



EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.co.el-dorado.ca.us/planning>
Phone: (530) 621-5355 Fax: (530) 642-0508

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 May 8, 2008 – 8:30 A.M.

1. CALL TO ORDER

Meeting called to order at 8:40 a.m. Present: Commissioners Knight, 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 KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, 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 24, 2008
- b. **River Use Permit:** Transfer of RUP #27 from Gary Rollinson/Rollinson Adventures, LLC to Bobby Hicks dba American River Adventures, LLC.

Noah Rucker-Triplett recommended approval.

Finding

1. The applicant for the transfer of River Use Permit #27 from Rollison Adventures LLC to Bobby Hicks dba American River Adventures meets the standards required by River Management Plan Element 6.2.1.4.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS 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. Policy 2.2.5.10 will be before the Commission on May 22. Staff is working on the mixed use ordinance as well as the INRMP which will be coming before the Commission later this year.

6. COMMISSIONERS' REPORTS

Commissioner Knight met with Peter Maurer regarding Policy 2.2.5.1, the requirement for open space in a planned development. They will be putting some language together for a possible General Plan amendment.

PUBLIC FORUM/PUBLIC COMMENT - None

7. GENERAL PLAN AMENDMENTS (Public Hearing)

- a. **A07-0013/Z07-0041** submitted by EL DORADO HILLS COMMUNITY SERVICES (Agent: Kent Malonson) to change the land use designation from Public Facilities (PF) to Commercial and rezone the same property from Open Space (OS) to Commercial-Planned Development (C-PD). The property, identified by Assessor's Parcel Number 118-020-01, consisting of 3.85 acres, is located on the east side of Latrobe Road, 1.5 miles south of the intersection with U.S. Highway 50, in the **El Dorado Hills area**, Supervisorial District II. (Negative declaration prepared)

Jonathan Fong recommended approval to the Board of Supervisors.

Commissioner Mathews asked how long the property has been zoned Public Facility. Mr. Fong and Commissioner Knight explained. Chair Tolhurst said the land use should have been changed with the adoption of the General Plan.

Commissioner Machado asked if the recycling is for residents of El Dorado Hills, or does the garbage company pick up the recycling bins. Commissioner Knight stated individuals either can donate or sell recycling products.

Commissioner Machado feels Industrial would be a more appropriate zoning. Gina Hunter explained staff's reasons for recommending Commercial instead of Industrial.

Commissioner Mathews said the CSD owns the property, and they might not want a larger type operation. Paula Frantz, County Counsel, said the application before the Commission today is a General Plan amendment and rezone to Commercial. The application was not reviewed for Industrial. Action for Industrial cannot be taken today.

Ms. Hunter said the recycling was allowed to go in, a code enforcement case was opened, and the applications were submitted. Chair Tolhurst asked if a full scale recycling operation would be allowed under Commercial. Ms. Frantz said it would not. Commissioner Mac Cready asked how you would rezone property to Industrial and make sure what you want goes there. Ms. Frantz said that is not possible. Once the property is rezoned, the property owner can do any of the uses allowed under the Industrial zone.

Commissioner Knight would be reluctant to continue the item. He likes Commissioner Machado's concept though. Commissioner Mathews said that concept is not on the table at the present time. Ms. Frantz said you must consider whether a proposed land use change and rezone are appropriate for the property you are discussing.

Kent Malonson gave the Commission some background information on the subject property and informed the Commission of the current uses on the property. There are no plans by the district to change the current use of the property.

There was no one else wishing to give input.

Commissioner Mathews feels splitting the uses at the proposed multi-recycling facility can be done. There are other properties that could also be considered.

After the motion and before voting, Commissioner Machado said he would be voting no. He feels the application for Industrial-Design Control is very appropriate.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MATHEWS, AND TOLHURST; NOES – COMMISSIONERS MACHADO AND MAC CREADY, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE A07-0013 CHANGING THE LAND USE DESIGNATION FOR ASSESSOR'S PARCEL NUMBER 118-020-01 FROM PUBLIC FACILITIES (PF) TO COMMERCIAL (C); AND APPROVE Z07-0041 REZONING THE SAME PROPERTY FROM OPEN SPACE (OS) TO COMMERCIAL-PLANNED DEVELOPMENT (C-PD), BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project would not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The existing Public Facilities (PF) land use designation would be incompatible with the existing recycling collection facilities and storage equipment. The proposed land use amendment to Commercial (C) would allow for the existing land uses.

The proposed land use amendment would not conflict with the implementation of the objectives and specific policies of the General Plan. All future development of the site would require application of a Planned Development which would require compliance with the General Plan.

3.0 ZONING FINDINGS

- 3.1 The rezone would allow the existing recycling facilities and storage equipment to be in conformance with the Zoning Ordinance. The proposed rezone would not conflict with applicable sections of the Zoning Ordinance. All future development of the site would require application of a Planned Development which would require compliance with the Zoning Ordinance.

b. **A08-0003/P07-0022** submitted by JEFF and JUDY MALM (Agent: Nicole Young) to change the land use designation from Rural Residential (RR) to Low Density Residential (LDR) and tentative parcel map creating four parcels ranging in size from 5.0 to 5.5 acres. The property, identified by Assessor's Parcel Number 092-440-07, consisting of 20.5 acres, is located on the east side of Mica Street, approximately 750 feet north of the intersection with Crystal Boulevard, in the **El Dorado area**, Supervisorial District II. (Mitigated negative declaration prepared)*

Tom Dougherty recommended approval to the Board of Supervisors. He suggested several modifications to the proposed conditions.

Commissioner Machado asked why this is recommended for approval when the Agricultural Commission recommended denial. Pierre Rivas explained the surrounding uses are residential, and there are no agricultural uses. Therefore, there is no conflict with the intent of the General Plan to protect agricultural uses. Paula Frantz said although some of the surrounding properties are zoned RA-20, they are substandard in size. They are not agriculturally sized parcels and not larger than what the applicant is requesting.

Commissioner Mathews asked for clarification on the fire access. Using the exhibits, Mr. Dougherty explained. The fire district has worked with the residents on Mica for many years and is aware of the situation in the area. Mr. Rivas stated this is a benefit to the area.

Commissioner Machado asked if the fire marshal is comfortable with the hydrant. Did they discuss sprinklers? Mr. Dougherty referred the Commission to Condition 11.a.

Jeff Malm said after talking to Chief Peterson from the fire district, they are offering to improve Mica Street. He explained the emergency access which that Caltrans will accept.

Mark Regelbrugge, resident in the area, said the road across the adjacent parcel is his driveway. They have no problem with the parcel split. They find Conditions 6, 12e, 59, 39, and 41 objectionable. This is a chance to solve a problem that has been going on for 20 years. He is willing to go work with the residents in the area to solve the problem, but he does not feel their interests are being preserved with this application. Mr. Rivas referred to the conditions and explained what would be required of the applicant.

Mr. Regelbrugge indicated the location of his parcel on Exhibit H. Their concern is the access. The second concern is the amount of money they have put into improving the driveway. The conditions require them to give up some of their land. They do not feel it is equitable.

Commissioner Machado asked how Mr. Regelbrugge accesses his property. Mr. Regelbrugge replied Mica Street. There is one residence that currently uses their driveway, which is compacted gravel. Mr. Rivas explained staff's recommendation for removal of the gate on the driveway which is actually an easement. Ms. Frantz explained the condemnation process for the access. Once the condition for access is placed on the map you cannot prevent the map from becoming final. If there are off-site improvements and access cannot be obtained, the County must waive the condition or condemnation would occur.

Commissioner Mac Cready said the Commission should know if the applicant has an easement. Chair Tolhurst would be in favor of continuing until there is more information.

Mr. Regelbrugge said the solution would be to relocate the Mica Street entrance that Caltrans has required be abandoned and that it be relocated at his driveway and be adequately improved.

Eileen Crawford, Department of Transportation, referred to Condition 16 and explained that the improvements required under Standard Plan 101C would allow chip and seal. Mr. Rivas said the road is 18 feet wide with one foot shoulders on both sides. Mrs. Crawford said there is a 50-foot wide existing road right of way. She gave the Commission a copy of the Record of Survey for

the driveway/road. The fire district is always in favor in as few gates as possible. The conditions are not specific as to where the gate is to be located. Mr. Rivas said Planning staff does not care about the location of the gate but that there only be one gate.

Mr. Malm explained the concern of the fire district. Mr. Malm was the one that was going to pave the road. If the neighbor wants a gravel road, he would be willing to do that.

Chair Tolhurst said the record of survey shows it as a right of way. That is public. Can the County put a gate on a public right of way? Mr. Rivas said staff requires a special use for such a gate.

Rich Briener, County Surveyor's Office, said it may not be a public right of way. It was never accepted by the County.

There was no one else wishing to give input.

Commissioner Mathews asked if language could be added that if this goes to condemnation that the applicant would have to pay for such. Mr. Rivas referred the Commission to Conditions 34 and 35. Commissioner Mac Cready asked who decides to seek condemnation. Ms. Frantz replied the Board of Supervisors decides on the condemnation.

The Commission briefly discussed continuing the applications until the necessary information on the easement is submitted. Mr. Rivas referred to Condition 36. Once the required information is submitted the applications would be scheduled again for hearing.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND FAILING BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY AND TOLHURST; NOES – COMMISSIONERS KNIGHT, MACHADO, AND MATHEWS, IT WAS MOVED TO CONTINUE THESE APPLICATIONS OFF CALENDAR UNTIL THERE IS A DETERMINATION ON THE RIGHT OF EASEMENT TO THE PROPERTY.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MACHADO, AND MATHEWS; NOES – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE A08-0003 CHANGING THE LAND USE DESIGNATION FOR ASSESSOR'S PARCEL NUMBER 092-440-07 FROM RURAL RESIDENTIAL (RR) TO LOW DENSITY RESIDENTIAL (LDR); AND APPROVE P07-0022, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, WITH THE ADDITION THAT THE ONE GATE LOCATION BE SUBJECT TO APPROVAL OF PLANNING SERVICES AND THE FIRE DISTRICT.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The 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 Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The land use amendment from Rural Residential to Low Density Residential is consistent with Objective 2.1.3 in that the 5.0 to 5.5-acre parcel size would maintain the open character. Amending the land use designation to Low Density Residential is found to be in the public interest because of the public benefit of creating an emergency fire exit road to California Fire Code and SRA Fire Safe Standards. The proposed tentative parcel map, as conditioned, is consistent with the Low Density Residential General Plan land use designation for parcel size, density and land use.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.4.4, 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5 because, upon completion of the conditions, there will be adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity and wildfire hazards have been addressed. As mitigated, impacts to the native oak tree canopy will be less than significant with the project. It can be found that the public benefit of having an emergency access and evacuation road for the Crystal Boulevard and Mica Street residents, constructed to California Fire Code and SRA Fire Safe Standards is significant. It is also found that the adjoining three substandard sized, and non-choice soil, residential-agricultural zoned

parcels have minimal agricultural value and serve as large lot residential property. The creation of ten-acre buffer parcels solely due to agricultural zoning provides minimal public benefit.

3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Five-Acre (RE-5) which establishes a minimum parcel size of 10 acres. The project would create four parcels ranging in size from 5.0 to 5.5-acres in size which is consistent within the RE-5 zone district. The proposed parcels conform to the current zoning. All four parcels have the size and natural conditions to allow single family development to meet the development standards in Section 17.28.210.

4.0 Tentative Map Findings

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Five-Acre (RE-5) zone district and, as conditioned, there will be adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the parcels.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadways to the parcels exist and will be improved to current safety standards and the impacts from all other required road improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

Conditions

Planning Services

1. This General Plan land use designation amendment and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A - L (General Plan amendment/tentative parcel map) dated May 8, 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:

Approval of this project allows the following: amendment to the General Plan land use designation from Rural Residential (RR) to Low Density Residential (LDR) on the 20.5-

acre lot referenced as Assessor's Parcel Number 092-440-07 and a tentative parcel map to subdivide the existing 20.5-acre parcel into four parcels ranging in size from 5.0 to 5.5 acres. Future single-family-residential development shall occur outside of the required 30-foot front, side and rear yard setback areas. New development will connect to the existing El Dorado Irrigation District (EID) ~~6-inch~~ eight inch water line located in Lollipop Lane and septic disposal areas will occur on the individual parcels. Access onto the property will be provided by an improved road terminating in a turn around at the intersection of all four parcels. A secondary access for Mica Street from Crystal Boulevard to State Route 49 is required and shall be for emergency ingress/egress only and a gate meeting the standards of the Diamond Springs – El Dorado Fire Protection District standards shall be required at State Route 49 to prevent routine through traffic. All four parcels take access onto Lollipop Lane and improvements will be made to the onsite access roads to the encroachments onto Mica Street and State Route 49, as well as the offsite portions of Mica Street from Crystal Boulevard to State Route 49. Lot 4 would include the existing 4,895 square-foot single-family residence with a 1,398 square-foot garage and onsite septic wastewater systems.

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.

Condition from the Mitigated Negative Declaration

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

2. The applicant shall be required to replant 30 one-gallon sized blue oak (*Quercus douglasii*) trees (200 trees x 0.15 acre = 30). Alternatively, the applicant may plant 600 acorns [(200 trees x 0.15 acre) x 3 acorns = 90 acorns]. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits K1, K2 and K3. Prior to filing the map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County. In lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, if an application for a permit for the improvements required by this map is filed after the effective date of the plan and its implementing ordinance. [MM Biological Resources-1].

Monitoring: Prior to filing the Parcel 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 K2 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.

Planning Services Site Specific and Standard Conditions

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the final parcel map.
5. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
6. The existing security gate that crosses Mica Street on Assessor's Parcel Number 092-430-02 where Mica Street meets state Route 49 is considered legal non-conforming and can remain but must be upgraded to meet the Diamond Springs – El Dorado Fire Protection District standards. All other existing gates that cross Mica Street from that gate all the way to where Mica Street meets Crystal Boulevard shall be removed prior to filing the parcel map. Any new gate will be subject to a Special Use Permit.
7. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
8. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to filing the parcel map.
9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a parcel map, 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.

10. One gate shall be allowed, and the location shall be subject to the approval of Planning Services and the fire district.

Diamond Springs – El Dorado Fire Protection District

11. The following fees shall be collated and paid to the District for review of all types of plans.
- a. Application Fee - \$50.00
 - b. Four or less lots - \$120.00
12. The applicant shall comply with the District fire flow requirements prior to filing of the parcel map. The fire flow requirements are as follows:
- a. Required fire flow for a residential type parcel split for residents less than 3,600 square feet is 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Residents that are greater than 3,600 square feet are 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503.
 - b. Projects that do not meet Fire Flow may use a NFPA 13D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of the required Fire Flow and shall be approved by the Diamond Springs-El Dorado Fire District.
 - c. Fire flow can be met by installing a fire hydrant or minimum 3,000 gallons of water storage for each parcel.
13. The applicant shall comply with the following District driveway and roadway requirements prior to the filing of the parcel map:
- a. All driveways shall provide a minimum 12-foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
 - b. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).

- c. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District.
 - d. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 - e. All roadways will be a minimum of 20 feet wide, all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width; parking on both sides of the road will require 40 feet minimum road width.
 - f. A turnaround shall be provided to all building sites with driveways over 150 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead "T", a modified "T," or a modified "Y" in lieu of a circular type turnaround, as per El Dorado County DOT Standards.
 - g. Any gates will require Fire District approval and meet current El Dorado County Standards.
 - h. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
14. Pursuant to Public Resources Code 4291, a person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

El Dorado County Department of Transportation

15. Secondary Access: The nearest County roadway having two means of access for this site is over 2,640 ft away (approx. 3.5 miles away at Crystal Blvd and SR 49.) The DISM [Section 3 A. 9. & 12] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site, or obtain approval of an "acceptable alternative" from the decision maker and the responsible fire agency (Diamond Springs- El Dorado Fire Protection District). These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
16. Maintenance Entity: The proposed project must form an entity for the maintenance of the private roads, 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, parking facilities, landscaping 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 parcel map.

17. On-site & Offsite Access Improvements: The applicant shall widen the on-site portion of Lollipop Lane to an 18-ft wide roadway with 1-ft shoulders on each side consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101C in effect at the time improvement plans are submitted for review and approval. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
18. Encroachment: The applicant shall construct the roadway encroachment from Lollipop Lane onto Mica Street to the provisions of County Design Standard Plan 103B-1. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
19. Turnaround: The applicant shall provide a turnaround at the end of the access road to the proposed parcels to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
20. Easements: All applicable existing and proposed easements shall be shown on the project plans.
21. 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 parcel map.
22. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. 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 final 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 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. **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. Any variations shall be approved by the County Engineer. 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 site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the map.
33. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
34. **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.

35. Off-site Improvements (Security): Prior to the filing of the map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

36. 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 any parcel 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.

37. 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 "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.

38. 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.
39. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Caltrans – District 3

40. Applicant shall submit an Encroachment Permit Application for the encroachment of ~~Mica Street~~ the unnamed access road location within Assessor's Parcel Number 092-430-02 currently used to connect Mica Street to onto State Route 49. Said permit shall be for emergency access only and shall meet Caltrans Standards for a Private Driveway Approach. The application shall be submitted along with 5 sets of driveway detail plans showing grades, drainage, and structural section information to the Caltrans, Marysville Office for review and approval. 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. The applicant shall then provide proof to the El Dorado County Surveyor's Office that said permit has been finalized by Caltrans, prior to filing the parcel map.
41. A development plan or map shall be submitted along with the encroachment permit showing the proposed Mica Street improvements from Crystal Boulevard to State Route 49. Said Plan shall also include the existing gate location on the unnamed access road from Mica Street to State Route 49 and within Assessor's Parcel Number 092-430-02.
42. The applicant shall provide proof or documentation along with the encroachment permit authorizing access through the parcel identified by Assessor's Parcel Number 092-430-02.

El Dorado County Office of the County Surveyor

43. All survey monuments must be set prior to filing the Parcel Map.
44. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).
45. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that "all conditions placed on P07-0022 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

c. A07-0001/Z07-0003/PD07-0002/TM07-1432/D'Amico Estates submitted by CECIL WETSEL and JUDY D'AMICO (Engineer: CTA Engineering and Surveying/Olga Sciorelli) to change the land use designation for Assessor's Parcel Numbers 101-240-02 (11.6 acres) and -03 (10.35 acres) from Low Density Residential (LDR) to Medium Density Residential (MDR); rezone Assessor's Parcel Numbers 101-240-02 and -03 from Estate Residential Ten-acre (RE-10) to Single Family One-acre Residential-Planned Development (R1A-PD) and 101-240-45 (25.94 acres) from Single Family One-acre Residential (R1A) to Single Family One-acre Residential-Planned Development (R1A-PD); and development plan and tentative subdivision map proposing to create 28 lots ranging in size from 29,519 to 68,522 square feet with approximately 15.2 acres of open space and 0.3 acre of landscape lots. Design waivers have been requested for the following: a) To reduce the required right-of-way at the turnaround at the end of B Drive from a 60 to a 56 foot wide radius; b) To reduce the width of the right-of-way from 60 to 50 feet for A Drive and a portion of B Drive from A Drive intersection to the end of B Drive c) To reduce the width of the right-of-way from 60 to 44 feet for a portion of B Drive, from Blair Road to the A Drive intersection; d) To reduce the standard 60 foot wide right-of-way and 28 foot wide road width of the one way looped entrance of A Drive to a 40 foot wide right of way and 22 foot wide roadway; and e) Allow the access portions of proposed flag lots, proposed Lot Numbers 6 and 28, to exceed 100 feet in length. The properties, identified by Assessor's Parcel Numbers 101-220-02, -03, and 101-240-45, consisting of 48.7 acres, are located on the southeast side of Blair Road, approximately 1.25 miles north of the intersection with Pony Express Trail, in the Pollock Pines area, Supervisorial District II. (Mitigated negative declaration prepared)*

Aaron Mount recommended approval to the Board of Supervisors and explained the proposed changes in his addendum memo.

Commissioner Mac Cready has met with the applicant's engineer as well as Commissioners Machado, Knight, and Mathews.

Olga Sciorelli agreed to the proposed conditions. She briefly explained the project.

George Sanders, General Services, used a copy of the tentative map and explained the location of the proposed County Park. He proposed two additional conditions pertaining to a dedicated emergency access and a drainage easement for storm water.

Rick Hernandez, resident north of the subject property, said he borders the whole north side of the subject property. His house looks over the entire subject site. He is concerned about street lighting. It will be a subdivision. There are no lights in this area at the present time. Where will the storm water run? What kind of CC&Rs will they have? They own the property where the EID ditch is located. What will this project do with foot traffic to and from the park? What types of homes will they build? Will they be able to build right up to his property line? What type of utilities will there be; underground?

Jim Roth, resident in the area, is glad to see it a planned development. When the property was logged several years ago, there was a real problem with dust. There is a fire hydrant on Apple Creek. EID put a sign on the hydrant last year not to use the water because of the low pressure.

They are concerned about damage to their private road during the construction phase. Mr. Roth is concerned about who will maintain the open space. It is a high fire hazard area. He would like to know what the homeowners association will maintain. There is a real problem with Blair Road and junk. Who is going to clean up the existing junk?

Larry McHenry said with 28 homes there will be 60 cars which will put a lot of traffic on a narrow one lane road. The bridge should be in before the first family moves into the subdivision. Mr. Mc Henry asked about the amount of TIM fees being paid by this project. Commissioner Knight replied the fee is based on the size of the home. Mr. Mc Henry said there should be a plan to improve Blair Road before the first family moves in. There has been 60 inches of rain in this area over the past several years. How is that amount of water going to be handled? What about garbage pick up? The weather should be considered with this subdivision.

Ms. Sciorelli said if EID says the path is closed to the public, they will not build the walking surface. There will be no street lighting. Any residential lighting shall be shielded. They have a drainage study on file. She explained the drainage to the canal. On Conditions 21 and 22, there is a setback of 30 feet and open space of approximately 50 feet. They tried not to cut any trees near existing residences so their views would not change. No vehicles will enter the subdivision from the park as there will be a gate. There will be underground utilities. Garbage trucks will pick up garbage at each residence. They have a condition for a fire safe plan. They will have to prepare an open space management plan also. All of the houses will be sprinklered. Fire hydrants will be placed throughout the subdivision. The traffic study found that they do not seriously impact Blair Road. They will pay their fair share for replacement of the bridge.

Chair Tolhurst asked about the timber buffer. Cecil Wetsel explained the buffer. The buffer is to leave the trees, but you can build there.

Mr. Hernandez asked why the lots are zoned R1A and are less than one acre in size. Mr. Mount briefly explained the planned development concept. The size of the lots is consistent with the General Plan.

Commissioner Machado asked if the line of site issue has been resolved. Eileen Crawford said there are minimum site distance requirements. The speed limit inside the subdivision will probably be 25 miles per hour. Chair Tolhurst does not feel the reduced setbacks are an issue, as there is no site distance problem. Ms. Crawford said the bridge is on the Department of Transportation's bridge replacement list and in the design phase. It will be constructed during 2010/2011.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE A07-0001 CHANGING THE LAND USE DESIGNATION FOR ASSESSOR'S PARCEL NUMBERS 101-240-02 (11.6 ACRES) AND -03 (10.35 ACRES) FROM LOW DENSITY RESIDENTIAL (LDR) TO

MEDIUM DENSITY RESIDENTIAL (MDR), BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE Z07-0003 REZONING ASSESSOR'S PARCEL NUMBERS 101-240-02 AND -03 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO SINGLE FAMILY ONE-ACRE RESIDENTIAL-PLANNED DEVELOPMENT (R1A-PD) AND 101-240-45 (25.94 ACRES) FROM SINGLE FAMILY ONE-ACRE RESIDENTIAL (R1A) TO SINGLE FAMILY ONE-ACRE RESIDENTIAL-PLANNED DEVELOPMENT (R1A-PD), BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE PD07-0002, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, AND APPROVE TM07-1432, WITH REQUESTED DESIGN WAIVERS, 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 and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately one dwelling unit per 1.7 acres. This is consistent with the General Plan land use designation of Medium Density Residential (MDR) defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, and 2.2.5.21 concerning land use designations, planned developments, rezoning, land use compatibility because sufficient open space and clustering of housing units to

conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, and 7.5.1.3 regarding traffic impacts, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention, and cultural resource protection. Sufficient transportation conditions are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, El Dorado County Fire Protection District and the Pollock Pines School District. Adequate fire safe access is provided.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains 28 lots which are consistent with the development standards identified within the R1A zone district outlined in Sections 17.28.080 of the Zoning Ordinance, except for minimum lot size. Proposed lot sizes range from 29,519 square feet to 68,522 square feet. Justification for the reduced lot sizes are discussed within the Planned Development findings. Adequate justification has not been submitted to for the proposal to reduce the required setbacks and a condition has been incorporated requiring setbacks consistent with 17.28.080.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 15.2 acres of open space including the South Fork Long Creek and a pond. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The only exception to the standard requirements of the zone regulations is a decreased lot size. The minimum lot size is 29,519 but the density is consistent with the General Plan land use designation of MDR. This decrease is

justified by the open space requirement which is mitigated to completely include the riparian features within the development.

- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per 1.7 acres.
- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water capacity and supplies to serve the proposed project. Environmental Management has approved septic report on the capability of each proposed lot. Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads A and B Drives to a width of 28 feet. Along the project frontage, Blair Road would be improved to a road width of 16 feet from centerline. Additionally, the applicant has agreed to conditions requiring fair-share contribution payments to the County for improvements to the Blair Road bridge as it crosses the EID canal.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 15.2 acres of open space, South Fork Long Creek, and a pond found at the site.

4.2 Tentative Subdivision Map

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.
- 4.2.2 *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 the proposed density of approximately one unit per 1.7 acres.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit J) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources, hydrology/water quality, and utilities/service systems. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Blair Road, a county maintained road. On-site

circulation includes the improvement of on-site A and B Drives to a width of 28 feet. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado County Fire Protection District and Cal Fire have reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado County Fire Protection District and Cal Fire have reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 To reduce the required right of way at the turnaround at the end of 'B' Drive from a 60 foot wide radius to a 56 foot wide radius.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced right of way for the turnaround will better conform to the allocated open space between the proposed street and the EID canal. It will help to preserve the existing hillside with existing mature trees along the EID canal. The retaining wall is located outside of the county right of way (for maintenance purposes) which consequently contributes to reduced right of way. Increased right of way could require more extensive grading work, increasing tree removal where it is not necessary.
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Wider road rights of way will increase the landform disturbance and tree removal and destroy the natural buffer between the proposed project and adjacent neighbors.
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the reduced right-of-way width will allow the subdivision to better fit within the context of the surrounding topography.
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act

as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 To reduce the width of the right of way from 60 feet to 50 feet for ‘A’ Drive and a portion of ‘B’ Drive, from ‘A’ Drive intersection to the end of the ‘B’ Drive.

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced rights of way from 60’ to 50’ will better conform to the allocated open space acreage, existing topography, and preserve existing mature trees.

5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased right of way could require increased setback for on-site sewer disposal, unnecessary tree removal, and a decrease in an effective lot area.

5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement and width will not require neighboring properties to dedicate additional easements and will minimize project grading impacts. A reduced easement and road width is also consistent with the rural character of the surrounding community.

5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County’s implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.3 To reduce the width of the right of way from 60 feet to 44 feet for a portion of ‘B’ Drive, from Blair Road to the ‘A’ Drive intersection.

5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced rights of way from 60’ to 44’ will better conform to the existing topography and preserve existing mature trees. In addition, it will maintain required setbacks from on-site sewer disposal areas to right of way, natural swales, and lot lines.

5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased right of way will require increased setbacks for on-site sewer disposal, constrained by the existing natural swales, decreasing an effective lot area due to the set area for sewer disposal.

5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement will better conform to existing topography and allow

better siting of septic systems. A reduced easement width is also consistent with the rural character of the surrounding community.

5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.4 To reduce the standard 60 foot wide right of way and 28 foot wide road width of the one- way looped entrance of 'A' Drive to a 40 foot wide right of way and 22 foot wide roadway.

5.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced right of way will better conform to the allocated open space acreage, existing topography, and preserve existing mature trees. In addition, the proposed entrance is a one-way looped entrance road serving as a turnaround for the area in front of the subdivision gate. As a one-way road it has 22 feet of the roadway (curb to curb).

5.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased right of way could require increased setback for on-site sewer disposal from cut areas, unnecessary tree removal otherwise saved, and a decrease in an effective residential lot area. Increased right of way will decrease the size of lot D and defeat the intended purpose of one-way looped entrance and using Lot D for the landscaped entrance.

5.4.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As a one- way entrance road, the roadway will provide 22 feet of driving surface per one car at a time, traveling in or out of the subdivision. The road width of 22 feet exceeds the typical travel lane width of 12-16 feet. Thus, we believe that a one-way entrance road, as designed, will not be detrimental to the health, safety, and welfare of the public.

5.4.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.5 Allow the access portions of proposed flag lots, proposed Lot Numbers 6 and 28, to exceed 100 feet in length. Planning Services recommends approval of this design waiver.

- 5.5.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 32 percent of the site to the open space and taking into consideration the natural topography and features of the site. In order to conform to those provisions use an existing topography efficiently, 230 (for lot 28) and 270 (for lot 6) feet long access portion of the lot is necessary.
- 5.5.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Different layout of the lots in the vicinity is not feasible or appropriate due to drainage constraints restricting the access to the lots.
- 5.5.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As the project has been reviewed by the responsible fire agencies and the Department of Transportation, it is unlikely that increased length of the access portion of the lot will be detrimental to health, safety, and welfare of the public. Access portions for both lots will be graded with compliance to Hillside Standards.
- 5.5.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

Conditions

I. PROJECT DESCRIPTION

1. This development plan and tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D "Tentative Map," dated May 08, 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:

PD07-0002/TM07-1432 consists of a development plan, large lot map/phasing map, and tentative subdivision map to create 28 lots ranging in size from 29,519 square feet to 68,522 square feet on 48.7 acres with approximately 15.2 acres of open space. Water service will be provided to the lots by the El Dorado Irrigation District. Primary site access will be provided via Blair Road.

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

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. The proposed project shall comply with all applicable requirements of the El Dorado County Air Pollution Control District Rule 223-1, designed to control emissions associated with construction activities. To ensure compliance with the rule, the project proponent shall submit a Fugitive Dust Prevention and Control Plan to the El Dorado County Air Pollution Control District for review and approval prior to any grading activities on the site.
3. If naturally occurring asbestos (NOA) is found on the site, the project shall adhere to the provisions of El Dorado County Air Pollution Control District Rule 223-2. To ensure compliance with the rule, the project proponent shall submit a Fugitive Dust Prevention and Control Plan to the El Dorado County Air Pollution Control District for review and approval prior to any grading activities on the site.
4. The project applicant shall ensure that the T-BACT is applied to reduce emissions of TAC from off-road diesel equipment used during project construction. T-BACT is defined as the use of 1996 or later model year engines in all diesel equipment and the applicant must ensure that all diesel-powered equipment is equipped said engines.
5. If construction activities occur during the nesting season (February 1-August 31), a pre-construction raptor survey is recommended to determine if active raptor nests are present on or within 500 feet of the site. The survey should be conducted by a qualified biologist no more than 30 days prior to the onset of construction activity. If nests are found and considered to be active, construction activities should not occur within 500 feet until the young have fledged or the nest is no longer active. If construction activities are proposed to occur during the non-breeding season (September 1-January 31), a survey is not required and no further studies are necessary for raptor species.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

6. If any vegetation removal occurs during the typical nesting season (February 1-August 31), a pre-construction survey is recommended to determine if active nests are present on the site. The survey should be conducted by a qualified biologist no more than 15 days prior to the onset of vegetation removal. If active nests are found on the site, disturbance or removal of the nest should be avoided until the young have fledged and the nest is no

longer active. Extensive buffers, such as those recommended for nesting raptors, are not necessary for nesting avian species protected solely by the MBTA. However, depending on the species, site conditions, and the proposed construction activities near the active nest, a small buffer may be prescribed, as determined by the biologist. Alternatively, vegetation removal could be scheduled to avoid all potential impacts. Vegetation removal conducted between September 1 and January 31 will prevent impacts to nesting birds or unfledged young.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

7. Several special-status bat species have the potential to occur within the Sierran mixed conifer habitat that occurs within the site and nine of them are listed in the "Biological Resources Assessment," submitted by the applicant, done by Foothill Associates dated December 11, 2006. These bats are considered species of concern to state and/or federal resource agencies. For this reason, a focused survey within suitable habitats that are proposed for development is recommended for these species to determine the presence or absence of bat roosts on the site prior to the removal of any trees or structures. Surveys should be conducted by a qualified biologist familiar with the identification of bat species and roosting signs at the appropriate time of year (maternity roosts are generally occupied by mothers and young between May and August [Zeiner et al., 1990b]). If no special-status bat species or roosts are found, no further mitigation would be required. However, if bats are found roosting on the site, consultation with the appropriate resource agencies should be performed to determine suitable measures to avoid disturbance of roosting bats during construction.

Monitoring: The bat survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

8. Prior to disturbance occurring to any of these wetland features, the wetland delineation for the project site should be submitted to the Corps for verification. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps.

Monitoring: The applicant shall provide a copy of the 404 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services.

9. A 50-foot setback line shall be recorded on the final map that begins at all high-water marks along South Fork Long Canyon Creek as determined by the "Delineation of Waters of the United States, Wetzel Property," Foothill and Associates, dated December

8, 2006. No development shall occur within those lines. All proposed parcel boundary lines shall match said setback lines.

10. The applicant shall determine if a 404 permit is required for the proposed project, water quality concerns during construction would be addressed in a required Section 401 water quality certification by the Regional Water Quality Control Board. A Storm Water Pollution Prevention Program (SWPPP) would be required during construction activities in conjunction with the 401 water quality certification. SWPPPs are required in issuance of a National Pollutant Discharge Elimination System (NPDES) construction discharge permit by the U.S. Environmental Protection Agency. Implementation of Best Management Practices (BMPs) during construction is standard in most SWPPPs and water quality certifications. Examples of BMPs include stockpiling of debris away from regulated wetlands and waterways; immediate removal of debris piles from the site during the rainy season; use of silt fencing and construction fencing around regulated waterways; use of drip pans under work vehicles; and containment of fuel waste throughout the site during construction.

11. A Streambed Alteration Agreement shall be obtained from CDFG, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process.

Monitoring: The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

12. The Fire Safe Plan required by El Dorado Fire Protection District for the subject applications shall be reviewed and approved by the Deputy Director of Planning Services or designee following the review and approval by El Dorado Fire Protection District and the California Division of Forestry and prior to approval of the final subdivision map. The Fire Safe Plan shall incorporate techniques that will reduce loss and compaction of topsoil and animal habitat.

Monitoring: The applicant shall provide a copy of the approved fire safe plan to Planning Services prior to issuance of the grading permit.

13. Any grading plan for the subject parcels that shows any grading to be done within 50 feet of the toe of the El Dorado Irrigation District Main Canal shall show protective fencing to be installed around the facing side of the Canal. All grading plans shall be reviewed and approved for inclusion of said fencing on the plan prior to issuance of a grading permit.

Monitoring: Development Services staff shall verify in the field that fencing is in place prior to commencement of grading activities.

14. 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. The project grading plans shall include this mitigation on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

15. An additional 24' diameter barrel/culvert shall be installed next to the existing one that drains South Fork Long Canyon Creek from the subject parcels under Blair Road. The details of the installation of the culvert shall be included in a grading plan to be reviewed and approved by El Dorado County Department of Transportation prior to issuance of the grading permit and shall adhere to all appropriate Grading, Erosion and Sediment Control Ordinance's Best Management Practices.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

16. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
17. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
18. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
19. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.⁰⁰ per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
20. At time of map recording, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.

21. At time of map recording, CC & R's shall be submitted and reviewed by Planning Services.
22. Setbacks for all lots shall be consistent with R1A zone district and the California Fire Safe Regulations. Reduction of the side yard setbacks for parcels greater than an acre to less than 30 feet shall be reviewed in the required fire safe plan and if not approved by the El Dorado County Fire Protection District shall be evaluated at the building permit stage and not shown on the final map. At time of map recording, setback notes consistent with this condition shall be recorded on the map.
23. The map shall be recorded and constructed in phases consistent with the large lot/phasing plan included within the tentative map, Exhibit D. All open space lots shall be dedicated at the time of recording of the first phase of the map.
24. This tentative map shall expire in ~~24~~ 36 months from date of approval unless a timely extension has been filed.
25. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
26. 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.

27. ~~Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.~~

All grading and improvement plans shall be reviewed and approved by the El Dorado Irrigation (EID) District to ensure there is no impact to the EID canal system.

28. Prior to issuance of a grading permit 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 if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

Air Quality Management District

- 29. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
- 30. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
- 31. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
- 32. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
- 33. Prior to construction/installation of any new point source emissions units or non-permitted emission units, authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications, and emission factors.

El Dorado County Department of Transportation

- 34. The applicant shall construct the following roadways. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:

ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
On-site Blair Road	16 ft roadway (25 ft ROW) from Centerline , per Std Plan 101B	12 foot lane, 4 foot paved & 4 foot AB shoulder along frontage to current Design Standards, no curb, gutter & sidewalk
A & B Drive	28 ft roadway (44 - 50 ft ROW) per Std Plan 101B	4 foot wide sidewalk(as shown), DISM, Std Plan Type 1 rolled curb and gutter.44 ft ROW allowed for portion of ‘B’ Drive (Blair Rd. – ‘A’ Drive)
A Drive – one way looped entrance	22 ft roadway (40 ft ROW) per Std Plan 101B	4 foot wide sidewalk on one side, Type 2 vertical curb and gutter per DISM, Std Plan 104

Notes for Condition 1 table:

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

35. The applicant shall provide a turnaround at the end of B Drive to the provisions of the Design and Improvements Standard Manual (DISM), Standard Plan 114. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
36. The Blair Road Bridge, at milepost 0.52, is substandard and is currently on the DOT bridge replacement list. The DOT has agreed to replace this bridge utilizing Federal-aid funds. The Federal funding will contribute 88.53 percent of the overall cost for the bridge replacement, as specified in the approved engineers cost estimate. The DOT will administer and act as lead agency for the replacement of this bridge, and the applicant shall provide their fair share cost of the matching funding contribution of 11.47percent respectively. The applicant shall obtain an approved fair share agreement with security to the approval of the Department of Transportation, prior to the filing of the final map.
37. The applicant shall obtain an encroachment permit from DOT and shall construct the encroachments of the on-site access roadway onto Blair Road to the provisions of DISM, Standard Plan 103C. The proposed southern entrance shall have a minimum 350 feet of sight distance for left turn movements accessing at this roadway encroachment. The 350 feet of sight distance is for southbound Blair Road traffic and shall be measured along the centerline of Blair Road, 100 feet north of the proposed southern access for this project.
38. The applicant shall irrevocably offer to dedicate (IOD), in fee, 25 feet of right-of-way for the on-site portion of Blair Road along the entire property frontage, prior to filing the final map. This offer will be accepted by the County.
39. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County.

DEPARTMENT OF TRANSPORTATION STANDARD CONDITIONS

40. 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 final map.
41. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
42. 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. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
43. 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.
 44. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
 45. 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.
 46. 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.
 47. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
 48. 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.
 49. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said

- driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
50. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.
 51. The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for of-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
 52. ~~Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.~~
 53. 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).
 54. 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.
 55. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
 56. The applicant shall pay the traffic impact fees in effect at the time a building deemed complete.

El Dorado County Fire Protection District

57. Submit review fee of \$ 340.00.

58. Fire flow for this project is 1,500 gpm @ 20 psi for two hrs and can not be met. Applicant will enter into a deed restriction that is stated on the map: "All structures are required to have an El Dorado County Fire District approved NFPA 13D Fire Sprinkler System".
59. The applicant will also provide a "Fire Safe Plan" approved by the El Dorado County Fire District and CDF prior to final map.
60. Hydrants shall meet EID and Fire District requirements and the following changes will be required for this project:
 - a. Remove the hydrant at Lot 27.
 - b. Add a hydrant at Lot 11.
 - c. Add a hydrant on the Blair Road side of lot "D".
 - d. Resubmit utility plan to show a total of 8 hydrants.
61. Road gradient to be 15 percent or less.
62. Gates to meet the following requirements:
 - a. Knox key and Opticom to open gates.
 - b. Gates to open 2' wider than roadway.
 - c. Gates to have battery backup.
 - d. Submit gate plan for review and approval.
63. El Dorado County DOT standards may be more stringent and will supersede these requirements.

Surveyor's Office

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 the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
65. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

General Services

66. The applicant shall dedicate a road easement for emergency vehicular access purposes for the benefit of the proposed Pollock Pines Park 30 feet in width together with an additional 10 feet wide on each side temporary construction easement. All costs associated with the permitting, design, construction, and maintenance of said road, including the proposed crossing of the EID canal, shall be the responsibility of the County.

67. The applicant shall dedicate a drainage easement for storm water for the benefit of the proposed Pollock Pines Park 20 feet in width together with an additional 10 foot wide on each side temporary construction easement. All costs associated with the permitting, design, construction, and maintenance of said drainage easements, including the proposed crossing of the EID canal, shall be the responsibility of the County.

8. **DESIGN REVIEW** (Public Hearing)

Design Review DR07-0004/Odd Fellow Office/Retail submitted by CARL SALCH for two commercial structures totaling 2,872 square feet, 10 parking spaces, and associated landscaping. The property, identified by Assessor's Parcel Number 054-391-18, consisting of 0.23 acre, is located on the north side of State Route 49 (Main Street), at the intersection with Odd Fellows Road, in the **Diamond Springs area**, Supervisorial District III. (Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines)

Aaron Mount recommended conditional approval.

The applicant was present but had no comments.

Commissioner Machado asked about restricting lighted signs, canned lighting, etc. Mr. Mount commented no wall signs are proposed. Staff talked about the Historical Guidelines for signage. Commissioner Machado asked that a condition be added pertaining to lighting.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT EXEMPT PURSUANT TO SECTION 15061(b) OF THE CEQA GUIDELINES AND APPROVE DR07-0004 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA Findings

1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed and contains no native vegetation that is proposed to be removed, is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan land use designation which designates the subject site as Commercial (C) as the proposed structures would contain commercial uses.
- 2.2 As conditioned, the proposal is consistent with the intent of the General Plan including Policies 2.2.1.5, 7.4.4.4, 9.1.2.4, 9.1.2.8, TC-Xe, and TC-Xf because of the review for land use consistency and siting, floor area ratio, oak tree canopy retention, alternative transportation, and review of traffic impacts.

3.0 Design Review Findings

- 3.1 *The proposed use and design conforms to the General Plan and Zoning Ordinance.*

The proposed commercial structures have been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan as specifically noted in Finding 2.2 and the Zoning Ordinance as discussed in the staff report with exceptions made for off street parking and front setbacks as discussed in the Administrative Findings section.

- 3.2 *The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.*

After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing general office/retail uses and structures within the CP zone district, would not have a detrimental affect nor be injurious to the neighborhood.

4.0 Administrative Findings

- 4.1 *Pursuant to Section 17.18.040.D.2 of the Zoning Ordinance, administrative relief from the strict compliance with the provisions for commercial and industrial uses may be granted where the planning director or planning commission finds all of the following:*

- a. *The intent of the parking ordinance is preserved.* The intent of the parking ordinance is preserved as the site contains adequate parking for all uses except if the site was all retail which would leave it deficient by one site. On-street parking is available directly in front of the subject parcel which has the capacity of providing three spaces.
- b. *The parking provided is sufficient to serve the use for which it is intended.* The off-street and on-street parking provided is sufficient to provide parking for the proposed uses.
- c. *The modification will not be detrimental to the public health or safety.* As the additional parking, which is on-street, is directly in front of the subject parcel,

there would not be any detriment to public health and safety as no person would have to cross a street to enter the subject parcel.

- 4.2 *Pursuant to Section 17.14.040 of the Zoning Ordinance, where more than twenty five percent of the building sites along any road have been improved, the required distance between any building and the property line at the highway and the county road shall be the average of the improved building sites but not more than that set forth in this article for the district in which the building site is located.*

As a majority of the structures along Highway 49/Main Street in the Diamond Springs Community Region have a zero setback, it can be found that the reduction of the front setback for the project parcel by 50 percent, from ten feet to five feet, is consistent 17.14.040. Further, it can be found that the reduction in the front setback along Highway 49/Main Street allows a site design that is consistent with the historical character of the area and will not be detrimental to the public health or safety.

Conditions

El Dorado County Planning Services

1. This design review is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-F, dated May 8, 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 commercial development consisting of two structures totaling 2,872 square feet. The structure closest to Highway 49/Main Street consists of a single unit and totals 906 square feet. The structure at the north end of the project parcel consists of two units and is a total of 1,966 square feet. Other features include 10 off street parking spaces, landscaping, a trash enclosure, a free standing sign which would contain 19.2 square feet of sign area and eight feet six inches in height, public water and sewer provided by El Dorado Irrigation District, and lighting.

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

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

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 by El Dorado County.

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

3. The applicant shall make the actual and full payment of planning processing fees for the Design Review application prior to the issuance of building permits.
4. Exterior colors and materials for buildings shall substantially conform to the following color palette submitted as Exhibit M. The exterior of the buildings will be yellow with white trim and black fire resistant roof shingles will be installed for the project. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.
5. The final landscape plan shall meet Zoning Ordinance Chapter 17.18.090 and 17.35 and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4 and be approved by the Deputy Planning Director or designee prior to issuance of the building permit. The final revised Landscape Plan shall include a minimum of 50 percent native materials. The applicant shall install landscaping in accordance with the approved final landscaping plan and maintain for the life of the project.
6. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
7. The applicant shall include provisions for bicycle parking on the site by providing a minimum of one bicycle spaces/rack within the project. The bike rack shall be installed prior to finaling of the building permit.

8. The applicant shall construct a six foot high wood fence along the eastern property line prior to finaling of the building permit.
9. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The uses will be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking will be available for each use that had been authorized by this approval and to be sure the initial proposed uses were not subjected to a change. Parking shall conform to the approved site plan. Any tenant improvement use that causes the total approved number of parking spaces to be exceeded, beyond the approved 10 off-street spaces and three on street spaces, shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Deputy Planning Director or designee.
10. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
11. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
12. Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit for verification of compliance with applicable conditions of approval.
13. Any additional signage shall be consistent with the El Dorado County's Historical Guide.

Department of Transportation

14. The applicant shall improve the on-site portion of Odd Fellows Road to the provisions of the Design and Improvement Standards Manual (DISM), Standard Plan 101B, with a minimum width of 24 feet with Type 2 vertical curb and gutter and no sidewalk. Railing

shall be required along the proposed retaining wall along Odd Fellows Road, as required by the County, due to the grade differential of the roadway and the proposed lot elevation. The applicant shall provide any additional right of way/slope easements for said improvements, as required by the DOT. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of any building permits associated with this project.

15. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment onto Odd Fellows Road to the provisions of DISM, Standard Plan 103G (modified), which shall be accomplished prior to the occupancy of any unit of this proposed project.
16. The applicant shall irrevocably offer to dedicate, in fee, any additional right of way and slope easements as required for the approved improvements along the entire project frontage of Odd Fellows Road, prior to the issuance of any building permits associated with this project. This offer will be accepted by the County.

Diamond Springs-El Dorado Fire Protection District

17. Minimum fire flow for a building is 1500 GPM for duration of 2 hours @ 20 psi.
18. Knox Box shall be installed per District requirements prior to final occupancy.
19. Fire apparatus roads shall be provided within 150 feet to all portions of the building.
20. Approval of the subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community facilities District ("CFD") established under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) established by the Diamond Springs/El Dorado Fire Protection District ("District") for the provision of public services permitted under Government Code Section 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively "Public Services"), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

Air Quality Management District

21. 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 not located within the Asbestos Review Area (See Enclosed). But, District Rules 223 and 223.1 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 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application shall be submitted to and approved by the District prior to start of project construction.

22. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
23. The project daily operations will result in a negative impact to the surrounding neighbors in the form of dust. Dust control measures shall be provided to reduce the amount of dust generated as vehicles enter and leave the facility (i.e. pave internal roads, install a water sprinkler system to wet down all areas where vehicle traffic travels on to reduce the formation of dust).
24. 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).
25. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
26. 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.

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

9. SUBDIVISION MAP/DEVELOPMENT PLAN (Public Hearing)

TM05-1396/PD90-0002R1/Lake Forest Apartments submitted by LAKE FOREST APARTMENTS, LLC (Agent: Lebeck Young Engineering, Inc.) to create 372 parcels ranging in size from 200 to 422,379 square feet and revision to the development plan to convert an existing 220 unit rental apartment complex into airspace condominium units, the addition of 8,673 square feet of decks and balconies, 6-foot high wood fences delineating rear yards for ground level units, and 35 garages. The property, identified by Assessor's Parcel Number 110-130-24, consisting of 23.12 acres, is located on the north side of Village Center Drive, approximately 400 feet east of the intersection with Francisco Drive, in the El Dorado Hills area, Supervisorial District I. (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

Aaron Mount recommended conditional approval, proposing modification to Condition 17.

Commissioner Knight asked the percentage of open space. Mr. Mount replied they meet the requirement.

Commissioner Machado asked if the conversion goes against the Specific Plan. Mr. Mount said there is nothing in the Plan speaking to conversions. It is based on density. Commissioner Machado is concerned about the gate. Putting the gate in another location would make a better stacking situation.

Bobbi Lebeck said the correct number of garages is 37. The open space is 56 percent. Ms. Lebeck explained what they worked out with El Dorado Transit. They would not be opposed to moving the gate back further in order to make a better stacking area.

Ms. Lebeck said Condition 2 should refer to Exhibit I. She asked about the fencing conditions. The property is already fenced, so why the conditions (14 and 15). Pierre Rivas said the fencing conditions were part of the original approval.

Dave Mercer said currently there is no affordable or low cost housing. They are at the market rate. They are not planning to do the conversion immediately because of the economy and are not anticipating any change within the next couple of years.

Commissioner Knight asked the occupancy rate. Mr. Mercer replied about 90 percent.

Chair Tolhurst asked if this will affect the Housing Element. Mr. Rivas replied it will not.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECTS CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15305 AND 15301(k) OF THE CEQA GUIDELINES, AND APPROVE TM05-1396/PD90-0002R1, ADOPTING THE

DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines stating that “Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which does not result in any changes in land use or density”, and 15301(k) that applies to the division of existing multiple family or single-family residences into common-interest ownership where no physical changes occur which are otherwise exempt.”

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Adopted Plan, Northwest El Dorado Hills Specific Plan, land use designation, as the proposed condominium conversion of the existing multi-family development is consistent with the Northwest El Dorado Hills Specific Plan.
- 2.2 The proposal is consistent with General Plan Policies Ho-3g, TC-2d, TC-4a, TC-4i, and 2.2.3.1 concerning affordable housing, public transit, and alternative transportation.

3.0 Administrative Findings

3.1 Tentative Map

- 3.1.1. *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 Northwest El Dorado Hills Specific Plan and applicable General Plan policies including condominium conversions, transit facilities, alternative transportation, and Planned Development open space.
- 3.1.2. *The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.* The proposed tentative map conforms to the existing multi-family development and the Major Land Division Ordinance.
- 3.1.3. *The site is physically suitable for the proposed type and density of development.* The existing approved multi-family development is consistent with the required density and is currently serviced with all required public services and facilities.
- 3.1.4. *The proposed subdivision is not likely to cause substantial environmental damage.* This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines stating that “Class 5 consists of minor

alterations in land use limitations in areas with an average slope of less than 20 percent, which does not result in any changes in land use or density”, and 15301(k) that applies to the division of existing multiple family or single-family residences into common-interest ownership where no physical changes occur which are otherwise exempt.”

3.2 Planned Development

- 3.2.1. *That the planned development request is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the development plan revision is consistent with the applicable policies of the General Plan concerning condominium conversions, transit facilities, alternative transportation, and open space.
- 3.2.2. *That the proposed development is so designed to provide a desirable environment within its own boundaries.* The development plan is consistent with the existing development.
- 3.2.3. *That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* A planned development application is required to facilitate the conversion of the existing residential structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

Conditions

1. This development plan revision and tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E1-3 “tentative map,” dated May 08, 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:

1. A tentative subdivision map creating 372 parcels ranging in size from 200 square feet to 422,379 square feet on a 23.12-acre site;
2. Development plan revision to convert an existing 220 unit rental apartment complex into airspace condominium units, the addition of 8,673 square feet of decks and balconies, six foot high wood fences delineating rear yards for ground level units, and ~~35~~ 37 garages to the existing development plan.

The 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 OF APPROVAL

2. The applicant shall be subject to all noticing requirements under the Subdivision Map Act, as outlined in Exhibit F I. Prior to final map recordation, proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.
3. At the time of map recording, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with appropriate maintenance program.
4. At the time of map recording, CC&Rs shall be submitted and reviewed by Planning Services. Said CC&Rs shall include provisions for maintenance of all commonly maintained facilities and open space.
5. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
6. The subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possessing of the property.
7. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to Planning Services for approval:
 - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
 - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements

including the full costs of acquiring any real property interests necessary to complete the required improvements.

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

8. 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

9. The applicant shall sign, stripe, and stencil for a Class II Bike Lane on both sides of Village Center Drive, from Salmon Falls Road to Francisco Drive, prior to the recordation of the map. The applicant shall obtain an encroachment permit for said improvements as approved by DOT.
10. The applicant shall sign along the north side of Village Center Drive, along the entire frontage, for "No Parking" per the requirements of the 2003 Manual of Uniform Traffic Control Devices (MUTCD) and the California Supplement, prior to the recordation of the map. The applicant shall obtain an encroachment permit for said improvements as approved by DOT.

El Dorado Hills Fire Department

11. The conversion from apartments to condominiums shall comply with all provisions of the Uniform Builders Code, especially pertaining to fire suppression.
12. The addressing of each condominium shall be in accordance with Fire Department requirements.
13. The current private road system will become part of the common maintenance area for the complex. The Fire Department would like a condition placed on the responsible party for this common area to handle all parking issues pertaining to "Fire Lane" violations.

14. The private road system shall be conditioned to prohibit the installation of traffic calming devices that utilize a bump or a dipped section of roadway.
15. The entry gate shall conform to the standards set forth by the Fire Department. The project shall be plan checked and inspected for full compliance as well as having an ongoing contract for maintenance.

County of El Dorado Office of the County Surveyor

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

El Dorado County Transit

17. ~~The project shall construct a curbside bus transfer facility along the frontage of Village center Drive, with dimensions similar to those shown in Exhibit K, between the existing entrance to the complex and the eastern limit of the project.~~

The owner shall make an irrevocable offer of dedication to the County of El Dorado along Village Center Drive for the purpose of constructing a future bus transfer facility, as generally depicted in the attached Exhibit 'A'. The offer of dedication shall be included in the final map and shall be approved by DOT and the El Dorado County Transit Authority (EDCTA) prior to filing of the final map. EDCTA will be responsible for constructing the bus transfer facility and the relocation of any fences, landscaping, irrigation, etc.

18. ~~The project shall construct a direct pedestrian connection from the southeast portion of the project area directly to the new bus transfer facility on Village Center Drive, rather than having all pedestrian traffic exit the proposed project along the main driveway.~~

PD90-0002R1 - Conditions of Approval

1. The location of structures, driveways, landscaping and other common area improvements shall conform to the approved development plan.
2. Any changes to the approved development and related materials shall be reviewed by the Planning Director for determination of substantial compliance. Any change to the approved development plan which does not substantially comply shall be subject to approval by the Planning Commission pursuant to Section 17.04.070 of the County Zoning Ordinance.
3. ~~This project will be subject to mass pad review by the Board of Supervisors and final grading plans subject to approval by the Department of Transportation staff engineers.~~

- ~~4. Frontage improvements are to be constructed which include but are not limited to curb, gutter, sidewalk and street section. The location of these improvements are described as along the entire frontage of the proposed Village Center Drive.~~
- ~~5. The development of this project is to be coordinated with the development of the parcels to the south so that alignment and locations of accesses can be determined to provide proper traffic circulation.~~
6. The applicant shall comply with all requirements of the El Dorado Hills Fire Department.
7. The applicant shall comply with all requirements of the County Building Division.
- ~~8. A building permit shall not be signed off by the Planning Division until a water meter has been obtained from EID.~~
9. Prior to the issuance of a building permit, the site plan shall show the location and dimensions of required handicap parking spaces.
10. No lighting shall shine or glare onto adjacent properties. All existing lighting shall conform to §17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.
Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
11. No roof-mounted items are permitted.
12. Signage shall be limited to one unlighted sign not to exceed 12 square feet.
- ~~13. This development plan is subject to road impact fees of \$1250 per unit.~~
14. Install a 6 foot solid fence along the boundary line of the eastern side where property abuts a Single Family Residential Zone, as per Policy E iv(b) of the Northwest El Dorado Hills Specific Plan Policies for Residential Land Use. Said fence is subject to review and approval by the Planning Division prior to obtaining a Certificate of Occupancy.
15. Install a 6 foot decorative wooden fence along boundaries abutting Francisco & Village Center Drive as per Section 3.5 of the Landscape Guidelines of the Lake Forest Development Agreement. Said fence shall be of wooden construction with brick columns 2 feet square in section, and 7 feet high at not less than 16 feet to 20 feet apart.

The project fence design shall be in keeping with surrounding area fence designs and is subject to review and approval by the Planning Division prior to obtaining a Certificate of Occupancy.

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

10. **GENERAL PLAN UPDATE** - None

11. **ZONING ORDINANCE UPDATE** - None

12. **DEPARTMENT OF TRANSPORTATION** - None

13. **COUNTY COUNSEL'S REPORTS**

Paula Frantz informed the Commission that the Board of Supervisors approved the Oak Woodland Management Plan. She also commented the County has been sued on the Kniesel's automobile body shop action.

14. **DIRECTOR'S REPORTS**

Chair Tolhurst mentioned a letter from Robert Laurie requesting an item be put back on the agenda. Pierre Rivas said he is aware of that request, and the application was not continued off calendar but to a date certain and will be put back before the Commission soon.

15. **ADJOURNMENT**

Meeting adjourned at 2:08 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair

