire atop. The self-supporting lattice tower replaces a 90-foot guyed lattice tower which currently supports emergency agency antennas and is located in the lease area. The existing tower and all guyed wires shall be removed within 60 days of new tower operation. All existing emergency agency antennas will be replaced on the new tower at the same heights.

The 1,750 square-foot lease area will be accessed from an existing paved access off of Quartz Drive and a 15-foot access easement. A 12-foot entrance is secured with a 12-foot access gate. Fencing will enclose approximately 64 percent (1,120 square-feet) of the lease area. The project will require no significant grading. The area directly under the tower, the equipment shelter, and the back-up generator will be developed with 12 Verizon Wireless cell block foundation sections (7' x 7' each) resulting in 588 square-feet of paved area. The remainder of the fenced area for the tower and support equipment will utilize existing lawn.

The facility will be maintained by a technician who will visit the site approximately twice a month to perform any necessary maintenance which may be required. The back-up emergency generator will be utilized in response to power outages or disaster. The generator will be operated for approximately 30 minutes per week for testing and during any outage or disaster.

2. All site improvements shall conform to the site plan and elevations attached as Exhibits G, H, and I.
3. The self-supporting lattice tower shall be painted a flat grey color. All equipment shelters, cabinets or other auxiliary structures shall be painted a flat tan color. The chain link fence shall be covered entirely by tan colored slats to further screen the facility. Said fence shall not have gaps at any portion where it touches ground level and shall have barbed wire attached to the entire top portion. Planning Services shall verify the painting of the structures and the installation of fencing and slats prior to final inspection and approval of the facility.
4. Planning Services shall require landscaping to be installed along the wireless communications facility perimeter fencing. Landscaping shall be sufficient to further screen the facility and the perimeter fencing from adjacent land uses. The required landscaping plan shall be developed and reviewed by Planning Services staff prior to issuance of the building permit. The operator or property owner shall contact Planning Services to verify the installation and/or maintenance of required landscaping 3 years after installation or after landscaping has sufficiently screened the fenced area.
5. Lighting shall only be used for night-time maintenance. A security light may be permitted; however, it shall operate by a motion sensor only and be fully-shielded.
6. For collocation purposes, no further review by the Planning Commission shall be required, provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carriers installs no more than 12 panel antennas per carrier on the tower and the overall height of the tower shall not be increased by more than 15 feet.
7. All improvements associated with the communication facility, including equipment shelters, antennae, fences, and landscaping be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
8. Weekly testing of the proposed diesel generator shall be conducted during normal business hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.
9. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
10. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all

disturbance related to the communication facility shall be restored to pre-project condition.

11. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the ~~Planning Commission~~ County Development Services Department every five years. At each five-year review, the permit holder shall provide the ~~Planning Commission~~ Development Services Department with a status report on the then current use of the subject site and related equipment. ~~The Planning Commission Development Services~~ shall review the status report ~~and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to~~ and present that report to the Planning Commission with a recommendation whether to:

(~~3~~ 1) Allow the facility to continue to operate under all applicable conditions; or

(~~4~~ 2) Hold a public hearing to determine whether to ~~M~~modify the conditions of approval in order to reduce identified adverse impacts; ~~and or~~ (2) ~~I~~ initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communication system. ~~;~~~~or~~

By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Development Services Director or his designee to cover the cost of processing a five-year review.

12. 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.
13. Prior to final inspection, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis.
13. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.

El Dorado County Environmental Management:

15. Under the Certified Unified Program Agency (CUPA) programs, if the operation, at any time, will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.
16. The District Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, 223.1, and 223.2, whichever rule is appropriate. In addition, a Fugitive Dust Plan (FDP) Application shall be submitted to and approved by the District prior to the start of project construction. These conditions are addressed during the building permit process.

Diamond Springs-El Dorado Fire Protection District:

17. Knox Box shall be installed per District Requirements. Additional requirements may be necessary once a full set of plans are submitted to the district for review. These conditions are addressed during the building permit process.

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

8. GENERAL PLAN AMENDMENT/REZONE (Public Hearing)

A07-0012/ Z07-0031 submitted by GARY JENKINS to amend the land use designation from Commercial (C) to High Density Residential (HDR) and rezone the same properties from Commercial (C) to One-family Residential (R1). The properties, identified by Assessor's Parcel Numbers 101-210-04, -06, -07, -08, -09, -10, and -11, consisting of 2.61 acres, are located along both sides of Sanders Road, 0.2 mile north of the intersection with Pony Express Trail, in the **Pollock Pines area**, Supervisorial District II. (Statutorily exempt pursuant to Section 15270(b) of the CEQA Guidelines)

Staff: Shawna Purvines recommended denial. She also presented an alternative recommendation for approval.

Commissioner Mathews said the applicant has stated he was told earlier this was a good idea. Mrs. Purvines said there was a pre-application, but after further review, staff feels the property is best if left commercial.

Gary Jenkins, presenting Galen Miler the property owner, went over some background information on these parcels. He met with Helen Baumann and Peter Maurer who both felt the change was appropriate.

Commissioner Mathews asked what commercial uses would work on these parcels. Mr. Jenkins replied a professional office that would not need visual exposure. Because of the additional area required for the septic system on commercial properties, he feels residential is more appropriate.

Commissioner Mathews described the area.

Eileen Crawford, Department of Transportation, explained that Sanders Drive and Red Hook are the proposed entrances for the regional park in this area. Sanders Drive and Red Hook would be widened to County standards.

Mr. Thompson, owner of a residence on Sanders Court, asked which roads are being widened. He asked when the road would be done. Mrs. Purvines said the roads to be widened are Sanders Drive and Red Hook. As these are existing lots, and because it is a General Plan amendment and rezone, there are no conditions for road improvements.

Thalia Georgiadis stated the applicant spoke to EID, the fire district, and Planning Services prior to purchasing this property. Most of the information in the staff report supports approval. They have not addressed the road improvement situation. She believes that the parcel owners would want the road improved to increase the value of their parcels. There is very little commercial in this area. Ms. Georgiadis hopes that the Commission recommends approval of the application.

Galen Miler said at this point they have not proceeded with any plans for the road. It is their intention that some work will have to be done. There will have to be a road association which would be addressed at the proper time.

There was no further input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15270(b) OF THE CEQA GUIDELINES AND APPROVE A07-0012 CHANGING THE LAND USE DESIGNATION FOR ASSESSOR'S PARCEL NUMBERS 101-210-04, -06, -07, -08, -09, -10, AND -11 FROM COMMERCIAL (C) TO HIGH DENSITY RESIDENTIAL (HDR) AND REZONE THE SAME PROPERTIES FROM COMMERCIAL (C) TO ONE-FAMILY RESIDENTIAL (R1), BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

- 1.1 The proposed General Plan policy amendment will not create any new or changed environmental impacts from those identified in the 2004 General Plan Environmental Impact Report, therefore the project is exempt from CEQA pursuant to State CEQA Guidelines §15061(b)(3).

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the policies of the 2004 El Dorado County General Plan. As discussed in the General Plan section of this staff report including Policies 5.1.2.1 and 5.1.2.3, Adequacy of Public Services and Utilities; 5.8.1.1; Affect on School Districts,

7.3.2.2; Erosion Control; 2.1.2.3, and 2.2.5.21; Consistency with Existing and Future Land Use Pattern, the amendment would change the use from Commercial to Residential and therefore would be consistent with current surrounding uses and compatible with potentially future commercial development as long as project is design in a manner to avoid incompatibility.

3.0 ZONING FINDINGS

3.1 The rezone is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

3.2 The site is physically suitable for residential development at this time based on availability of public water, access onto a County road, septic capability, and lack of significant site constraints within the developable areas of the site. However, residential development may preclude future commercial development in the area as projected by the General Plan.

9. TENTATIVE SUBDIVISION MAPS (Public hearing)

a. TM07-1462/Whispering Oaks submitted by WHISPERING OAKS PARTNERS/ARLEN and PATRICIA DI BARTOLO and ROBERT and LYNDA CALVERT to create eight parcels, ranging in size from 5.04 to 7.16 acres. The property, identified by Assessor's Parcel Number 060-330-21, consisting of 43.6 acres, is located on the east side of State Route 193, at the southeast corner of the intersection with Shoemaker Road, in the Georgetown area, Supervisorial District IV. (Mitigated negative declaration prepared)*

Staff: Tom Dougherty recommended conditional approval and proposed several modifications to the conditions.

Commissioner Machado asked for clarification on the road improvements. Mr. Dougherty explained. Eileen Crawford, Department of Transportation, further explained.

Lynda Calvert, one of the applicants, went over some background information on this property.

There was no further input.

Commissioner Machado likes the wording of Condition 5 pertaining to oak tree monitoring.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE TM07-1462 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 Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 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 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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 Low Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per five acres with parcel sizes ranging in size from five to ten acres, and establishes areas for single family residential development in a rural setting. The proposed 5.04 to 7.16-acre parcels conform to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.2.1, 2.1.2.2, 2.1.2.3, 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, and 7.4.4.4, concerning Rural Centers, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access and mitigation for the loss of indigenous oak tree canopy. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots each can meet the development standards of the RE-5 zone district pursuant to section 17.28.210 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 Administrative Findings

4.1 Tentative Subdivision Map

- 4.1.1 *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 Low Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy.*
- 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 5.45 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. Potential environmental impacts for the subdivision have been minimized by the lot designs as the potential building areas are concentrated along the access road and are concentrated primarily in the previously disturbed areas. The loss of indigenous oak tree canopy will be mitigated by replacement requirements and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.*
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and Caltrans requirements to assure adequate access.*
- 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 Georgetown Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.*

Conditions

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M, approved

April 24, 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:

Tentative subdivision map creating eight parcels, ranging in size from 5.04 to 7.16 acres, on a 43.6-acre site. The project will include an encroachment onto Shoemaker Road and a cul-de-sac turnaround at the terminus of the access road within the parcel. The Shoemaker Road encroachment onto State Route 193 will be improved and water will be supplied by extensions of the existing Georgetown Divide Public Utility District facilities that exist at Shoemaker Road and State Route 49 and three fire hydrants will be installed along the interior roadway. Each lot will utilize individual septic facilities. The existing single-family dwelling located on proposed Lot 4 will remain but the existing mobile home and all the accessory buildings associated with it will be removed prior to filing the final map.

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.

Conditions from the Mitigated Negative Declaration

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

2. The applicant is required to replant a combination of 172 one-gallon sized black oak (*Quercus keloggii*) and canyon live oak (*Quercus chrysolepis*) trees (200 trees x 0.86 acre = 172). Of the two species, 26 seedlings shall be canyon live oaks and 146 shall be black oaks. Alternatively, the applicant may plant 516 acorns [(200 trees x 0.86 acre) x 3 acorns = 516 acorns]. Of the two species, 77 acorns shall be canyon live oaks and 429 shall be black oaks. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits L1, L2 and L3. Prior to Planning Services approval of the final map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County. [**MM Biological Resources-1**].

Monitoring: Prior to approval of the final map, the applicant is required to enter into a *County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees*

and Oak Tree Replacement Plantings through Planning Services staff. Applicant shall adhere to the *Revegetation and Restoration Plan* in Exhibit L2 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 for planting trees and for fifteen years for planting acorns.

3. An 80-foot non-building setback from the western parcel boundary shall be shown on the final map. [MM Noise-1].

Monitoring: El Dorado County Planning Services Division will be responsible for assuring that the 80-foot non-building setback is shown on the final map prior to approval. The final map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views from State Route 193, pursuant to the adopted Mitigated Negative Declaration.

Planning Services Site Specific and Standard Conditions

4. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
5. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
6. A meter award letter or similar commitment to provide water service to each lot by the Georgetown Divide Public Utility District shall be submitted to Planning Services for review and approval prior to final map application submittal.
7. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
8. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.0672 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the Georgetown Divide Recreation District, and shall submit the receipt to El Dorado County Planning Services with the final map application.
9. A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants Codes and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
 - A. The HOA shall be fully responsible for the ongoing maintenance and monitoring of the shared private road easement area that is entirely within the subdivision boundary as shown on TM07-1462, as well as the associated drainage facilities

and the associated fire safety management of those areas to specifications recommended by the Georgetown Fire Protection District staff.

- B. The HOA shall share in the maintenance and monitoring of the entire 50-foot wide easement area for the private road (Shoemaker Road), for the entire length of the subject parcel, as well as the associated drainage facilities and the associated fire safety management of those areas to specifications recommended by the Georgetown Fire Protection District staff.
- C. The HOA shall be fully responsible for the management, monitoring and reporting associated with of those areas subject to Mitigation 2 above, [MM Bio 1], the oak tree canopy replacement plan.
- D. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

The Covenants Codes and Restrictions (CC&Rs) shall be submitted to Planning Services staff for review, and subsequent County approval, prior to recordation of the final map.

- 10. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
- 11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

- 12. 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.

El Dorado County Department of Transportation

13. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), 2007 California Fire Code, Appendix_D, and as shown in Table 1 and described in Conditions of Approval 57 and 58. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map:

Table 1				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS /NOTES
Road A (onsite)	Std Plan 101C Std Plan 114 at cul-de-sac Std Plan 103D at encroachment	26 ft/ 1ft	50ft	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP
Shoemaker Road (Offsite. From eastern property boundary to encroachment at Hwy 193)	Std Plan 101C	26 ft / 2 ft	50ft	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP.
Hwy 193 encroachment at Shoemaker Road	Construct to Caltrans Standard	Construct to Caltrans Standard	Determined by Caltrans	

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

** Non-exclusive road and public utility easements included.

14. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate, in fee, a minimum ~~30~~ 25-foot wide right of way and slope easement (if necessary) along the property frontage adjoining Shoemaker Road as determined by EDC DOT, prior to the filing of the map. This offer will be rejected by the County.
15. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private road, and any parking facilities, landscaping, and drainage facilities. If there

is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.

16. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The final map shall show drainage easements for all on-site drainage facilities.
17. **Easements:** All applicable existing and proposed easements shall be shown on the final map.
18. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway and said easement shall be noted on the final map.
19. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map.
20. **Vehicular Access Restriction:** The applicant shall record a vehicular access restriction along the entire frontage Hwy 193. Said access restriction shall be shown on the final map.
21. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
22. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
23. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
24. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the map.

25. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
26. **Import/Export Grading Permit:** Any import, or export of fill material to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
27. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
28. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
29. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
30. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design

plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, 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.

31. **Drainage Study / SWMP Compliance:** 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.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

32. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
33. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent

maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.

34. The final map shall show all utility, road and drainage easements pursuant to the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
35. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the 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 the map, the applicant 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 applicant 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.

36. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
37. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
38. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

California Department of Transportation (Caltrans)

39. Applicant shall construct a shoulder bypass lane pursuant to Caltrans design specifications for the shoulder bypass lane on the opposite side of Shoemaker Road.
40. Shoemaker Road shall be upgraded to Caltrans road approach standards. The width of the approach shall be a minimum of 24-foot wide. The tunneling under the highway will require an encroachment permit. It can be incorporated into the road work permit provided it has complete plan information, or it can be submitted as a separate encroachment permit. The applicant shall contact Julio Elvir at (530) 741-4204 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right of way.
41. The project shall not discharge any additional storm water runoff into the State Highway System right of way or its drainage facilities. The applicant shall contact Mr. Gurdeep Bhattal, District 3 Hydraulics Branch, at (530) 741-4056 for guidance with this condition.
42. No site access shall be provided from S.R. 193. All access shall be from Shoemaker Road.

El Dorado County Air Quality Management District

43. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area (copy enclosed). Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
44. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

NOTE: The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways.

45. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
46. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

47. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

Environmental Management Department - Hazardous Materials Division

48. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a work plan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

Georgetown Divide Public Utility District

49. Prior to approval of the final map, the applicant shall install all improvements to the existing treated water transmission and distribution system existing proximate to the

subject parcel along Sate Route 193. The improvements necessary will be determined by the District's standards, the applicant-submitted modeling study and by any comments received from any other agency pertinent to water supply. All water meters required to serve the eight parcels shall be applied and paid for prior to approval of the final map. The applicant shall be responsible for all expenses incurred by the District associated with this proposed development.

County of El Dorado Office of the County Surveyor

50. All survey monuments shall be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit. Verification of set monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.
51. All roads shall be named by filing a completed road naming petition for each proposed road with the county Surveyor's office prior to filing the final map.

Georgetown Fire Protection District

52. The GREEN reflective, aluminum street signs shall be installed at the intersection per District specifications (shown on blueprints) installed.
53. Address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers shall be four (4) inches tall, contrast with their background, and be positioned so that the bottom of the numbers is a minimum of eight (8) inches above final grade.
54. Approved Fire Lane signage shall be posted on both sides of Shoemaker Road from SH 193 to Whispering Oaks Lane. In addition, approved Fire Lane signage shall be posted on both sides of the entire Whispering Oaks Lane, including the cul-de-sac.
55. If gates are installed on an emergency access roadway, it shall have a key safe (Knox box) installed for emergency vehicle access.
56. Three (3) fire hydrants shall be installed and shall meet the following requirements:
 - a. The hydrants must be supplied by a 'looped' main, capable of maintaining fire-flow of 1,000 gallons per minute.
 - b. The hydrants locations (shown on blueprints) are acceptable.
 - c. The dry-barrel hydrants must meet Georgetown Fire specifications, and be painted SAFETY RED.
 - d. The hydrants and water main shall meet GDPUD specifications.
57. Fire District approval shall be obtained prior to installation of fire protection water supplies. An inspection of installation is required by the Fire Prevention Officer or an appointee prior to backfill.

58. An approved roadway access roadway (Shoemaker Road and Whispering Oaks Lane) per the Georgetown Fire Code shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty-six (26) feet in width and capable of supporting an imposed load of at least 75,000 pounds (shown on blueprints). The road must be of an all weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7 percent; however, ~~100/0~~ 10 percent may be permitted on straight sections. The roadway shall be chip-sealed, paved, or have a concrete surface.
59. An approved access cul-de-sac per the Georgetown Fire Code shall be installed prior to any combustible construction on the site. The cul-de-sac shall be a minimum of ninety-six (96) feet in width and capable of supporting an imposed load of at least 75,000 pounds (shown on blueprints). The road must be of an all weather driving surface maintained free, clear, and unobstructed at all times. In the Georgetown Fire Protection District, grades shall not exceed 7 percent; however, ~~100/0~~ 10 percent may be permitted on straight sections. The cul-de-sac shall be chip-sealed, paved, or have a concrete surface.

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

b. **TM96-1321E/Bell Ranch; TM00-1371E/Hawk View; and TM01-1380E/Bell Woods** submitted by WESTERN PACIFIC HOUSING, INC. (Agent: CTA Engineering and Surveying) requesting five one-year time extensions for the previously approved tentative maps. The properties, identified by Assessor's Parcel Number 119-020-52 (Bell Ranch/112.14 acres), APN 115-040-14 (Hawk View/38.46 acres), and APN 119-020-50 (Bell Woods/33.67 acres), are located on the north side of U.S. Highway 50, between the Bass Lake Road and El Dorado Hills interchanges, in the **El Dorado Hills area**, Supervisorial District II. (Statutorily exempt pursuant to Section 15182 of the CEQA Guidelines)**

Staff: Michael Baron recommended conditional approval for all three tentative maps.

Commissioner Knight asked if there have been any changes to the map. Paula Frantz, County Counsel, said the applications today are for time extensions. The applicant is proposing some changes that will be reviewed at a later date. Ms. Frantz explained five one-year time extensions which have been allowed previously when the properties are covered by a development agreement.

Commissioner Mac Cready asked if the Commission can require they take down the orange tape around the trees and mow the property. Commissioner Knight commented that clearing the property would come under the requirements of the fire district. Gina Hunter said they are doing some grading of the property, and the orange tape is to protect the trees.

Craig Sandberg represented the applicant. If the tape has blown around the property, it will be cleaned up.

Elizabeth Zangari, Department of Transportation, said Hawk View and Bell Woods were conditioned to form zones of benefit. The Hawk View zone was established in 2006. There are existing formation charges due which they hope can be required with the time extensions. They would recommend that the zone of benefit for Bell Woods be withdrawn at the present time. Chair Tolhurst asked if there should be an additional condition added pertaining to the payment of the fees. Ms. Frantz suggested discussing the issue with the applicant. Ms. Zangari said the charges she spoke about are associated incidental costs for the zone of benefit.

Adam Coleman, adjacent property owner to Bell Woods, said they are aware this plan has been in place for some time. He is concerned because the site has been leveled. The orange tape has been blown around on the property. He asked that the site be cleaned up and be kept that way since the maps may not final until 2013. They would like to be able to have input as to where houses will be built on lots adjacent to their parcel. What is the alternative if these applications are denied? Commissioner Mathews said they can work with the developer when they get closer to building the homes as to the location. The County cannot tell them where to build on the lots. Mr. Coleman said they would like the applicant to be better partners and to make the site more visually pleasing.

Mr. Sandberg said if it causes a problem administratively for Bell Woods and Bell Ranch, they will withdraw their zone of benefit applications, and they will also pay the fees needed for Hawk View. Ms. Frantz did not believe there is any need for a change to the condition.

There was no further input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECTS STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND APPROVE TM96-1321E, TM00-1371E, AND TM01-1380E BASED ON THE FINDINGS AND SUBEJCT TO THE CONDITIONS PROPOSED BY STAFF.

TM96-1321E

Findings

1.0 CEQA FINDING

- 1.1 An Environmental Impact Report was certified with the original approval of the Bass Lake Hills Specific Plan on February 7, 1995. All mitigation measures contained in the Final EIR were adopted by the Board of Supervisors and incorporated as conditions of approval of the Tentative Subdivision Maps. Since the original certification of the EIR, no new environmental issues have been identified which would require additional environmental review. Therefore, the Time Extension is deemed Statutorily Exempt pursuant to Section 15182 of California Environmental Quality Act (CEQA) Guidelines.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The proposed time extensions are consistent with the land use designations and maximum allowable density as identified in the 2004 El Dorado County General Plan and the Bass Lake Hills Specific Plan as defined in the development agreement.

2.2 Zoning Code

The subject sites for all three time extension requests are Zoned Single-Family Residential/Planned Development (R1/PD). The R1 Zone District typically permits minimum parcel sizes of six thousand square feet when the lot is served with public water supply and sewage system. It is a requirement of the BLHSP that all lots are to be served by public water and sewer. Each parcel meets or exceeds the minimum requirement for the R1 Zone District as well as the provisions outlined within the Specific Plan. The approved parcels are therefore consistent with the zoning and the approved development plan.

2.3 Subdivision Ordinance

- A. That the proposed map is consistent with applicable general and specific plans;

The proposed time extension to an approved map would create custom residential parcels consistent with the designated density under the 2004 El Dorado County General Plan.

- B. That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The proposed tentative map has been designed in conformance with the General Plan policies and standards including protection of natural resource, circulation, land use, and public facilities.

- C. That the site is physically suitable for the type of development;

The site is physically suitable for the proposed type and density of development, because the tentative map, as conditioned, is consistent with the General Plan, Zoning, Specific Plan, and all mitigation measures of the Environmental Impact Report.

- D. That the site is physically suitable for the proposed density of development;

The combined acreage of all three Tentative Subdivision Maps is physically suitable to accommodate the approved subdivisions. The three combined subdivisions anticipate a maximum of 281 single-family residential lots ranging in

size from 6,476 square feet to 251, 136 square feet, a total of five open space lots, 19 landscape lots, one park site, and public and private streets. Development of each lot shall be subject to the Bass Lake Hills Specific Plan.

- E. That the design of the division or the proposed improvements is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Development of these residential lots are subject to the specific project conditions of approval and required mitigation measures under the certified Environmental Impact Report minimizing impacts to natural resources on site. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards. Therefore, the design of the subdivision is not likely to cause substantial environmental damage.

- F. That the design of the division or the type of improvements is not likely to cause serious public health hazards;

The conditionally approved Tentative Subdivision Maps anticipate the combined development of 281 single-family residential lots ranging in size from 6,476 square feet to 251,136 square feet, a total of five open space lots, 19 landscape lots, one park site, and public and private streets. Overall development of all three sites shall be subject to subsequent permitting review in accordance with the El Dorado County and affected agency standards. Also, the original approvals included granting of a Design Waivers from the El Dorado County Design and Improvement Standards Manual by allowing reductions in both road and sidewalk widths, mountable dike installations in place of rolled curbs where applicable, decorative roadway surfacing, allowance of raised landscape medians, excess dead-end road length, and variable turn around radii. No changes to design waivers are proposed as part of the Time Extension requests. The project design anticipates a safe and orderly development is not likely to cause serious public health hazards.

- G. That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The designs of the Tentative Subdivision Maps conform to the requirements of Section 4291 of the Public Resources Code involving brush and vegetation fire prevention. Future development permits for these sites would be reviewed for conformance for on-site fire suppression and emergency access and circulation by the El Dorado Hills Fire Protection District.

- H. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for

use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements are depicted on the tentative subdivision maps and shall be further verified by the County Surveyor's Office at the time of filing of final maps. Additional easements would be required during review of future discretionary development permits, as deemed necessary. Therefore, no conflicts with easements acquired by the public at large are anticipated.

Conditions of Approval for the Development Plan

1. This Tentative Subdivision Map Time Extension Request is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-F, dated April 24, 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:

Five One-Year Time Extensions to approved Tentative Subdivision Map (TM96-1321 Bell Ranch) in accordance with Section 16.74.030 of the El Dorado County Subdivision Ordinance and Bass Lake Hills Specific Plan.

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 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 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.

- 3.1. The development plan (PD96-0006) for Bell Ranch shall consist of the following: 122 total lots consisting of 113 single family lots ranging in size from 13,500 to 126,930 square feet, with 7 landscape lots, 1 open space lot, and 1 park site on 112.14 acres.
- 4.2. The development plan (PD96-0006) for Bell Ranch (~~Exhibit E~~) shall be in substantial compliance with the Bell Ranch tentative map.
- 5.3. The development plan (PD96-06) for Bell Ranch shall conform to the development standards of the One-family Residential-Planned Development (R1-PD) Zone District with the exception of the following revised setbacks:

Lots 1 - 11

- i. Front – 30 feet minimum
- ii. Rear – 30 feet minimum
- iii. Side – 10 feet minimum

Lots 12 – 113

- i. Front – 20 feet minimum
- ii. Rear – 15 feet minimum
- iii. Side – 5 feet minimum (not height dependent)
- iv. Street Side – 15 feet minimum fronting street

Lot J (if not park)

- i. Front – 30 feet minimum
- ii. Rear – 30 feet minimum
- iii. Side – 20 feet minimum

Improvement Plans and General Conditions - Development Plan/Tentative Map

- 6.4. Pursuant to Item 9.3.1 of the Bass Lake Hills Specific Plan, the applicant shall agree to reimbursement of El Dorado County for the preparation, adoption, administration, and CEQA mitigation monitoring of the Plan. Fees will be assessed prior to the recordation of the final map and must be paid in full prior to issuance of the first building permit.
- 7.5. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.

- ~~8.6.~~ The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance.
- ~~9.7.~~ The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. The County Engineer shall make the final determination of the location of said easements. Said easements shall be irrevocably offered to the County.
- ~~10.8.~~ If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
- ~~11.9.~~ If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
- ~~12.10.~~ The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District. The emergency vehicle circulation and the location of hydrants shall be shown on the improvement plans, which shall be subject to the approval of the Fire Protection District.
- ~~13.11.~~ If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.

Roads

- ~~14.12.~~ This project is subject to El Dorado County traffic fee programs. Said fees shall be due upon the issuance of a building permit. If, prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.
- ~~15.13.~~ A vehicular access restriction shall be designated along L Way frontage of lots 25 through 28, along M Way frontage of lots 29 through 32, along R Way frontage of lots 111 through 113, along Tierra DE Dios frontage of corner lot 1, and also along all landscape lots, except for the driveway easements crossing landscape lots, which shall also be clearly designated at locations approved by the Department of Transportation; the maintenance of driveways should be clearly assigned to the homeowner.

All roads shall be constructed in conformance with the Design and Improvements Standards Manual and the Bass Lake Hills Specific Plan with the following widths:

ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS / NOTES
Tierra De Dios Drive (Country Club Drive)	Specific Plan Fig. 4-2 and Standard Plan 101B	36 foot pavement width (80-foot R/W), plus utility/ slope easements	Type 2 vertical curb and gutter and 6 foot sidewalk on both north side and adjacent to park site (See Note R-2 below)
Morrison Road – on-site, through the project.	Specific Plan Fig. 4-3 and Standard Plan 101B	36 foot curb face to curb face width, (60-foot R/W), plus utility/ slope easements	Type 2 vertical curb and gutter, with 6 foot sidewalk on east side, and 6 foot sidewalk on west side from the most southerly “A” Drive entrance to Tierra De Dios Drive.
Morrison Road – offsite	Specific Plan Fig. 4-3 and Standard Plan 101B	32 foot pavement width (60-foot R/W), plus utility/ slope easements	No curb and gutter. With 6 foot sidewalk on northeast side.
A Drive	Specific Plan Fig. 4-4 Standard Plan 101B	38 foot back of curb to back of curb (50-foot R/W), plus utility/ slope easements	Type 1 rolled curb and gutter* with 4 foot sidewalks on both sides (See Note R-1 below)
B Drive, H Circle, M, L and R Way	Specific Plan Fig. 4-4 and Standard Plan 101B	29 ft. back of curb to back of curb** minimum (50-foot R/W), plus utility/ slope easements	Type 1 rolled curb and gutter* with 4 foot sidewalks on both sides (See Note R-1 below)
Project Cul-de-sacs (C, D, E, G and K Courts	Specific Plan Fig. 4-4 and Standard Plans 101B and 114	29 foot back of curb to back of curb** minimum (50-foot R/W), plus utility/ slope easements	Type 1 rolled curb and gutter* with 4 foot sidewalks (See Note R-1 below)

*Type 2 vertical curb and gutter shall be installed adjacent to back-up lots, landscape lots, open space, and park site.

**Explanation: Specific Plan Figure 4-4 shows pavement width varies from 24 to 36 foot wide. Figure 4.4 also shows a 3-width for the Type 1 rolled curb and gutter; since the County Standard Plan 104 for Type 1 rolled curb and gutter is actually 2.5-foot wide, the condition reflects a 24-foot pavement width with a 2.5-foot wide rolled curb and gutter

on each side resulting in a 29-foot width from back of curb to back of curb as the minimum width for secondary local roads.

Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to filing the final map. Sidewalks shall be connected to any walk/trail systems in the project open space areas. Pedestrian easements to be provided where necessary.

Note R-1: The following Design Waivers have been requested:

- a. All sidewalks on secondary local roads i.e. A and B Drive, C, D, E, and G Court, H Circle, M, L, and R Way reduced from 6 to 4 feet and meander as shown on the map. This 4-wide sidewalk is required in the Bass Lake Hills Specific Plan.
- b. A 40-foot roadway right of way (Lot R) for B and C, D, E, and G Court, H Circle, M and R Way. This requested design waiver includes the requirement that the roadways are fully contained within the road right-of-way and that any sidewalk areas not in the road right-of-way are contained within public pedestrian easements.
- c. Place Caltrans Type E and El Dorado County Type A mountable dike (where applicable) in lieu of El Dorado County Type 1 rolled curb and gutter. This requested design waiver includes the requirement that the back of the mountable dike is at the same location as the back of rolled curb and gutter as shown on Figure 4-4 of the Bass Lake Hills Specific Plan.
- d. Install a short transitional 'neck down' of the secondary local roads as shown on the tentative map. This requested design waiver includes the requirement that the roadway geometry will adequately accommodate the turning movements based on the standard El Dorado Hills Fire Department turning radius requirements (56-foot outside radius and 40-foot inside radius); any modifications to this requirement must be approved by the El Dorado Hills Fire Department. The requested neck down cannot result in less roadway width than is required in Figure 4-4 of the Bass Lake Hills Specific Plan.
- e. Allow enhanced raised, landscape medians in Morrison Road at the two A Drive entrances. The request for generous landscaped medians in Morrison Road, at the entrances to the project, is acceptable to the Department of Transportation subject to acceptable maintenance provisions and appropriate design and review and approval by the Department of Transportation at the plan review and permitting phase. Traffic lanes of Morrison Road next to raised medians must be a minimum of 14 feet in order to allow room for striping and separation for the vehicle wheels. The Islands must be landscaped (landscaping and irrigation plans must be submitted with the improvement plans), and the El Dorado Hills Community Services District must establish the mechanism to assume the responsibility for maintenance prior to acceptance of roadway improvements. The design of Morrison Road and related intersections, during the plan review and permitting phase, must demonstrate that, as a minimum, the geometry will adequately accommodate

both the turning movements based on the standard El Dorado Hills Fire Department turning radius requirements (56-foot outside radius and 40-foot inside radius) and based on the Caltrans Bus Design Vehicle, to the satisfaction of the Department of Transportation.

Note R-2: The design of Tierra De Dios must provide a left turn lane for eastbound traffic turning north on Morrison Road or present a traffic report that must be approved by the Department of Transportation demonstrating why a turn lane is not necessary within the General Plan horizon. An allowance must be provided in the roadway width for 14-foot traffic lanes next to any raised medians on Tierra De Dios Drive. In addition, any roadway area dedicated to turn lanes and medians must be in addition to the 36-foot pavement width indicated in the Specific Plan; this basic pavement width will assure adequate roadway area to accommodate bicycle traffic.

16.14. An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated in the above table shall be made for all the proposed roads, with slope easements where necessary. Said offer will be rejected for internal subdivision roadways at the time of the final map, in which case, a homeowner's agreement and association, or other entity acceptable to the Department of Transportation, shall be established in order to provide for the long-term maintenance of the roads and roadway landscaping.

17.15. Developer shall submit complete applications for Irrevocable Offers of Dedication (IOD) for the portions of Morrison Road outside of the subdivision boundary to the Right of Way unit of the Department of Transportation. The applications will thereafter be processed and forwarded to the Board of Supervisors for action.

18.16. Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.

19.17. No freestanding walls, fences, or retaining walls are allowed in the road right-of-way.

20.18. Primary and secondary roadway access to the road network shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes which shall be unoccupied. Primary access shall be to either Bass Lake Road or Country Club Drive. A secondary access must be to a primary or secondary roadway in the designated alignment defined in the Specific Plan and to the satisfaction of the Department of Transportation and the Fire District.

21.19. This project shall comply with the Bass Lake Hills Specific Plan, the related Bass Lake Hills Development Agreement, and the Bass Lake Hills Public Facilities Financing Plan (PFFP). In addition, excepting for model homes, certificates of occupancy will not be issued for any residential structures until the PFFP Phase 1 improvement requirements (anticipated to be accomplished through the requirements of the Hollow Oak Subdivision) are substantially complete, as determined by the Department of Transportation.

~~22.20.~~ Off-site improvements consistent with Phase 1A requirements of the adopted PFFP shall be completed in compliance as set forth within the Bass Lake Hills Specific Plan (BLHSP), the Bass Lake Hills Specific Plan Public Facilities Financing Plan (PFFP), and the related development agreement, including but not limited to the following. If one of the other two projects included in Phase 1A constructs the improvements, this project shall pay its fair share based on the PFFP leveling methodology. The following are the required improvements:

The applicant may enter into a reimbursement agreement with the County for providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, of the improvements in items a., b., c., and j. above to the extent they are included as eligible in the applicable County and Specific Plan fee programs. Reimbursement shall be consistent with the PFFP and the *El Dorado County Department of Transportation Guidelines for Traffic Fee Program Reimbursement Projects*, including the requirement that the project is bid consistent with the State of California Public Contract Code.

23. The applicant shall secure approved plans, must enter into a Road Improvement Agreement, or Subdivision Improvement Agreement, with the County, and all necessary right-of-way shall be acquired prior to approval of the first final map for the following PFFP requirements: construct Country Club Drive (G-H) with frontage improvements, and construct school infrastructure (water and sewer).

In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by the developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel, or alternative arrangement to the satisfaction of the Department of Transportation. The road improvements must be determined to be substantially complete by the County Department of Transportation prior to issuance of a certificate of occupancy for any number of units greater than one half of the project units.

24. All necessary land shall be acquired prior to approval of the first final map. In the event that the eminent domain process must be implemented to acquire said land, this condition shall be deemed satisfied by the developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel or make other arrangements to the satisfaction of the Department of Transportation.

The Phase 1A projects, collectively, shall be responsible for design of the total park and ride lot, and the construction of no less than 35 spaces together with related facilities and standard encroachment into the County Roadway. These improvements must be substantially complete, as determined by the Department of Transportation, prior to the issuance of a certificate of occupancy for any number of units greater than one half of the units for the subdivision project advancing the construction, unless alternative

arrangements have the agreement of the El Dorado County Transit Authority. The improvement plans must be approved concurrently with the approval of the improvement plans for the internal subdivision improvements. In order for these improvements to be eligible for either credit or reimbursement from the Bass Lake Hills Public Facilities Fee, the project must be publicly bid consistent with the Public Contracts Code of California.

25. Construct Morrison Road (J-I) without off-site frontage improvements. These improvements must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any residential structures in the subdivision. The improvement plans must be approved concurrently with the approval of the improvement plans for the internal subdivision improvements. In order for these improvements to be eligible for either credit or reimbursement from the Bass Lake Hills Public Facilities Fee, the project must be publicly bid consistent with the Public Contracts Code of California.
26. Off-site improvements consistent with Phase 1A requirements of the adopted PFFP shall be completed in compliance as set forth within the Bass Lake Hills Specific Plan, the Bass Lake Hills Specific Plan Public Facilities Financing Plan, and related Environmental Impact Reports. Construction of the improvements to the Bass Lake/U.S. Highway 50 interchange area includes:
 1. A west bound 2-lane on-ramp;
 2. An east bound 2-lane off-ramp;
 3. On-ramp traffic metering;
 4. Widening at the Bass Lake Road/Eastbound off ramp intersection area to provide:
 - a) Dual eastbound left turn lanes;
 - b) A shared eastbound right/through lane;
 5. Two 12-foot northbound through lanes and 1 12-foot southbound lane plus 2-foot shoulders between the eastbound and westbound ramp intersections.

The applicant shall submit bid-ready documents prior to the issuance of the first certificate of occupancy. Improvements identified must be substantially complete prior to the issuance of the 81st certificate of occupancy.

At the discretion of the Director of the Department of Transportation, rather than construct the improvements described above, applicant shall pay an in-lieu fee equivalent to the full cost of constructing, designing, and permitting the improvements.

The cost of constructing these improvements, or the in-lieu fee if that option is chosen by the Department of Transportation, shall not be reimbursable by the County through its road fee programs but is eligible for reimbursement from the Public Facilities Financing Plan (PFFP) fees.

27. An executed contract to perform the Project Study Report (PSR) for the Highway 50/Bass Lake Road Interchange shall be submitted to the Department of Transportation prior to approval of the first final map. The contract will be between the applicant and a consultant acceptable to the County and will include a scope of work that is satisfactory to the County Department of Transportation. In addition, the applicant shall enter into an agreement with the County to guarantee the completion of this PSR and shall provide security equal to the estimated cost of the PSR. At the sole discretion of the Department of Transportation, the Department of Transportation may decide to prepare this Project Study Report directly through either a consultant contract or the use of staff, in which case the Developer would be required to fund the cost of PSR preparation and processing

At the discretion of the Director of the Department of Transportation, this requirement may be deleted.

28. Landscape and irrigation plans shall be included in the project improvement plans and cost estimates and shall be reviewed by the El Dorado Hills Community Services District and be subject to review and approval by the El Dorado County Planning Department; the Department of Transportation will review the plans for matters concerning roadway safety and sight distance.

Drainage

29. The applicant shall construct the detention facilities as identified in the project drainage analysis prior to issuance of building permits. Detention facilities shall be designed in accordance with the County of El Dorado Drainage Manual, including provisions for maintenance and vehicular access.
30. An irrevocable offer of dedication of drainage easement shall be made for the project drainage and detention facilities. A homeowner's agreement and association, or other entity, shall be established in order to provide for responsibility and maintenance of the detention facilities.
31. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan, the Bass Lake Hills Specific Plan, and the County's Stormwater Management Plan. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan.
32. Cross lot drainage shall be avoided wherever possible. When cross lot drainage does occur, it shall be contained within dedicated drainage easements. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.

33. The subdivider shall be required to form a County Service Area Zone of Benefit (ZOB) to fund the maintenance and improvement services to assure the proper storm water conveyance of the facilities. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
34. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
35. The subdivider shall obtain irrevocable Offers of Dedication to the County for public drainage purposes, and shall process same through the County, for offsite drainage easement rights across properties subject to the Specific Plan Development Agreement, to the satisfaction of the Department of Transportation, to accommodate any offsite storm water facilities needed to convey concentrated storm water from the project boundary downgradient to an existing established waterway. Subdivider shall design and install any offsite storm water facilities as necessary to the satisfaction of the Department of Transportation.

Grading

36. Portions of this project are proposed for mass pad grading. Section 15.14.460 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance 4170, 8/20/91) states that a mass pad grading project application shall be transmitted for comment to the Supervisor of the district where the project is located, prior to the issuance. The district Supervisor will be allowed fifteen (15) calendar days to respond, before the grading permit is issued.
37. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance.
38. Grading plans shall be prepared in substantial conformance with the preliminary grading plans submitted for Bell Ranch and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.

39. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
40. Improvement Plans shall incorporate protective measures toward existing oak trees pursuant to Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
41. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
42. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, Section 8.44 of the County of El Dorado County Asbestos and Dust Protection Ordinance (Ord. 4548 adopted 1/4/2000, Amended by Ord. 4360 adopted 5/13/2003) shall apply.

Fire Department

43. The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,000 gpm with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based upon a single family dwelling 3,600 square feet or less in size. This fire flow rate shall be in excess of the maximum daily consumption for this rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval prior to the approval of the improvement plans.
44. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the Fire Department prior to the approval of the improvement plans.
45. To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations which shall be included in the improvement plans.

46. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103 which shall be included in the improvement plans.
47. The open space Lot K between the two developments has no access for emergency personnel and equipment to suppress a wildland fire within this area. The applicant shall be required to provide not less than three (3) all-weather access roadways into this area in accordance with Fire Department requirements which shall be included in the improvement plans.
48. The lots that back up to Wildland Open Space shall be required to use non-combustible type fencing prior to approval of the improvement plans.
49. During any phase of construction, this development shall be required to provide two independent, non-obstructed points of access prior to approval of the improvement plans.
50. The driveways serving this project shall be designed to be in accordance with the El Dorado County Code prior to approval of the improvement plans. If there are any driveways in excess of 20 percent, the design must go back to the fire district for review.
51. This development shall be conditioned to develop and implement a Wildland Fire Safe Plan that is approved by the Fire Department prior to recording the final map.
52. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump section of roadway prior to approval of the improvement plans.
53. The construction of Morrison Road shall be deemed substantially complete by the Department of Transportation prior to issuance of building permits other than model homes that shall be left unoccupied.
54. The development shall provide pedestrian gates in any field fencing erected along the western boundary of lots 1 through 11 to provide access for the fire fighting personnel to the properties west of the development.

Resource Conservation District

55. The project will need to implement erosion control measures (including runoff control measures and soil stabilization measures) and sediment control measures (e.g., straw rolls, sediment fence, sediment basins). The types of practices chosen are site-specific and dependent on the time of year construction activities occur.

56. The applicant shall prepare a Stormwater Pollution Plan (SWPPP) that incorporates Best Management Practices (BMPs) to contain pollutants on the project site and prevent pollutants from entering stormwater runoff. BMPs shall be incorporated into the construction contract documents. The SWPPP shall be prepared prior to approval of the improvement plans.

Environmental Management-Air Pollution Control District

57. Project emissions of ROG, NOX, and PM-10 need to be quantified using either the URBEMIS 7G for windows 5.1.0 or similar model that is acceptable to the District. In addition, District Rule #223 addresses the regulation and mitigation measures for fugitive dust emissions – Rule 223 shall be adhered to during the construction process. In addition, prior to the issuance of any grading or construction permits for the project, the applicant shall submit, as determined by the El Dorado County Air Quality Management District (AQMD), a Fugitive Dust Plan (FDP) application and/or an Asbestos Dust Mitigation Plan (ADMP) application may be required for submittal to and approval by the District prior to beginning project construction.
58. It is the understanding of the District that this area is known to have soil bearing asbestos. Therefore compliance with “Title 17 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations” of the California Code of Regulations will be mandatory prior to approval of the improvement plans.
59. Project construction involves road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust prior to the approval of the improvement plans.
60. A health risk assessment shall be prepared when the project will emit toxic air contaminants. Airborne toxic pollutants expected to be generated by the project must be identified. In addition, it must be determined if a project is to be located in an area which may impact existing or planned schools or facilities with the potential to emit toxic or hazardous pollutants. A potential airborne toxic pollutant to consider is asbestos in asbestos-containing serpentine. Applicant will assist the District in preparing a public notice in which the proposed project for which an application for a permit is made is fully described and complies to Health and Safety Code 42301.6. The risk assessment must address the pollutants and potential impacts on public health prior to the approval of the improvement plans.
61. Burning of wastes that result from Land Development Clearing must be permitted through the Air Pollution Control District. Only vegetative waste materials may be disposed of using an open outdoor fire prior to approval of the improvement plans.
62. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings prior to approval of the improvement plans.

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

County Surveyor

64. 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 Surveyor's Office.
65. 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.

Community Services District

66. The project includes a 5.77 acre park site which will be offered for dedication to the El Dorado Hills Community Services District. If the parkland dedication is accepted, there will be a credit against Quimby fees; otherwise Quimby in-lieu fees shall be paid in accordance with County policy prior to recordation of the final map.

The EDHCSD reserves the right to select either Lot J or residential Lot 1 for the park site. A minimum of ninety (90) days prior to submitting the final map to Planning Services, the developer shall offer Lots 1 and J to the EDHCSD. The EDHCSD shall then have 90 days to accept one of the lots or reject the offer of park dedication. If no action is taken by the EDHCSD within 90 days, the decision of whether and where to locate a park site shall be determined by developer and shown on the final map submittal.

Depending on the option chosen by the EDHCSD, one of the following alternatives shall be shown on the final map submittal:

- a. Park site on Lot J – Dedicate Lot J to the EDHCSD (access provided through Lot C with a County approved encroachment off of Tierra de Dios Drive); Lot 2 designated as a residential lot (access off of Morrison Road);
- b. Park site on Lot 1 – Dedicate Lot 1 to the EDH CSD (access off of Morrison Road); Lot J a residential Lot A (access provided through Lot C with a County approved encroachment on to Tierra de Dios Drive);
- c. Omit Park Site – Lot 1 a residential lot (access off of Morrison Road); Lot J designated as a Neighborhood Service Zone (access provided through Lot C with a County approved access on to Tierra de Dios Drive);

- d. Omit Park Site – Lot J a residential lot (access provided through Lot C with a County approved access on to Tierra de Dios Drive); Lot 1 reconfigured and merged into Lots 2, 3, 4, and 5; or
 - e. Private Park on Lot J – Grant to a Homeowner’s Association for ownership and maintenance (access provided through Lot C with a County approved access on to Tierra de Dios Drive).
67. The project is subject to the EDHCSD Park Impact Fee in place at the time the building permits are issued. Additionally, the project will be subject to the Bass Lake Hills Specific Plan (BLHSP) Public Facilities Financing Plan (PFFP).
68. EDHCSD requires that all utilities be underground. Underground drainage is also recommended to avoid the safety hazards and maintenance problems of open ditches.
69. A homeowner’s association (HOA) needs to be formed to finance ongoing operation and maintenance of street lights (if any), streetscape, and for open space management, or if no HOA is formed, then a Landscape and Lighting Assessment District (LLAD) needs to be created to fund the maintenance and operation of the same. The District also recommends the creation of a shell LLAD for the project as a back-up funding mechanism to a homeowner’s association, in the event the homeowner’s association should fail to maintain the improvements to the District’s standards.
70. Sidewalks and pedestrian/bicycle paths shall comply with the BLHSP. The proper shoulder widths, bikeway widths, striping and signage will be required and should be noted on the plans.
71. Cable television access should be made available to all homes and the development should allow for joint trenching.
72. The El Dorado Hills CSD will provide mandatory waste management services for the residences, including recycling services.
73. Prior to final map approval, a streetscape plan for projects located on all primary local roads shall be submitted for review and approval by the El Dorado Hills CSD.
74. The streetscape is a component of the future Landscape and Lighting Assessment District and would need to be detailed, approved, and have a related maintenance budget prior to the final map.
75. The homebuilders will install the front yard landscaping.
76. Pursuant to Section 4.13 #10 of the Bass Lake Hills Specific Plan, no parking is allowed on Tierra De Dios or Morrison Road. Therefore, to gain access to the park site, a driveway encroachment must be constructed to Department of Transportation requirements and on-site parking on the park site must be provided, allowing for vehicles

to exit the site in a forward direction, to the satisfaction of the El Dorado Hills Community Services District and Planning Services. These improvements must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any residential structures in the subdivision. The improvement plans must be approved concurrently with the approval of the improvement plans for the internal subdivision improvements.

Mitigation Monitoring and Reporting Program

77. The applicant shall comply with the Mitigation Monitoring and Reporting Program (MMRP) as a condition of project approval. Implementation of the MMRP shall be enacted as set forth by Table 3.0-1 of the MMRP prepared for the project and attached hereto.

Subdivision Requirements of Law

NOTE: The subdivision requirements as noted herein are provisions of County law either by Ordinance or Resolution and typically apply to all subdivisions. They do not represent all laws - which may be applicable to the subdivision, but do reflect obligations for which the subdivider should be aware of as the project proceeds toward final map submittal.

1. Improvement plans for on-site and off-site road improvements shall be prepared by a registered civil engineer and shall be subject to County Department of Transportation approval.
2. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
3. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public street and service facilities. All improvements shall be consistent with the approved tentative map.
4. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.

5. Subdivision improvements shall include driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Transportation Director. Driveways shall be installed in a manner and location acceptable to the County Department of Transportation and shall meet standard County driveway requirements.
6. All grading plans shall be prepared and submitted to the EL Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.
7. The timing of construction and method of revegetation shall be coordinated by the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
8. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
9. All survey monuments shall be set prior to the presentation of the Final Map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit and shall provide 50 percent labor and materials bond. Verification of set monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.
10. All roads shall be named by filing a completed road naming petition for each proposed road with the county Surveyor's office prior to filing the final map.
11. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
12. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
13. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the

California Department of Forestry and air pollution permits from the County prior to said burning activities.

14. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
15. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed.
16. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Section 15064.5 of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

TM00-1371E

Findings

1.0 CEQA FINDING

- 1.1 An Environmental Impact Report was certified with the original approval of the Bass Lake Hills Specific Plan on February 7, 1995. All mitigation measures contained in the Final EIR were adopted by the Board of Supervisors and incorporated as conditions of approval of the Tentative Subdivision Maps. Since the original certification of the EIR, no new environmental issues have been identified which would require additional environmental review. Therefore, the Time Extension is deemed Statutorily Exempt pursuant to Section 15182 of California Environmental Quality Act (CEQA) Guidelines.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The proposed time extensions are consistent with the land use designations and maximum allowable density as identified in the 2004 El Dorado County General Plan and the Bass Lake Hills Specific Plan as defined in the development agreement.

2.2 Zoning Code

The subject sites for all three time extension requests are Zoned Single-Family Residential/Planned Development (R1/PD). The R1 Zone District typically permits minimum parcel sizes of six thousand square feet when the lot is served with public water supply and sewage system. It is a requirement of the BLHSP that all lots are to be served by public water and sewer. Each parcel meets or exceeds the minimum requirement for the R1 Zone District as well as the provisions outlined within the Specific Plan. The approved parcels are therefore consistent with the zoning and the approved development plan.

2.3 Subdivision Ordinance

- A. That the proposed map is consistent with applicable general and specific plans;

The proposed time extension to an approved map would create custom residential parcels consistent with the designated density under the 2004 El Dorado County General Plan.

- B. That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The proposed tentative map has been designed in conformance with the General Plan policies and standards including protection of natural resource, circulation, land use, and public facilities.

- C. That the site is physically suitable for the type of development;

The site is physically suitable for the proposed type and density of development, because the tentative map, as conditioned, is consistent with the General Plan, Zoning, Specific Plan, and all mitigation measures of the Environmental Impact Report.

- D. That the site is physically suitable for the proposed density of development;

The combined acreage of all three Tentative Subdivision Maps is physically suitable to accommodate the approved subdivisions. The three combined

subdivisions anticipate a maximum of 281 single-family residential lots ranging in size from 6,476 square feet to 251, 136 square feet, a total of five open space lots, 19 landscape lots, one park site, and public and private streets. Development of each lot shall be subject to the Bass Lake Hills Specific Plan.

- E. That the design of the division or the proposed improvements is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Development of these residential lots are subject to the specific project conditions of approval and required mitigation measures under the certified Environmental Impact Report minimizing impacts to natural resources on site. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards. Therefore, the design of the subdivision is not likely to cause substantial environmental damage.

- F. That the design of the division or the type of improvements is not likely to cause serious public health hazards;

The conditionally approved Tentative Subdivision Maps anticipate the combined development of 281 single-family residential lots ranging in size from 6,476 square feet to 251,136 square feet, a total of five open space lots, 19 landscape lots, one park site, and public and private streets. Overall development of all three sites shall be subject to subsequent permitting review in accordance with the El Dorado County and affected agency standards. Also, the original approvals included granting of a Design Waivers from the El Dorado County Design and Improvement Standards Manual by allowing reductions in both road and sidewalk widths, mountable dike installations in place of rolled curbs where applicable, decorative roadway surfacing, allowance of raised landscape medians, excess dead-end road length, and variable turn around radii. No changes to design waivers are proposed as part of the Time Extension requests. The project design anticipates a safe and orderly development is not likely to cause serious public health hazards.

- G. That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The designs of the Tentative Subdivision Maps conform to the requirements of Section 4291 of the Public Resources Code involving brush and vegetation fire prevention. Future development permits for these sites would be reviewed for conformance for on-site fire suppression and emergency access and circulation by the El Dorado Hills Fire Protection District.

- H. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving

authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements are depicted on the tentative subdivision maps and shall be further verified by the County Surveyor's Office at the time of filing of final maps. Additional easements would be required during review of future discretionary development permits, as deemed necessary. Therefore, no conflicts with easements acquired by the public at large are anticipated.

Conditions

1. This tentative subdivision map time extension is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-F, dated April 24, 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:

Five one-year time extensions to approved tentative subdivision map (TM00-1371 Hawk View) in accordance with Section 16.74.030 of the El Dorado County Subdivision Ordinance and Bass Lake Hills Specific Plan.

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 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 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.

Development Plan

- 3.1. Development Plan PD00-0007 for Hawk View shall consist of the following: 114 single family lots ranging in size from 6,476 to 29,789 square feet, with 5 landscape lots and 2 open space lots on 40.10 acres.
- 4.2. Development Plan PD00-0007 for Hawk View (~~Exhibit E~~) shall be in substantial compliance with the Hawk View tentative map.

Improvement Plans and General Conditions for the Development Plan and the Tentative Map

- 5.3. Pursuant to Item 9.3.1 of the Bass Lake Hills Specific Plan, the applicant shall agree to reimbursement of El Dorado County for the preparation, adoption, administration, and CEQA mitigation monitoring of the Plan. Fees will be assessed prior to the recordation of the final map and must be paid in full prior to issuance of the first building permit.
- 6.4. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.
- 7.5. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance.
- 8.6. The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
- 9.7. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
- 10.8. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the

California Department of Forestry and air pollution permits from the County prior to said burning activities.

11.9. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District. The emergency vehicle circulation and the location of hydrants shall be shown on the improvement plans, which shall be subject to the approval of the Fire Protection District.

12.10. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.

Roads

13.11. This project is subject to El Dorado County fee programs. Said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.

14.12. The encroachment onto realigned Bass Lake Road shall be constructed to El Dorado County Standard Plan 103F, or an alternative design approved by the County Engineer.

15.13. The encroachment onto Silver Dove Way shall be constructed to El Dorado County Standard Plan 103E, or an alternative design approved by the County Engineer.

16.14. A vehicular access restriction shall be designated along Bass Lake Road and Silver Dove Way for the frontage of the project except at the project roadway encroachments onto Bass Lake Road and Silver Dove Way.

17.15. All roads shall be constructed in conformance with the Design and Improvements Standards Manual with the following widths:

ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS/NOTES
Silver Dove Way	Spec. Plan and Std. Plan 101B	36 ft. (56' R/W), plus utility/ slope easements	Type 2 vertical curb and gutter, with 6 ft. meandering sidewalks
Project Secondary Local Roads(A, B, D, and E Roads)	Spec. Plan and Std. Plan 101B	32 ft. (50' R/W), plus utility/ slope easements	Type 1 rolled curb and gutter with 4 ft. sidewalks
Project Cul-de-sacs (A, B, C, and E Courts)	Spec. Plan and Std. Plans 101B and 114	28 ft. (50' R/W), plus utility/ slope easements	Type 1 rolled curb and gutter* with 4 ft. sidewalks (see note R-1 below)

*Type 2 vertical curb & gutter adjacent to Lot A detention basin.

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

Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to filing the final map. Sidewalks shall be connected to any walk/trail systems in the project open space areas. Pedestrian easements to be provided where necessary.

Note R-1: The following Design Waivers have been requested:

1. All sidewalks on the local roads reduced from 6 feet to 4 feet and meander as shown. This 4-wide sidewalk is required in the Bass Lake Hills Specific Plan. This Department recommends approval of the above requested design waiver.
2. The proposed centerline radii for A and B Court and F Drive are to be modified to 120-feet, 185-feet and 63-feet respectively. This Department recommends approval of the above requested design waiver.

~~18.16.~~ An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated in the above table shall be made for all the proposed roads, with slope easements where necessary. Said offer may be accepted by the County at the time of the final map subject to improvements and subject to inclusion in a Zone of Benefit for road maintenance purposes. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.

~~19.17.~~ Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.

~~20.18.~~ A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model

homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District.

~~21.19.~~ The applicant shall construct Silver Dove Way adjacent to the project and extending southwesterly approximately 300 linear feet to conform to an existing private roadway. All improvements shall be designed and constructed to the applicable County standards and requirements and meet with the approval of the Department of Transportation. The applicant may enter into a reimbursement agreement with the County providing for reimbursements of the funds provided by the applicant and used for the construction, or for construction related activities, of these improvements to the extent they are included in the Bass Lake Hills Specific Plan Fee Account.

~~22.20.~~ A left turn pocket shall be constructed on Bass Lake Road, at the entrance to the project and is subject to the review and approval by the Department of Transportation at the improvement plan stage.

~~23.21.~~ This project shall comply with the Bass Lake Hills Specific Plan, the related Bass Lake Hills Development Agreement, and the Bass Lake Hills Public Facilities Financing Plan (PFFP). In addition, excepting for model homes, certificates of occupancy will not be issued for any residential structures until the PFFP Phase 1 improvement requirements (anticipated to be accomplished through the requirements of the Hollow Oak Subdivision) are substantially complete, as determined by the Department of Transportation.

~~24.22.~~ Off-site road improvements consistent with Phase 1A requirements of the adopted PFFP shall be completed in compliance as set forth within the Bass Lake Hills Specific Plan (BLHSP), the Bass Lake Hills Specific Plan Public Facilities Financing Plan (PFFP), and the related development agreement, including but not limited to the following:

- A. Reconstruct Bass Lake Road with full improvements as required in the BLHSP from Hollow Oak Road to Highway 50. Provide underground utilities as required (see following Note 1).
- B. Construct bike lane and sidewalks along Bass Lake Road from Hollow Oak Road to Highway 50 (see following Note 1).
- C. Finish median and other improvements on Bass Lake Road from Hollow Oak Road to Serrano Parkway as required by the BLHSP. Provide underground utilities as required (see following Note 1).
- D. Construct Country Club Drive (G-H) with frontage improvements (see following Note 2).
- E. Construct Silver Dove Way to school site (Q-G) with frontage improvements (see following Note 2).

- F. Construct Silver Dove Way (C-D) if Hawk View is included in the critical mass projects (see following Note 5).
- G. Construct school infrastructure (water and sewer) (see following Note 2).
- H. Construct Morrison Road (J-I) without off-site frontage improvements if Bell Ranch is in the critical mass projects (see following Note 5).
- I. Construct traffic signals on Bass Lake Road if required by traffic warrants. If signals are not yet warranted, the initial design will incorporate underground facilities (such as conduits) to minimize disturbance of new pavement.
- J. Construct or complete funding for Hwy 50/Bass Lake Road Interchange ramp improvements and ramp metering (see following Note 3 and Note 1).
- K. Acquire approximately two acres for the park-and-ride lot (see following Note 4). Construct a portion of the lot, the number of parking spaces shall be proportionate to the number of lots developed. The proposed construction shall be shown appropriately in the improvement plans.
- L. Acquire land for an 8.7-acre sports park (see following Note 4).
- M. Planning and design of Sports Park

Note 1: Funding and a bid-ready package for items A, B, and C above (Bass Lake Road improvements), together with a road improvement agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first residential building permit.

Funding and a bid-ready package for item J. above (interchange ramp improvements), together with a road improvement agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first residential building permit. The Department of Transportation may, at its sole discretion, alter the timing of the bid award for this project if the Department determines the alteration is in the public interest.

The County will only assure award of the public contract between March 1 and September 1 and the Department of Transportation will schedule the bidding process for a bid opening date to occur within 70 days of receipt of the funding and bid ready package if the package is received between January 1 and July 1. The term bid-ready presumes that the improvement plans and all other documents and processes have been thoroughly reviewed and approved by Department of Transportation staff prior to the submittal of the bid-ready package. The County Engineer, County Counsel, and the County Board of Supervisors are the final authority regarding the completeness of any bid-ready package.

Excepting for model homes, certificates of occupancy will not be issued for any residential building permit in excess of 19 for the subdivision project that submits the funding and bid-ready package to the County, until the improvements in items A, C, and J above are substantially complete as determined by the Department of Transportation. For the remaining projects in the Phase 1A portion of the PFFP, excepting for model homes, certificates of occupancy will not be issued for any residential building permit until the improvements in items A, C, and J above are substantially complete as determined by the Department of Transportation.

A complete bid-ready package shall include plans, specifications, right of way acquisition (if necessary), utility agreements executed with all impacted utility relocation work completed/scheduled, environmental clearance for both on-site and off-site work complete, all necessary regulatory/encroachment permits secured, and all documents for bidding the contract signed and sealed by a registered civil engineer. If the funding and the complete bid-ready package for the improvements are provided to the County by the applicant prior to final map processing, the final maps can record without need for additional security for these improvements. The County will award and administer public contract(s) for this work.

The road improvement agreement or subdivision improvement agreement shall include provisions that the applicant provides supplemental funds to the County as necessary to pay for any change orders generated through the construction phase, that the developer's engineer be available to provide engineering services in support of the project during construction, and that said designer will indemnify the County per the County's standard indemnification language.

Bass Lake Road shall be improved with 2, 18-foot widths of pavement to accommodate the north-bound and south-bound traffic together with a nominal 8-foot wide median area that varies to 16-foot wide to accommodate turn lanes at appropriate intersections. The design shall include reconstruction of a portion Bass Lake Road with full improvements consistent with Phase 1A requirements of the adopted PFFP, including but not limited to underground utilities, bike lane, sidewalks, the finished median with landscaping and irrigation and other improvements as outlined in the PFFP. This requirement is made pursuant to the Bass Lake Hills Specific Plan and related Development Agreement and Public Facilities Financing Plan. Landscaping and irrigation plans shall be reviewed by the El Dorado Hills Community Services District (EDH CSD) and shall be reviewed and approved by the Department of Transportation.

The applicant may enter into a reimbursement agreement with the County for providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, of the improvements in items A, B, C, and J above to the extent they are included as eligible in the applicable County and Specific Plan fee programs. Reimbursement shall be consistent with the PFFP and the EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION GUIDELINES FOR TRAFFIC FEE PROGRAM REIMBURSEMENT PROJECTS, including the requirement that the project is bid consistent with the State of California Public Contract Code.

In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel or alternative arrangement to the satisfaction of the Department of Transportation.

Note 2: (Items D, E, and G above) - The applicant shall secure approved plans, must enter into a road improvement agreement, or subdivision improvement agreement, with the County, and all necessary right-of-way shall be acquired prior to approval of the first final map. In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by the developer entering into an agreement for condemnation proceedings with County Counsel together with a deposit of funds as required by County Counsel, or alternative arrangement to the satisfaction of the Department of Transportation. The road improvements must be determined to be substantially complete by the County Department of Transportation prior to issuance of a certificate of occupancy for any number of units greater than one half of the project units.

Note 3: (Item J above) - An executed contract to perform the Project Study Report (PSR) for the Highway 50/Bass Lake Road Interchange shall be submitted to the Department of Transportation prior to approval of the first final map. The contract will be between the applicant and a consultant acceptable to the County and will include a scope of work that is satisfactory to the County Department of Transportation. In addition, the applicant shall enter into an agreement with the County to guarantee the completion of this PSR and shall provide security equal to the estimated cost of the PSR. At the sole discretion of the Department of Transportation, the Department of Transportation may decide to prepare this Project Study Report directly through either a consultant contract or the use of staff, in which case the Developer would be required to fund the cost of PSR preparation and processing.

Note 4: (Items K and L above) - All necessary land shall be acquired prior to approval of the first final map. In the event that the eminent domain process must be implemented to acquire said land, this condition shall be deemed satisfied by Developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel, or make other arrangements to the satisfaction of the Department of Transportation.

The Phase 1A projects, collectively, shall be responsible for design of the total park and ride lot, and the construction of no less than 35 spaces together with related onsite travel ways, facilities and standard encroachment into the County roadway. These improvements must be substantially complete, as determined by the Department of Transportation, prior to issuance of a certificate of occupancy for any number of units greater than one half of the units for the subdivision project advancing the construction, unless alternative arrangements have the agreement of the El Dorado County Transit Authority and the Department of Transportation. The improvement plans must be

approved concurrently with the approval of the improvement plans for the internal subdivision improvements. In order for these improvements to be eligible for either credit or reimbursement from the Bass Lake Hills Public Facilities Fee, the project must be publicly bid consistent with the Public Contracts Code of California

Note 5: (Items F and H above) - These improvements must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any residential structures in the respective, named subdivision. The improvement plans must be approved concurrently with the approval of the improvement plans for the internal subdivision improvements. In order for these improvements to be eligible for either credit or reimbursement from the Bass Lake Hills Public Facilities Fee, the project must be publicly bid consistent with the Public Contracts Code of California.

25.23. Landscape and irrigation plans shall be included in the project improvement plans and cost estimates, and shall be reviewed by the El Dorado Hills Community Services District and be subject to review and approval by the El Dorado County Planning Department; the Department of Transportation will review the plans for matters concerning roadway safety and sight distance.

DRAINAGE

26.24. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan, the Bass Lake Hills Specific Plan, and the County's Storm Water management Plan. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan.

27.25. Cross lot drainage shall be avoided wherever possible. When cross lot drainage does occur, it shall be contained within dedicated drainage easements. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.

28.26. The subdivider shall be required to form a County Service Area Zone of Benefit (ZOB) to fund the drainage facility maintenance and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.

29.27. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.

30.28. The subdivider shall obtain irrevocable Offers of Dedication to the County for public drainage purposes, and shall process same through the County, for offsite easement rights across properties subject to the Specific Plan Development Agreement, to the Satisfaction

of the Department of Transportation, to accommodate any offsite storm water facilities needed to convey concentrated storm water from the project boundary downgradient to an existing established waterway. Subdivider shall design and install said offsite storm water facilities as necessary to the satisfaction of the Department of Transportation.

Grading

- ~~31.29.~~ This project is proposing mass pad grading. Section 15.14.460 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance 4170, 8/20/91) states that a mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance. The district supervisor will be allowed 15 calendar days to respond, before the grading permit is issued.
- ~~32.30.~~ Grading plans shall be prepared in substantial conformance with the preliminary grading plans submitted for Hawk View and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
- ~~33.31.~~ The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
- ~~34.32.~~ Improvement Plans shall incorporate protective measures toward existing oak trees pursuant to Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
- ~~35.33.~~ Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
- ~~36.34.~~ Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, Section 8.44 of the County of El Dorado County Asbestos and Dust Protection Ordinance (Ord. 4548 adopted 1/4/2000, Amended by Ord. 4360 adopted 5/13/2003) shall apply.

Fire Department

~~37.35.~~—The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,000 gpm with a minimum residential pressure of 20 psi for two-hour duration. This requirement is based upon a side lot setback of 10 feet or greater. This fire flow rate shall be in excess of the maximum daily consumption for this rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval.

~~38.36.~~ This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall be determined by the Fire Department.

~~39.37.~~ To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.

~~40.38.~~ In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.

~~41.39.~~ All streets within this project shall be constructed in accordance with El Dorado County and Fire Department requirements.

~~42.40.~~ During each phase of this project, a minimum of two independent access roadways shall be provided for each phase of the project.

~~43.41.~~ The applicant shall have a wildland fire safety plan developed for this project.

~~44.42.~~ If phasing of development creates any dead-end access roadways in excess of 150 feet, the roadway shall be provided with a turnaround in accordance with Fire Department specifications.

Resource Conservation

~~45.43.~~ The project will need to implement erosion control measures (including runoff control measures and soil stabilization measures) and sediment control measures (e.g., straw rolls, sediment fence, sediment basins). The types of practices chosen are site-specific and dependent on the time of year construction activities occur.

~~46.44.~~ The applicant will need to control non-storm water discharges (e.g., wash water), potentially hazardous materials such as hydraulic fluid from construction vehicles and paint materials, and all potential pollutants on the construction site.

Environmental Management – Air Pollution Control District

- 47.45: Project emissions of ROG, NOX, and PM-10 need to be quantified using either the URBEMIS 7G for windows 5.1.0 or similar model that is acceptable to the District. In addition, District Rule 223 addresses the regulation and mitigation measures for fugitive dust emissions – Rule 223 shall be adhered to during the construction process. In addition, a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the District prior to beginning project construction.
- 48.46: It is the understanding of the District that this area is known to have soil bearing asbestos. Therefore compliance with Title 17 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations of the California Code of Regulations will be mandatory.
- 49.47: Project construction involves road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust.
- 50.48: A health risk assessment shall be prepared when the project will emit toxic air contaminants. Airborne toxic pollutants expected to be generated by the project must be identified. In addition, it must be determined if a project is to be located in an area which may impact existing or planned schools or facilities with the potential to emit toxic or hazardous pollutants. A potential airborne toxic pollutant to consider is asbestos in asbestos-containing serpentine. Applicant will assist the District in preparing a public notice in which the proposed project for which an application for a permit is made is fully described and complies to Health and Safety Code 42301.6. The risk assessment must address the pollutants and potential impacts on public health.
- 51.49—Burning of wastes that result from “Land Development Clearing” must be permitted through the Air Pollution Control District. Only vegetative waste materials may be disposed of using an open outdoor fire.
52. 50: The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
- 53.51: Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

County Surveyor

~~54.52.~~—The interior roads of the project will be named through the Road Naming Process established by the County Surveyor.

Community Services District

~~55.53.~~ The project is subject to the Quimby Act and dedication requirements for parkland based on El Dorado Hills standards of 5 acres per 1,000 residents population. Population density is based on 3.3 persons per home, which works out to 1.9-acres of parkland to be dedicated to the District before the filing of the final map. As no park site is indicated on this tentative map, nor indicated in the Bass Lake Hills Specific Plan, the District will negotiate in-lieu fees with the developer.

~~56.54.~~ The project is subject to the El Dorado Hills CSD Park Impact Fee in place at the time the building permits are issued. Additionally, the project will be subject to the Bass Lake Hills Specific Plan (BLHSP) Public Facilities Financing Plan (PFFP).

~~57.55.~~ The El Dorado Hills CSD requires that all utilities be underground. Underground drainage is also recommended to avoid the safety hazards and maintenance problems of open ditches.

~~58.56.~~ A Homeowner's Association (HOA) needs to be formed to finance ongoing operation and maintenance of street lights (if any), streetscape, and for open space management, or if no HOA is formed, then a Landscape and Lighting Assessment District (LLAD) needs to be created to fund the maintenance and operation of the same. The District also recommends the creation of a shell LLAD for the project as a back-up funding mechanism to a Homeowner's Association, in the event the Homeowner's Association should fail to maintain the improvements to the District's standards.

~~59.57.~~ Sidewalks and pedestrian/bicycle paths shall comply with the BLHSP which calls for a Class II Bikeway along the proposed Silver Dove Way and a Class I bikeway along Bass Lake Road (realigned). The proper shoulder widths, bikeway widths, striping and signage will be required and should be noted on the plans.

~~60.58.~~ Cable television access should be made available to all homes and the development should allow for joint trenching.

~~61.59.~~ The El Dorado Hills CSD will provide mandatory waste management services for the residences, including recycling services.

~~62.60.~~ Prior to final map approval, a streetscape plan for projects which front Bass Lake Road and all primary local roads shall be submitted for review and approval by the El Dorado Hills CSD.

~~63.61.~~ The streetscape is a component of the future Landscape and Lighting Assessment District and would need to be detailed, approved, and have a related maintenance budget prior to the final map.

~~64.62.~~ The home builders will install the front yard landscaping.

~~65.63.~~ The El Dorado Hills CSD will review and approve the following items prior to final maps being recorded:

- a. Open Space and Tree Preservation Management Plan;
- b. CC&Rs need to be reviewed and approved by the El Dorado Hills CSD Board of Directors prior to recording the final map and include any conditions that are specific to any lots or areas, such as oak tree preservation and vegetation management.

Subdivision Requirements Of Law

NOTE: The subdivision requirements as noted herein are provisions of County law either by Ordinance or Resolution and typically apply to all subdivisions. They do not represent all laws - which may be applicable to the subdivision, but do reflect obligations for which the subdivider should be aware of as the project proceeds toward final map submittal.

1. Improvement plans for on-site and off-site road improvements shall be prepared by a registered civil engineer and shall be subject to County Department of Transportation approval.
2. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
3. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public streets and service facilities. All improvements shall be consistent with the approved tentative map.
4. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of

- construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.
5. Subdivision improvements shall include driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Transportation Director. Driveways shall be installed in a manner and location acceptable to the County Department of Transportation and shall meet standard County driveway requirements.
 6. All grading plans shall be prepared and submitted to the EL Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.
 7. The timing of construction and method of revegetation shall be coordinated by the EL Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
 8. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
 9. All survey monuments shall be set prior to the presentation of the Final Map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit and shall provide 50 percent labor and materials bond. Verification of set monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.
 10. All roads shall be named by filing a completed road naming petition for each proposed road with the county Surveyor's office prior to filing the final map.
 11. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire Protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
 12. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.

13. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
14. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
15. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed.
16. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Section 15064.5 of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

TM01-1380F

Findings

1.0 CEQA FINDING

- 1.1 An Environmental Impact Report was certified with the original approval of the Bass Lake Hills Specific Plan on February 7, 1995. All mitigation measures contained in the Final EIR were adopted by the Board of Supervisors and incorporated as conditions of approval of the Tentative Subdivision Maps. Since the original certification of the EIR, no new environmental issues have been identified which would require additional environmental review. Therefore, the Time Extension is deemed Statutorily Exempt pursuant to Section 15182 of California Environmental Quality Act (CEQA) Guidelines.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The proposed time extensions are consistent with the land use designations and maximum allowable density as identified in the 2004 El Dorado County General Plan and the Bass Lake Hills Specific Plan as defined in the development agreement.

2.2 Zoning Code

The subject sites for all three time extension requests are Zoned Single-Family Residential/Planned Development (R1/PD). The R1 Zone District typically permits minimum parcel sizes of six thousand square feet when the lot is served with public water supply and sewage system. It is a requirement of the BLHSP that all lots are to be served by public water and sewer. Each parcel meets or exceeds the minimum requirement for the R1 Zone District as well as the provisions outlined within the Specific Plan. The approved parcels are therefore consistent with the zoning and the approved development plan.

2.3 Subdivision Ordinance

- A. That the proposed map is consistent with applicable general and specific plans;

The proposed time extension to an approved map would create custom residential parcels consistent with the designated density under the 2004 El Dorado County General Plan.

- B. That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The proposed tentative map has been designed in conformance with the General Plan policies and standards including protection of natural resource, circulation, land use, and public facilities.

- C. That the site is physically suitable for the type of development;

The site is physically suitable for the proposed type and density of development, because the tentative map, as conditioned, is consistent with the General Plan, Zoning, Specific Plan, and all mitigation measures of the Environmental Impact Report.

- D. That the site is physically suitable for the proposed density of development;

The combined acreage of all three Tentative Subdivision Maps is physically suitable to accommodate the approved subdivisions. The three combined

subdivisions anticipate a maximum of 281 single-family residential lots ranging in size from 6,476 square feet to 251, 136 square feet, a total of five open space lots, 19 landscape lots, one park site, and public and private streets. Development of each lot shall be subject to the Bass Lake Hills Specific Plan.

- E. That the design of the division or the proposed improvements is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Development of these residential lots are subject to the specific project conditions of approval and required mitigation measures under the certified Environmental Impact Report minimizing impacts to natural resources on site. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards. Therefore, the design of the subdivision is not likely to cause substantial environmental damage.

- F. That the design of the division or the type of improvements is not likely to cause serious public health hazards;

The conditionally approved Tentative Subdivision Maps anticipate the combined development of 281 single-family residential lots ranging in size from 6,476 square feet to 251,136 square feet, a total of five open space lots, 19 landscape lots, one park site, and public and private streets. Overall development of all three sites shall be subject to subsequent permitting review in accordance with the El Dorado County and affected agency standards. Also, the original approvals included granting of a Design Waivers from the El Dorado County Design and Improvement Standards Manual by allowing reductions in both road and sidewalk widths, mountable dike installations in place of rolled curbs where applicable, decorative roadway surfacing, allowance of raised landscape medians, excess dead-end road length, and variable turn around radii. No changes to design waivers are proposed as part of the Time Extension requests. The project design anticipates a safe and orderly development is not likely to cause serious public health hazards.

- G. That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The designs of the Tentative Subdivision Maps conform to the requirements of Section 4291 of the Public Resources Code involving brush and vegetation fire prevention. Future development permits for these sites would be reviewed for conformance for on-site fire suppression and emergency access and circulation by the El Dorado Hills Fire Protection District.

- H. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving

authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements are depicted on the tentative subdivision maps and shall be further verified by the County Surveyor's Office at the time of filing of final maps. Additional easements would be required during review of future discretionary development permits, as deemed necessary. Therefore, no conflicts with easements acquired by the public at large are anticipated.

Conditions

1. This tentative subdivision map time extension is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-F, dated April 24, 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:

Five one-year time extensions to approved tentative subdivision map (TM01-131380 Bell Woods) in accordance with Section 16.74.030 of the El Dorado County Subdivision Ordinance and Bass Lake Hills Specific Plan.

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 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 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.

- 3.1. The Development Plan PD01-0008 for Bell Woods shall consist of the following: 54 single family lots ranging in size from 11,004 to 26,080 square feet, with five (5) landscape lots and 2 open space lots on 34.28 acres.
- 4.2. The Development Plan PD01-08 for Bell Woods (Exhibit E) shall be in substantial compliance with the Bell Woods tentative map.
- 5.3. The Development Plan PD01-0008 for Bell Woods shall conform to the development standards of the R1-PD zoning district.

IMPROVEMENT PLANS AND GENERAL CONDITIONS

- 6.4. Pursuant to Item 9.3.1 of the Bass Lake Hills Specific Plan, the applicant shall agree to reimburse El Dorado County for the preparation, adoption, administration, and CEQA mitigation monitoring of the Plan. Fees will be assessed prior to the recordation of the final map and must be paid in full prior to issuance of the first building permit.
- 7.5. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.
- 8.6. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance.
- 9.7. The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer and shall be irrevocably offered to the County.
- 10.8. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
- 11.9. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the

California Department of Forestry and air pollution permits from the County prior to said burning activities.

12.10. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District. The emergency vehicle circulation and the location of hydrants shall be shown on the improvement plans, which shall be subject to the approval of the Fire Protection District.

13.11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.

Roads

14.12. This project is subject to El Dorado County traffic fee programs. Said fees shall be due upon the issuance of a building permit. If, prior to the application for a building permit for said project, a revised fee is established, such revised amount shall be paid.

15.13. A vehicular access restriction shall be designated along Covello Circle for the frontage of lots 1 and 31.

16.14. All roads shall be constructed in conformance with the Design and Improvements Standards Manual and the Bass Lake Hills Specific Plan with the following widths:

ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS / NOTES
Covello Circle	Specific Plan & Std Plan 101B	32 ft. (50' R/W), plus utility/ slope easements	Type 2 vertical curb & gutter, with 4 ft. sidewalks (see Note R-1 below)
Nicole Drive and A, B, C and D Court	Specific Plan & Std Plan 101B	28 ft. (50' R/W), plus utility/ slope easements	Type 1 rolled curb & gutter* with 4 ft. sidewalks (see Note R-1 below)
Project Cul-de-sacs (A, B, C and D Courts)	Specific Plan & Std Plans 101B & 114	28 ft. (50' R/W), plus utility/ slope easements	Type 1 rolled curb & gutter* with 4 ft. sidewalks (see note 1 below)

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

**Type 2 vertical curb and gutter shall be installed adjacent to Lot B and Lot A open space.*

Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to filing the final map. Sidewalks shall be connected to any walk/trail systems in the project open space areas. Pedestrian easements are to be provided where necessary.

Note 1: Cul-de-sacs shall be per Std Plan 114 and shall have no landscaping within the cul-de-sacs.

Note R-1: the following Design Waivers have been requested:

1. All sidewalks on the local roads reduced from 6 to 4 feet and meander as shown. This 4-wide sidewalk is required in the Bass Lake Hills Specific Plan. This Department recommends approval of the above requested design waiver.
 2. The proposed lengths of C and D Court exceed 500 feet and the applicant requests lengths of approximately 600 feet and 750 feet respectively. The proposed lengths of A and B Court exceed 500' when the length of Nicole Drive is added. The Department of Transportation recommends approval of the above requested design waiver.
- 17.15. All offsite roadways necessary for access from Bass Lake Road to Nicole Drive must be substantially complete, as determined by the Department of Transportation, prior to issuance of building permits for lots 32 through 54.
- 18.16. An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated in the above table shall be made for all the proposed roads, with slope easements where necessary. Said offer may be accepted by the County at the time of the final map subject to improvements and subject to inclusion in a County Service Area Zone of Benefit (ZOB) for road maintenance purposes and a Landscape and Lighting Assessment District (LLAD) for roadway landscaping maintenance purposes. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads and roadway landscaping.
- 19.17. Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.
- 20.18. No freestanding walls, fences, or retaining walls are allowed in the road right-of-way.
- 21.19. A slope easement shall be recorded on Lot 7, sufficient to accommodate road-side slope for Knollwood Drive.

- 22.20. The emergency access road through Lot A shall be constructed to link Covello Circle and Nicole Drive prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. This emergency access road shall be gated at its entrance to the public roads and is subject to the approval of, or may be modified by, the appropriate Fire District.
- 23.21. Primary and secondary roadway access shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Primary access for Lots 1 through 31 shall be Country Club Drive. Primary access for Lots 32 through 54 shall be Bass Lake Road. A secondary access must be to a primary or secondary roadway in the designated alignment defined as in the Specific Plan and to the satisfaction of the Department of Transportation and the Fire District.
- 24.22. This project shall comply with the Bass Lake Hills Specific Plan, the related Bass Lake Hills development agreement, and the Bass Lake Hills Public Facilities Financing Plan (PFFP). In addition, excepting for model homes, certificates of occupancy will not be issued for any residential structures until the PFFP Phase 1 improvement requirements (anticipated to be accomplished through the requirements of the Hollow Oak subdivision) are substantially complete, as determined by the Department of Transportation.
- 25.23. Off-site road improvements consistent with Phase 1A requirements of the adopted PFFP shall be completed in compliance as set forth within the Bass Lake Hills Specific Plan (BLHSP), the Bass Lake Hills Specific Plan Public Facilities Financing Plan (PFFP), and the related Development Agreement, including but not limited to the following. If one of the other two projects included in Phase 1A constructs the improvement, this project shall pay its fair share based on the PFFP leveling methodology. The following are the required improvements:
- A. Reconstruct Bass Lake Road with full improvements as required in the BLHSP from Hollow Oak Road to Highway 50. Provide underground utilities as required.
 - B. Construct bike lane and sidewalks along Bass Lake Road from Hollow Oak Road to Highway 50.
 - C. Finish median and other improvements on Bass Lake Road from Hollow Oak Road to Serrano Parkway as required by the BLHSP. Provide underground utilities as required.
 - D. Construct Country Club Drive (G-H) with frontage improvements.
 - E. Construct Silver Dove Way to school site (Q-G) with frontage improvements.

- F. Construct Silver Dove Way (C-D) if Hawk View is included in the critical mass projects.
- G. Construct school infrastructure (water and sewer).
- H. Construct Morrison Road (J-I) without off-site frontage improvements if Bell Ranch is in the critical mass projects.
- I. Construct traffic signals on Bass Lake Road if required by Traffic Warrants. If signals are not yet warranted, the initial design will incorporate underground facilities (such as conduits) to minimize disturbance of new pavement.
- J. Acquire approximately two acres for the park-and-ride lot to the satisfaction of the El Dorado County Transit Authority. Construct a portion of the lot, the number of parking spaces shall be proportionate to the number of subdivision lots developed. The proposed construction shall be shown appropriately in the improvement plans.
- K. Acquire land for an 8.7-acre sports park.
- L. Planning and design of Sports Park.

26.24. Funding and a bid-ready package for Bass Lake Road improvements, including reconstruction with full improvements from Hollow Oak Road to approximately Highway 50, bike lane and sidewalks from Hollow Oak Road to approximately Highway 50, and finish median and other improvements on Bass Lake Road from Hollow Oak Road to Serrano Parkway as required by the BLHSP including underground utilities as required, together with a road improvement agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first residential building permit.

The County will only assure award of the public contract between March 1 and September 1, and the Department of Transportation will schedule the bidding process for a bid opening date to occur within 70 days of receipt of the funding and bid-ready package if the package is received between January 1 and July 1. The term bid-ready presumes that the improvement plans and all other documents and processes have been thoroughly reviewed and approved by Department of Transportation staff prior to the submittal of the bid-ready package. The County Engineer, County Counsel, and the County Board of Supervisors are the final authority regarding the completeness of any bid-ready package.

Excepting for model homes, certificates of occupancy will not be issued for any residential building until the improvements are substantially complete as determined by the Department of Transportation.

A complete bid-ready package shall include plans, specifications, right-of-way acquisition (if necessary), utility agreements executed with all impacted utility, relocation work completed/scheduled, environmental clearance for both on-site and off-site work complete, all necessary regulatory/encroachment permits secured, and all documents for bidding the contract signed and sealed by a registered civil engineer. If the funding and the complete bid-ready package for the improvements are provided to the County by the applicant prior to final map processing, the final maps can record without need for additional security for these improvements. The County will award and administer public contract(s) for this work.

The road improvement agreement or subdivision improvement agreement shall include provisions that the applicant provides supplemental funds to the County as necessary to pay for any change orders generated through the construction phase, that the developer's engineer be available to provide engineering services in support of the project during construction, and that said designer will indemnify the County per the County's standard indemnification language.

Bass Lake Road shall be improved with 2, 18-foot widths of pavement to accommodate the north-bound and south-bound traffic together with a nominal 8-foot wide median area that varies to 16 feet wide to accommodate turn lanes at appropriate intersections. The design shall include reconstruction of a portion Bass Lake Road with full improvements consistent with Phase 1A requirements of the adopted PFFP, including but not limited to, underground utilities, bike lane, sidewalks, the finished median with landscaping and irrigation and other improvements as outlined in the PFFP. This requirement is made pursuant to the Bass Lake Hills Specific Plan and related Development Agreement and Public Facilities Financing Plan. Landscaping and irrigation plans shall be reviewed by the El Dorado Hills Community Services District and shall be reviewed and approved by the Department of Transportation.

The applicant may enter into a reimbursement agreement with the County for providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, of the improvements to the extent they are included as eligible in the applicable County and Specific Plan fee programs. Reimbursement shall be consistent with the PFFP and the *El Dorado County Department of Transportation Guidelines for Traffic Fee Program Reimbursement Projects*, including the requirement that the project is bid consistent with the State of California Public Contract Code.

In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by developer entering into an agreement for condemnation proceedings with the County Counsel together with a

deposit of funds as required by County Counsel or alternative arrangement to the satisfaction of the Department of Transportation.

- 27.25. The applicant shall secure approved plans, must enter into a road improvement agreement, or subdivision improvement agreement, with the County, and all necessary right-of-way shall be acquired prior to approval of the first final map for the following project PFFP requirements: construct Country Club Drive (G-H) with frontage improvements, construct Silver Dove Way to school site (Q-G) with frontage improvements, and construct school infrastructure (water and sewer).

In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by the developer entering into an agreement for condemnation proceedings with County Counsel together with a deposit of funds as required by County Counsel, or alternative arrangement to the satisfaction of the Department of Transportation. The road improvements must be determined to be substantially complete by the County Department of Transportation prior to issuance of a certificate of occupancy for any number of units greater than one half of the project units.

- 28.26. All necessary land shall be acquired prior to approval of the first final map for the approximately two acres for the park-and-ride lot and also for the 8.7-acre sports park. In the event that the eminent domain process must be implemented to acquire said land, this condition shall be deemed satisfied by developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel, or make other arrangements to the satisfaction of the Department of Transportation.

The Phase 1A projects, collectively, shall be responsible for design of the total park and ride lot (100 spaces), and the construction of no less than 35 spaces together with related on-site travel ways, facilities, and standard encroachment into the County roadway all to the satisfaction of the El Dorado County Transit Authority. These improvements must be substantially complete, as determined by the Department of Transportation, prior to issuance of a certificate of occupancy for any number of units greater than one half of the units for the subdivision project advancing the construction, unless alternative arrangements have the agreement of the El Dorado County Transit Authority and the Department of Transportation. The improvement plans must be approved concurrently with the approval of the improvement plans for the internal subdivision improvements. In order for these improvements to be eligible for either credit or reimbursement from the Bass Lake Hills Public Facilities Fee, the project must be publicly bid consistent with the Public Contracts Code of California

- 29.27. Off-site road improvements consistent with Phase 1A requirements of the adopted PFFP shall be completed in compliance as set forth within the Bass Lake Hills Specific Plan, the Bass Lake Hills Specific Plan Public Facilities Financing Plan, and related Environmental Impact Reports. Construction of the improvements to the Bass Lake/U.S. Highway 50 interchange area includes:

1. A west bound 2-lane on-ramp;
2. An east bound 2-lane off-ramp;
3. On-ramp traffic metering;
4. Widening at the Bass Lake Road/Eastbound off ramp intersection area to provide:
 - a) Dual eastbound left turn lanes;
 - b) A shared eastbound right/through lane;
5. Two 12-foot northbound through lanes and 1 12-foot southbound lane plus 2-foot shoulders between the eastbound and westbound ramp intersections.

The applicant shall submit bid-ready documents prior to the issuance of the first certificate of occupancy. Improvements identified must be substantially complete prior to the issuance of the 41 certificate of occupancy.

At the discretion of the Director of the Department of Transportation, rather than construct the improvements described above, applicant shall pay an in-lieu fee equivalent to the full cost of constructing, designing, and permitting the improvements.

The cost of constructing these improvements, or the in-lieu fee if that option is chosen by the Department of Transportation, shall not be reimbursable by the County through its road fee programs but is eligible for reimbursement from the Public Facilities Financing Plan (PFFP) fees.

- 30.28. An executed contract to perform the Project Study Report (PSR) for the Highway 50/Bass Lake Road Interchange shall be submitted to the Department of Transportation prior to approval of the first final map. The contract will be between the applicant and a consultant acceptable to the County and will include a scope of work that is satisfactory to the County Department of Transportation. In addition, the applicant shall enter into an agreement with the County to guarantee the completion of this PSR and shall provide security equal to the estimated cost of the PSR. At the sole discretion of the Department of Transportation, the Department of Transportation may decide to prepare this Project Study Report directly through either a consultant contract or the use of staff, in which case the developer would be required to fund the cost of PSR preparation and processing.

At the discretion of the Director of the Department of Transportation, this requirement may be deleted.

- 31.29. Landscape and irrigation plans shall be included in the project improvement plans and cost estimates and shall be reviewed by the El Dorado Hills Community Services District and be subject to review and approval by El Dorado County Planning Services; the Department of Transportation will review the plans for matters concerning roadway safety and sight distance.

Drainage

- 32.30. The applicant shall construct the detention facilities as identified in the project drainage analysis prior to issuance of building permits. Detention facilities shall be designed in accordance with the County of El Dorado Drainage Manual, including provisions for maintenance and vehicular access. Vehicular access shall be provided from C Court to the basin in Lot B with security provisions or alternative access shall be provided if determined to be satisfactory by the Department of Transportation.
- 33.31. An irrevocable offer of dedication of drainage easement shall be made for the project detention facilities. A homeowner's agreement and association, or other entity, shall be established in order to provide for ownership in fee title to the detention facility.
- 34.32. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan, the Bass Lake Hills Specific Plan, and the County's Storm water Management Plan. The developer shall install said drainage facilities with the respective phase of construction or as specified in the final drainage plan.
- 35.33. Cross lot drainage shall be avoided wherever possible. When cross lot drainage does occur, it shall be contained within dedicated drainage easements. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
- 36.34. The subdivider shall be required to form a County Service Area Zone of Benefit (ZOB) to fund the drainage facility maintenance and maintenance of the flows through the detention facility, and any replacement of the flow related facilities, together with maintenance vehicle access to the detention facility. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
- 37.35. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
- 38.36. The subdivider shall obtain irrevocable Offers of Dedication to the County for public drainage purposes, and shall process same through the County, for offsite easement rights across properties subject to the Specific Plan Development Agreement, to the satisfaction of the Department of Transportation, to accommodate any offsite storm water facilities needed to convey concentrated storm water from the project boundary downgradient to an existing established waterway. Subdivider shall design and install said offsite storm water facilities as necessary to the satisfaction of the Department of Transportation.

Grading

- 39.37. This project is proposing mass pad grading. Section 15.14.460 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4170, 8/20/91) states that a mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance. The district supervisor will be allowed fifteen (15) calendar days to respond, before the grading permit is issued.
- 40.38. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance.
- 41.39. Grading plans shall be prepared in substantial conformance with the preliminary grading plans submitted for Bell Woods and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
- 42.40. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
- 43.41. Improvement Plans shall incorporate protective measures toward existing oak trees pursuant to Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
- 44.42. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
- 45.43. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, Section 8.44 of the County of El Dorado County Asbestos and Dust Protection Ordinance (Ordinance No. 4548 adopted 1/4/2000, Amended by Ordinance No. 4360 adopted 5/13/2003) shall apply.

Fire Department

- 46.44. That portion of the project that is not within the fire district boundary would have to annex into a District and shall pay all fees associated with that annexation.
- 47.45. The potable water system for the purpose of fire protection for this residual development shall provide a minimum fire flow as determined by the fire district in accordance with the Uniform Fire Code. This requirement is based upon a single family dwelling 3,600 square feet or less in size. This fire flow rate shall be in excess of the maximum daily consumption for this rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the fire department for review and approval prior to approval of the improvement plans.
- 48.46. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the fire department prior to approval of the improvement plans.
- 49.47. To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations shall be included in the improvement plans.
- 50.48. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the applicable fire district shall be included in the improvement plans.
- 51.49. The applicant shall have a Wildland Fire Safety Plan developed for this project prior to approval of the final map.
- 52.50. If the phasing of this development creates any dead-end access roadways in excess of 150 feet, the roadway shall be provided with a turnaround in accordance with applicable Fire District specifications prior to approval of the improvement plans.

Resource Conservation

- 53.51. The project will need to implement erosion control measures (including runoff control measures and soil stabilization measures) and sediment control measures (e.g., straw rolls, sediment fence, sediment basins). The types of practices chosen are site-specific and dependant on the time of year construction activities occur.

54.52. The applicant shall prepare a Stormwater Pollution Plan (SWPPP) that incorporates Best Management Practices (BMPs) to contain pollutants on the project site and prevent pollutants from entering stormwater runoff. BMPs shall be incorporated into the construction contract documents. The SWPPP shall be prepared prior to approval of the improvement plans.

Environmental Management/Air Pollution Control District

55.53. Project emissions of ROG, NOX, and PM-10 need to be quantified using either the URBEMIS 7G for windows 5.1.0 or similar model that is acceptable to the District. In addition, District Rule #223 addresses the regulation and mitigation measures for fugitive dust emissions – Rule 223 shall be adhered to during the construction process. In addition, a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the District prior to beginning project construction prior to approval of the improvement plans.

56.54. It is the understanding of the District that this area is known to have soil bearing asbestos. Therefore compliance with *Title 17 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations* of the California Code of Regulations will be mandatory prior to approval of the improvement plans.

57.55. Project construction involves road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust prior to approval of the improvement plans.

58.56. A health risk assessment shall be prepared when the project will emit toxic air contaminants. Airborne toxic pollutants expected to be generated by the project must be identified. In addition, it must be determined if a project is to be located in an area which may impact existing or planned schools or facilities with the potential to emit toxic or hazardous pollutants. A potential airborne toxic pollutant to consider is asbestos in asbestos-containing serpentine. Applicant will assist the District in preparing a public notice in which the proposed project for which an application for a permit is made is fully described and complies to Health and Safety Code 42301.6. The risk assessment must address the pollutants and potential impacts on public health prior to approval of the improvement plans.

59.57. Burning of wastes that result from Land Development Clearing must be permitted through the Air Pollution Control District. Only vegetative waste materials may be disposed of using an open outdoor fire prior to approval of the improvement plans.

60.58. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings prior to approval of the improvement plans.

61.59. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion

engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors prior to approval of the improvement plans.

County Surveyor

~~62.~~60. 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 Surveyor's Office.

~~63.~~61. The interior roads of the project will be named thorough the Road Naming Process established by the County Surveyor.

Community Services District

These conditions would apply if the project were annexed in part or in entirety by the ~~EDH~~CSD.

~~64.~~62. The project is subject to the Quimby Act and dedication requirements for parkland based on EDH standards of 5 acres per 1,000 residents population. Population density is based on 3.3 persons per home, which works out to 0.89-acres of parkland to be dedicated to the District before the filing of the final map. As no park site is indicated on this tentative map, but is indicated in the Bass Lake Hills Specific Plan, the District shall be paid in-lieu fees by the developer prior to recording the final map.

~~65.~~63. The project is subject to the EDHCSD Park Impact Fee in place at the time the building permits are issued. Additionally, the project will be subject to the Bass Lake Hills Specific Plan (BLHSP) Public Facilities Financing Plan (PFFP) Phase 1A requirements and shall participate in the acquisition and dedication of the 8.7-acre park site, along with adequate water supply, to the EDHCSD prior to recording of the first map.

~~66.~~64. The EDHCSD requires that all utilities be underground. Underground drainage is also recommended to avoid the safety hazards and maintenance problems of open ditches.

~~67.~~65. A Homeowner's Association (HOA) needs to be formed to finance ongoing operation and maintenance of street lights (if any), streetscape, and for open space management. The District recommends the creation of a shell Landscape and Lighting Assessment District for the 54-lot development as a back-up funding mechanism to a Homeowner's Association, in the event the Homeowner's Association should fail to maintain the improvements to the District's standards.

~~68.~~66. Prior to final map approval, a streetscape plan for projects which front Bass Lake Road and all primary local roads shall be submitted for review and approval by the El Dorado Hills CSD.

- 69.67. The streetscape is a component of the future Landscape and Lighting Assessment District and would need to be detailed, approved, and have a related maintenance budget prior to the final map.
- 70.68. The development should allow for joint trenching for cable television services.
- 71.69. The District will provide mandatory waste management services for the residences, including recycling services.
- 72.70. The EDHCS D will review and approve the following items prior to final maps being recorded:
- c. Phasing Plan
 - d. Open Space and Tree Preservation Management Plan; and
 - e. CC&Rs need to be reviewed and approved by the CSD Board of Directors prior to recording the final map and include any conditions that are specific to any lots or areas, such as oak tree preservation and vegetation management.

Mitigation Monitoring and Reporting Program

- 73.71. The applicant shall comply with the Mitigation Monitoring and Reporting Program (MMRP) as a condition of project approval. Implementation of the MMRP shall be enacted as set forth by Table 3.0-1 of the MMRP prepared for the project and attached hereto.

Subdivision Requirements Of Law

NOTE: The subdivision requirements as noted herein are provisions of County law either by Ordinance or Resolution and typically apply to all subdivisions. They do not represent all laws - which may be applicable to the subdivision, but do reflect obligations for which the subdivider should be aware of as the project proceeds toward final map submittal.

1. Improvement plans for on-site and off-site road improvements shall be prepared by a registered civil engineer and shall be subject to County Department of Transportation approval.
2. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
3. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public street and service facilities. All improvements shall be consistent with the approved tentative map.

4. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.
5. Subdivision improvements shall include driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Transportation Director. Driveways shall be installed in a manner and location acceptable to the County Department of Transportation and shall meet standard County driveway requirements.
6. All grading plans shall be prepared and submitted to the EL Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project.
7. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.
8. The timing of construction and method of revegetation shall be coordinated by the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
9. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
10. All survey monuments shall be set prior to the presentation of the Final Map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit and shall provide 50 percent labor and materials bond. Verification of set monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.

11. All roads shall be named by filing a completed road naming petition for each proposed road with the county Surveyor's office prior to filing the Final Map.
12. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire Protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
13. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
14. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
15. Prior to filing a Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
16. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed.
17. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Section 15064.5 of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

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

10. FINDING OF CONSISTENCY (Public Hearing)

SPR08-0003/Carson Creek Corporate Center submitted by WARREN CONSULTING ENGINEERS, INC. (Agent: Thomas Fassbender/Scott Hodson, PAC/SIB LLC) for a finding of consistency with General Plan Policy 7.3.3.4 for a reduction of riparian setbacks from 100 feet and 50 feet to the area considered "No Impact Area" as approved under a US Army Corps of

Engineers Nationwide Permit #39. A finding of consistency would allow the construction of two commercial buildings (55,525 square feet and 46,875 square feet) and import soil from adjacent parcels (Assessor's Parcel Numbers 117-210-33 and 117-010-06). The properties, identified by Assessor's Parcel Numbers 117-210-33, -34, and 117-010-06, consisting of 34.07 acres, are located on the north side of Golden Foothills Parkway, at the intersection with Latrobe Road, in the **El Dorado Hills area**, Supervisorial District II.

Staff: Michael Baron recommended conditional approval. Based on a communication from the applicant, Mr. Baron recommended one additional finding. Commissioner Mathews asked for clarification on the finding.

Commissioner Mathews met with the applicant as did Commissioner Mathews. He asked that Mr. Baron explain the proposal. Commissioner Machado wanted to further discuss the grading.

Scott Hodson, using the exhibits, explained their proposal and the grading. He also explained the landscape plan for Phase 1.

Chair Tolhurst asked the location of the proposed setback. Using the site plan, the applicant's representative explained.

Mr. Hodson went through the mitigation package approved by the Corps.

Commissioner Machado commented there are additional R&D lands in this area not owned by the applicant. Mr. Hodson concurred.

Commissioner Mathews asked if we should look at a policy amendment so this type of action would be ministerial instead of coming before the Commission. Larry Appel commented he had come before the Commission earlier this year regarding that type of action in an IBC. Perhaps that would be appropriate in this type of situation. Chair Tolhurst would still like the items to come before the Commission.

Mr. Appel explained the discussion that has taken place by staff on this project.

Commissioners Machado and Mac Cready did not feel that applicant should have to move the dirt twice.

Andrea Leisy, Remy and Thomas, spoke about a Class 4 exemption (Section 15304). Paula Frantz agreed that grading on less than 10 percent slope could qualify as a statutory exemption.

Art Marinaccio asked that the Commission consider a change in findings. He spoke about the adopted maps for the IBC (Policy COM). It needs to be noted that this property is not within a mapped IBC. They did the necessary reviews of the important biological areas.

Sam Driggers, Economic Development Department for El Dorado County, thanked everyone for their help with this project. This is an important project for the County. He spoke about some of the companies that could go into this area.

Mr. Appel stated this has been a top priority project since submission. What is before the Commission today is what the applicant needs to proceed with the two buildings.

Commissioner Mathews asked if there is some way the additional grading could be ministerial. Mr. Appel and Ms. Frantz agreed there needs to be a revised application what shows what they want to do. Ms. Frantz said there are portions of the application that will be ministerial and other portions that will have to come before the Commission or Zoning Administrator.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND SPR08-0003 CONSISTENT WITH THE COUNTY GENERAL PLAN, BASED ON THE FINDINGS, AS MODIFIED, SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1. *There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have no resulted from any act of the owner or applicant.*

The project site is bordered on the west side by Carson Creek (7.466 acres) and 3.659 acres of riparian area to the south.

2. *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone.*

Similar research and development campus type uses are found immediately to the south. The locations of the proposed structures are within areas that would minimize impacts to riparian areas as much as possible. The applicant has followed the process set forth by General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy. Strict application of the provisions would deprive the applicant of the reasonable use of the land for commercial development.

3. *The variance is the minimum necessary for the reasonable use of the land or building.*

To accommodate the proposed project, the riparian setback will be reduced to the minimum necessary to locate the required improvements parking pursuant to County Code and sufficiently protect Carson Creek as well as riparian areas.

4. *The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.*

The reduction in setbacks from the Carson Creek and riparian areas have been designed for sufficient protection of those features and would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

5. *The alternative setback is consistent with the General Plan.*

The proposed project has been designed in a manner to ensure that alternative setbacks would not have an adverse effect on Carson Creek and riparian areas. The project, therefore, is consistent with intent of General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

6. *The project is subject to site plan review and approved and is therefore ministerial under County Code Section 17.22.300 et.seq. and CEQA.*

The proposed project is subject to site plan review and approval pursuant to Sections 17.22.300 through 340 and meets all required standards. As such, the project is considered ministerial under CEQA (County Code Section 17.22.310; CEQA Guidelines Section 15268). Future issuance of grading and building permits for Assessor's Parcel Number 117-210-33 and grading permit only for Assessor's Parcel Numbers 117-210-34 and 117-010-06 (Exhibit B) shall also be categorically exempt from CEQA (CEQA Section 15304, subd. (a) Minor Alterations to Land).

Conditions

1. The project is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E, F, G, H approved April 24, 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:

A finding of consistency with General Plan Policy 7.3.3.4, to allow the construction of two commercial buildings (55,525 square feet and 46, 875 square feet) and import of soil from adjacent parcels (APN's 117-210-33 and 117-010-06). A finding of consistency serves to protect the integrity of the preserve and avoid unanticipated future impacts by not allowing roads, utility lines, trails, benches, equipment or fuel storage, grading, firebreaks, mowing, grazing, planting, discing, pesticide or herbicide use, burning, artificial water aeration systems/fountains, or other structures or activities shall be constructed or occur within the on-site mitigation preserve and avoidance areas without specific, advance written approval from the Army Corps of Engineers.

The Army Corps of Engineers permit does not authorize the applicant to take an endangered species, in particular the vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), or designated critical habitat. The authorization under the Army Corps of Engineers permit is conditional upon the applicant compliance with all of the mandatory terms and conditions associated with “incidental take” of the Biological Opinion (Fish and Wildlife Service Biological Opinion (Number 81420-2008-F-156, dated October 29,2007)), which terms and conditions are incorporated by reference of the Army Corps of Engineers permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and would also constitute non-compliance with the Army Corps of Engineers permit.

2. Construction of the two commercial buildings, parking lots and improvements shall be subject to the issuance of a building permit form El Dorado County Building Services.
3. 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 the site plan review, 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.

4. The applicant shall submit written evidence from the Army Corps of Engineers that the Nationwide Permit #39 has been issued, prior to grading permit issuance.

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

11. REZONE/PLANNED DEVELOPMENT/PARCEL MAP (Public hearing)

Z07-0044/PD07-0030/P07-0010 submitted by GINNEY-CAMPOY, LLC (Agent: Gene E. Thorne & Associates, Inc.) to rezone property from General Commercial (CG) to General Commercial-Planned Development (CG-PD); development plan to allow the continued use of the property as residential; and tentative parcel map creating four parcels ranging in size from 6,000 to 11,050 square feet, with design waivers to allow a reduction of road improvements from Standard Plan 101A to Standard Plan 101B (18 foot roadway from curb face to curb face in lieu of a 24-foot wide roadway) and to eliminate sidewalks as required under Standard Plan 101B. The property, identified by Assessor’s Parcel Number 090-040-39, consisting of 0.66 acre, is located on the north side of Mother Lode Drive, one-quarter mile east of the intersection with

French Creek Road, in the **Shingle Springs area**, Supervisorial District IV. (Negative declaration prepared)*

Staff: At the request of the applicant's representative, Michael Baron recommended continuance of the applications.

There was no input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED CONTINUE THIS ITEM TO THE MEETING OF MAY 22, 2008.

GUIDELINES (Public hearing)

Missouri Flat Design Guidelines: The purpose of the Missouri Flat Design Guidelines is to revitalize the underutilized Missouri Flat Road commercial corridor. The design guidelines and streetscape improvement standards contained in this document are intended to improve the quality and character of the built environment and create a pedestrian-friendly atmosphere with enhanced public spaces along the corridor. The Missouri Flat study area boundary includes the parcels directly adjacent to Missouri Flat Road between El Dorado Road and Pleasant Valley Road (State Route 49). Additional parcels encompassed by the study area include a few residential lots on the hill east of the El Dorado Trail and the area east of Missouri Flat Road between the El Dorado Trail, China Garden, and State Route 49, in the **Diamond Springs and Placerville Periphery areas**, Supervisorial District III. (Exempt pursuant to Section 15061(c) (3) of the CEQA Guidelines)**

Staff: Peter Maurer recommended adoption to the Board of Supervisors.

Input was received from Art Marinaccio who voiced opposition to the project. He does not believe it is necessary. Businesses need flexibility. Mr. Marinaccio requested that the Commission and Board of Supervisors just receive and file the report, not adopt the document.

Bob Smart spoke in favor of the project.

No other input was received.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MACCREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO TAKE THE FOLLOWING ACTION: 1) FIND THAT THE ADOPTION OF THE PROPOSED DESIGN GUIDELINES IS EXEMPT FROM CEQA, PURSUANT TO SECTION 15061(B)(3) OF THE STATE CEQA GUIDELINES; AND 2) ADOPT THE PROPOSED MISSOURI FLAT DESIGN GUIDELINES, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1. The project has been found to be Exempt from CEQA pursuant to Section 15061(b)(3) stating that it can be seen with certainty that the project will not have a significant effect on the environment because these guidelines do not provide for any development that is not otherwise permitted or must obtain discretionary approval prior to construction.

2. The proposed use is consistent with and implements the policies in the El Dorado County General Plan, specifically Policies 2.4.1.2 (development of community design guidelines), Policy 2.4.1.4 (discouraging strip commercial), and Implementation Measure LU-F (Community Design Review standards and guidelines).

13. **GENERAL PLAN UPDATE** - None

14. **ZONING ORDINANCE UPDATE** - None

15. **DEPARTMENT OF TRANSPORTATION** - None

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

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

18. **ADJOURNMENT**

Meeting adjourned at 3:26 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair

