



EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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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 22, 2008 – 8:30 A.M.

1. CALL TO ORDER

Meeting called to order at 8:44 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 MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, PLACING ITEM 10 BEFORE ITEM 9.

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.)

Minutes: May 8, 2008

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

END OF 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 at the Board meeting this past Tuesday. He spoke about the ad hoc committee formed by the Board to review the Building and Planning processes. Mr. Appel informed the Commissioners of items scheduled for future meetings. There was a reduction in force in Building Services; no filled positions were lost in Planning at this time.

6. COMMISSIONERS' REPORTS

Commissioner Machado would like to have a presentation by the Department of Transportation and Long Range Planning on future road connections, extensions, etc, particularly on the south side of Highway 50.

Commissioner Machado asked about Home Depot. Mr. Appel informed the Commission that the application has been filed. There will be an EIR prepared, and there will be a scoping meeting at the appropriate time in the process.

PUBLIC FORUM/PUBLIC COMMENT - None

7. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP/SPECIAL USE PERMIT (Public Hearing)

Z07-0052/PD07-0033/TM07-1461/S08-0005/Forest Lake Village submitted by RED HOOK DEVELOPMENT/Suzanne Sparacio (Engineer: Carlton Engineering/Cesar Montes de Oca) to rezone property from Commercial-Sierra Design (C-DS) to Commercial-Planned Development (C-PD); development plan (mixed use) and tentative map creating two commercial units (5,125 and 9,595 square feet), 16 residential units (750 to 1,000 square feet), and 2 open space lots (9,148 and 18,296 square feet). The development plan would include commercial uses on the first and second floors with residential uses on a portion of the second floor and the entire third floor. The special use permit would authorize the proposed residential units within a commercial zone district. The properties, identified by Assessor's Parcel Numbers 101-210-13 and -15, consisting of 2.1 acres, are located on the east side of Red Hook Trail, approximately 400 feet north of the intersection with Sanders Drive, in the **Pollock Pines area**, Supervisorial District II. (Negative declaration prepared)

Jason Hade recommended approval to the Board of Supervisors stating there are several changes based on the memo dated May 7.

Commissioner Mac Cready asked if all the easements are available for access. Mr. Hade replied in the affirmative. They were able to obtain all the necessary easements.

Commissioner Mathews said it appears this will surround the bowling alley. Mr. Hade said that is correct.

Chair Tolhurst has been in favor of mixed use for quite some time, but there is no food service available in this project. Mr. Hade said that would be a permitted use with the mixed use project. It would depend on whether there is sufficient septic system capacity for that type of use.

Commissioner Knight asked if the residential units are rental. Mr. Hade replied they will be condominiums, and rentals would be available.

Commissioner Machado spoke about precedent setting. The Commission had previously said it was in favor of mixed use if the commercial was the predominant use. This project is almost a 50-50 mix. Does the Commission want to see more commercial than residential? Pierre Rivas said staff would like direction from the Commission on whether the commercial should be the dominate use. Paula Frantz, County Counsel, said the Commission will be looking at the mixed use ratio revision in the near future. Staff believes this project does comply with the existing policy with the commercial dominance. The mixed use item will be coming before the Commission within the next few months. Chair Tolhurst does not believe this project would be precedent setting as this is a special use permit.

Commissioner Machado asked staff to clarify the parking. He reminded the Commission that a subdivision was before the Commission several weeks ago, and the applicant stated at that time that there was no demand for commercial in this area. That subdivision was for eight residential lots. Chair Tolhurst said the Commission was informed at that time about this project. He does not believe commercial is appropriate for the other project.

Commissioner Mac Cready asked if there are any additional applications on Red Hook Trail. That seems to be a good location for duplex development. Mr. Rivas said there are no other applications in this area at this time.

Suzanne Sparacio designed the septic system and submitted the plans to Environmental Management. Environmental Management has signed off on the plans. They did not want to see a restaurant use with the residential use. This is an established area. There is already a restaurant in this immediate area. Ms. Sparacio briefly explained the project and existing uses in the immediate area.

Commissioner Knight said there will be 16 condominium units for sale. Will the commercial downstairs be sold off separately or remain in one ownership? Will there be a homeowners association? Ms. Sparacio said the separate buildings will remain under one owner. There will be a homeowners association.

There was no further input.

Commissioner Mac Cready asked about the 40 miles per hour speed limit. Eileen Crawford, Department of Transportation, said the 40 miles per hour is for the design. It does not necessarily mean that the speed would be posted for 40 mile per hour.

Commissioner Mac Cready asked if the applicant would have to pay for the entire improvement of the road. Ms. Crawford said agreements can be made up for reimbursement. The County Park is going in along this road. The County as the same road improvement conditions for the park. Ms. Sparacio has been trying to talk to someone about the park and the road improvements. She has been told to discuss this issue at the Board hearing. Commissioner Machado suggested Ms. Sparacio speak to the Supervisor for this area.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. ADOPT THE NEGATIVE DECLARATION, AS PREPARED; 2. APPROVE Z07-0052/PD07-0033, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN AND REZONING ASSESSOR'S PARCEL NUMBERS 101-210-13 AND -15 FROM COMMERCIAL-SIERRA DESIGN (C-DS) TO COMMERCIAL-PLANNED DEVELOPMENT (C-PD), BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; 3. APPROVE TM07-1461, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND 4. APPROVE S08-0005 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 The project is consistent with policy 2.2.1.2 because the commercial land use designation allows mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses provided the commercial activity is the primary and dominant use of the parcel. The maximum residential density shall be 10 dwelling units per acre within Community Regions. As proposed, the maximum overall project density is 7.62 dwelling units per acre and 13,000 total square feet of residential space with 14,720 total square feet of commercial space. As such, the project is consistent with policies 2.1.1.3 and 2.2.1.3.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.1.1.3, 2.2.1.2, 2.2.1.3, 2.2.1.5, 2.2.3.1, 2.2.3.2, 2.2.5.3, and 2.2.5.21 concerning mixed use developments, land use densities, floor area ratio (FAR), land use designations, planned developments, rezoning, and 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, septic and leach field capability 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, HO-1h, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.7, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 6.5.1.3, 7.1.2.1, 7.4.4.4, and 7.5.1.3 regarding traffic impacts, mixed-use development opportunities, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, noise mitigation, grading on slopes in excess of 30 percent, and cultural resource protection. Sufficient transportation mitigation measures 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 District. Adequate fire safe access is provided and mitigation measures are included within the environmental document that will reduce any potential noise impacts to a level of less than significance.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains 20 lots which are substantially consistent with the development standards identified within the Commercial (C) zone district outlined in Section 17.32.040 of the Zoning Ordinance, including a minimum lot area, maximum building coverage, and maximum building height. Deviations from the development standards include a minor reduction in minimum lot area, reduced minimum lot width, and zero foot setbacks for all units. Such deviations from the development standards are identified within the staff report discussion above and appropriate findings for such deviations can be found below. However, the two proposed buildings meet the minimum front, side, and rear yard setbacks specified in Section 17.32.040.D of the Zoning Ordinance.

- 3.2 The proposed commercial uses at the subject site are permitted by right under Section 17.32.020. The residential component of the project is authorized with an approved Special Use Permit pursuant to Section 17.32.030.I of the Zoning Ordinance. Special Use Permit findings are included below.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2 *The Planned Development and Zone request and Development Plan 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, housing, public services and utilities, public health, safety, and noise, and conservation and open space.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 0.63 acres of open space including two picnic areas and a children's play area. 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.* Deviations from the development standards include a minor reduction in minimum first story lot area, reduced minimum lot width, and zero foot setbacks for all units. These exceptions to the standard requirements of the zone regulations are justified to accommodate the project's innovative design concepts.
- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed commercial and residential uses and proposed overall project density of approximately 7.62 dwelling units per acre.
- 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 service will be provided to the lots by the El Dorado Irrigation District while a septic system will provide wastewater treatment. El Dorado Irrigation District provided a letter dated July 27, 2007 indicating that it has adequate water supplies to serve the project. The proposed septic system for the project was reviewed and approved by the Environmental Management Department subject to the conditions of approval within Attachment 1. According to the traffic impact analysis, "the proposed project is expected to generate 640 daily trips, including 26 AM peak-hour trips and 56 PM peak-hour trips" (*Traffic Impact Analysis Red Hook & Sanders Mixed-Use Project Pollock Pines, California, Kimley-Horn and Associates, Inc., June 26, 2007*). The analysis also determined, "as defined by the County, the addition of the proposed project to the cumulative (2025) conditions scenario results in a significant impact at the Sly Park Road intersection with the US-50 eastbound ramps during the PM peak-hour." However, the Department of Transportation has provided standard conditions of approval included within Attachment 1 of the staff report

which address the issues identified in the traffic study. Implementation of these conditions of approval would reduce potential impacts to a less than significant level.

- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 0.3 acres of open space with two picnic areas and a children's play area and minimal grading of a previously disturbed 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 C General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and 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 commercial and residential uses and proposed overall project density of approximately 7.62 dwelling units per acre.

- 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 P) 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 cultural resources, noise, and transportation. 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.* Access to proposed parcel two will be via a reciprocal access easement through APNs 101-210-16; 56; and 63 while proposed parcel one will be served by improvements to Red Hook Trail. Access agreement and improvements are addressed within the project's conditions of approval (Attachment 1). Proposed access to all lots is consistent with fire safe standards. 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 has 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 reviewed the proposed project and would require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. The applicant revised the initial site plan to address parking and

striping plan concerns raised by the Fire District. As revised, the Fire District has no further concerns. Fire issues are addressed within the project's conditions of approval.

4.3 Special Use Permit

4.3.1 *The issuance of the permit is consistent with the general plan.* As outlined within the staff report and General Plan consistency findings above, the special use permit is consistent with the applicable policies of the General Plan concerning land use, land use compatibility, transportation and circulation, housing, public services and utilities, public health, safety, and noise, and conservation and open space.

4.3.2 *The proposed use would not be detrimental to the public health, safety or welfare, or injurious to the neighborhood.* The subject site is surrounded by commercial and residential uses. The proposed project would provide additional neighborhood commercial service and housing opportunities. Therefore, the proposed project would fit within the context of the surrounding land uses. Additionally, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce potential environmental impacts to a level considered to be less than significant.

1.3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.* The proposed residential component of the project is authorized by special use permit pursuant to Section 17.32.030.I of the Zoning Ordinance. Under this section of the Zoning Ordinance, multiple-family dwellings are permitted with an approved special use permit.

Conditions

I. PROJECT DESCRIPTION

1. This development plan, tentative subdivision map and special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E "Site Plan," Exhibit F "Tentative Subdivision Map," Exhibit G "Preliminary Grading/Drainage Plan," Exhibit H "Preliminary Elevations," Exhibit I "Building Materials/Colors," Exhibit J "Preliminary Sign Plan," Exhibit K "Sound Barrier Wall Elevation," Exhibit L "Preliminary Landscape Plan," and Exhibit M "Preliminary Outdoor Lighting Plan" dated May 22, 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. Minor deviations (up to 10 percent of floor area or sign area square footage) may be approved administratively while deviations greater than 10 percent may require approved changes to the permit and/or further environmental and Planning Commission review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

PD07-0033/TM07-1461/S08-0005 consists of a development plan and tentative subdivision map creating two commercial parcels (5,375 square feet and 15,650 square feet), 16 residential units (750 square feet to 1,000 square feet) with private outdoor patios, and two open space lots (9,148 square feet and 18,296 square feet). The development plan permits two three story mixed use buildings with commercial uses on the first and second floors and residential uses on a portion of the second floor and the entire third floor with the exception of several commercial storage closets. Commercial uses authorized under the development plan supersede those uses allowed by right under the Commercial zone district and are limited to retail and office uses fully enclosed within the commercial parcel boundary lines. Accessory commercial uses such as outdoor patios for office staff break areas are permitted as well. Based on constraints of the onsite wastewater treatment system, eating and drinking establishments, automobile service, service stations, health facilities, and community care facilities are prohibited. A proposed change in the allowable commercial uses authorized under the approved development plan requires the submittal of a planned development revision application for Planning Commission review. Sixteen residential units are authorized under S08-0005. Two 80 square-foot monument signs are permitted. Water service will be provided to the lots by the El Dorado Irrigation District while a septic system will provide wastewater treatment. Primary site access will be provided via a reciprocal access easement through APNs 101-210-16; 56; and 63 while proposed parcel one will be served by improvements to Red Hook Trail.

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 Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

3. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
4. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
5. 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, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.
6. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
7. 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.

The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

8. All open space lots shall be dedicated to a Homeowner's Association or similar entity with an appropriate maintenance program. Planning Services shall review and approve the program prior to filing the final map.
9. All open space lots shall be dedicated prior to filing of a final map for any phase. Planning Services shall review and approve the open space lots prior to filing the final map.
10. CC & R's shall be subject to review and approval by County Counsel. The applicant shall submit the CC & R's to Planning Services prior to filing the final map.
11. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule

an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.

12. The applicant is responsible for providing 91 off-street parking spaces at all times while the facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code.
13. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services prior to issuance of a building permit. The applicant shall submit a final landscape plan at the time of building permit submittal which will be substantially compliant with Exhibit L, "Preliminary Landscape Plan." Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
14. Prior to final building occupancy, all outdoor lighting shall conform to Section 17.14.170 of the County Code, as indicated on Exhibit M, "Preliminary Outdoor Lighting Plan," and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.
15. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
16. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
17. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
18. 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.

Air Quality Management District

19. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
20. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
21. 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.
22. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
23. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
24. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

Department of Transportation

25. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map (the requirements outlined in Table 1 are minimums):

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SIDEWALK WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS /NOTES
Red Hook Trail <i>(from northern property boundary to Sanders Drive)</i>	Std Plan 101A	40ft / 8ft <u>6 ft.</u>	50ft	40 mph	40-ft paved width, Type H <u>I</u> rolled curb & gutter, 8-ft <u>6-foot</u> sidewalk along project frontage (one side only)
Sanders Drive <i>(from Red Hook Trail intersection to Pony Express Trail)</i>	Std Plan 101A	40ft / 8ft <u>4 ft.</u>	50ft	40 mph	40-ft paved width, Type II curb & gutter.

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

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

26. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Red Hook Trail and Sanders Drive, from the northern project boundary to Pony Express Trail, meet the requirements of El Dorado County Standard Plan 101A (as indicated and modified in Table 1 above). The applicant shall provide an exhibit to the DOT, Planning, and the Fire Agency that shows all proposed access points comply with the DISM and Fire Safe Regulations. 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~~ issuance of building permits for development on Assessor's Parcel Number 101-210-13.

27. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct new encroachments from Red Hook Trail onto Sanders Drive to the provisions of County Design Std 103D. 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~~ issuance of building permits for development on Assessor's Parcel Number 101-210-13.

28. **Access Agreements and Improvements:** If APN 101-210-15 is developed prior to APN 101-210-13, the applicant shall provide an access agreement guaranteeing access to APN 101-210-15 from Sanders Drive over the commercial lots to the south, prior to the filing of the map. If an access easement cannot be provided, the applicant shall then improve Red Hook Trail as indicated in Condition #1 prior to the filing of the map.

29. **Sly Park Road & US 50 EB Ramp Improvements:** The applicant shall construct, or ensure adequate funding is identified and the improvement is programmed for, the conversion of the Sly Park Road and US 50 eastbound ramp intersection to an All-Way Stop Controlled intersection, prior to filing of the map.
30. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities prior to prior to filing of the map.
31. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to filing of the map.
32. **Easements:** All applicable existing and proposed easements shall be shown on the project plans prior to filing of the map.
33. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. 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.
34. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
35. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
36. **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.
37. **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.

38. **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.
39. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, a grading permit will be required. 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.
40. **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.
41. **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.
42. **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.

43. **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.
44. 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.
45. **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.
46. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

47. **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.
48. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of the map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.
- In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.
49. **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.
50. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete for the residential portion and either pay the commercial TIM fees at the time a building permit is deemed complete or enter into a signed agreement with the Department of Transportation to make payments as allowed by the TIM fee program.

El Dorado County Fire Protection District

51. A plan check fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District (EDC FPD) prior to improvement plan approval.
52. All additional required fire hydrants shall be shown on the improvement plans as Mueller Centurion 200 hydrants and installed throughout the project subject to EDC FPD approval.
53. At time of final map filing, a fire safe plan including all lots and open space shall be submitted to the EDC FPD for review and approval.

Environmental Management Department

54. If the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.
55. As shown on the site plan, Exhibit E, adequate space shall be provided for both trash and recycling enclosures with separate trash and recycling dumpsters.
56. A homeowner's association or other legal entity shall be established prior to recordation of the final map. This legal entity shall be set up so as to accrue funds to provide for the maintenance and monitoring and future repair and/or replacement of the onsite wastewater treatment system servicing the property. The contractual agreement shall stipulate the manner in which this funding can be used for repair and/or replacement of the onsite wastewater treatment system.
57. The onsite wastewater treatment system construction permit shall include a maintenance and monitoring agreement permit that shall be renewed with Environmental Management Department yearly.
58. Commercial use is limited due to the constraints of the onsite wastewater treatment system. Building A-1 = 2,000 gallons per day; Building A-2 = 3,200 gallons per day; Building B = 3,400 gallons per day. This usage is consistent with the proposed usage for the following: Building A-1 = four, 1-bedroom condominiums and 5 bathrooms for commercial office space; Building A-2 = four, 1-bedroom condominiums, and three 2-bedroom condominiums and 2 bathrooms for commercial office space.

Building B = four, 2-bedroom condominiums, and one, 3-bedroom condominium and five bathrooms for commercial office space.

Surveyor's Office

59. 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.

8. GENERAL PLAN AMENDMENT/REZONE/TENTATIVE PARCEL MAP
(Public Hearing)

A08-0004/Z07-0026/P07-0025 submitted by WESLEY HAGSTROM (Engineer: Carlton Engineering, Inc.) to amend the General Plan land use designation from Rural Residential (RR) and Commercial (C) to Rural Residential (RR); rezone the same property from Estate Residential Ten-acre (RE-10), Estate Residential Five-acre (RE-5), Commercial (C), and Exclusive Agricultural (AE) to Estate Residential Ten-acre (RE-10); and tentative parcel map creating four lots ranging in size from 20 to 49 acres with a design waiver request to allow the development to be served by a dead-end road exceeding 2,640 feet in length. The property; identified by Assessor's Parcel Number 104-100-67, consisting of 129.43 acres, is located on the north side of Rattlesnake Bar Road, approximately 5.0 miles southwest of State Route 49, in the **Pilot Hill area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Pierre Rivas introduced Gordon Bell, contract planner, who recommended approval to the Board of Supervisors.

Chair Tolhurst asked why this property was designated Commercial. Mr. Rivas commented it was adopted with the Area plan and carried through with the adoption of the current General Plan.

Eileen Crawford, Department of Transportation, proposed modification to Conditions 15, 16, 20, and 23.

Commissioner Machado asked for clarification on the access. Mr. Bell explained. Commissioner Machado asked about the linear feet of fencing. Mr. Bell said the building envelopes will restrict the fencing.

Commissioner Machado asked about the IBC. A biological study was prepared on this property, and nothing was found. He asked what plants are being protected. Mr. Rivas does not believe any plants are being protected. It is the migration of wildlife.

Peter Maurer said staff will be going back to the Board next month with an update on the INRMP and the IBC.

Commissioner Mac Cready said they are only going to be 20-acre parcels. Why ask for ten-acre zoning? Mr. Bell commented the surrounding zoning is ten-acre, and the proposed zoning would

be consistent with that zoning. Because of the topography and required road improvements, it does not appear you could split the parcels further.

Ted Woessner thanked the County for allowing a contract planner to process this project. The majority of the property is already ten-acre. Unless there are substantial improvements made to Rattlesnake Bar Road, there could not be further divisions.

Don Denault, resident in the area, said Rattlesnake Bar Road does not provide safe passage at the present time. He believes it would be poor policy to approve more parcel splits on this road until the road is improved. Rattlesnake Bar Road cannot be brought up to fire safe standards without a lot of money. There have been a lot of trees already removed on the property. Mr. Renault does not believe it will be a responsible project and does not believe it should be approved.

There was no further input.

Commissioner Machado believes the project improves some of the fire safe hazards in the area.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MACHADO, AND TOLHURST; NOES – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; 2. APPROVE A08-0004 CHANGING THE LAND USE DESIGNATION ON ASSESSOR'S PARCEL NUMBER 104-100-67 FROM RURAL RESIDENTIAL (RR) AND COMMERCIAL (C) TO RURAL RESIDENTIAL (RR), BASED ON THE FINDINGS PROPOSED BY STAFF; 3. APPROVE Z07-0026 REZONING THE SAME PROPERTY FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10), ESTATE RESIDENTIAL FIVE-ACRE (RE-5), COMMERCIAL (C), AND EXCLUSIVE AGRICULTURAL (AE) TO ESTATE RESIDENTIAL TEN-ACRE (RE-10), BASED ON THE FINDINGS PROPOSED BY STAFF; AND 4. APPROVE P07-0025 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Finding

- 1.1** El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The 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, 7.4.2.9, 7.4.4.4 and 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.

3.0 Zoning Findings

- 3.1 The project is proposed to be zoned Estate Residential Ten-Acre (RE-10) which establishes a minimum parcel size of 10 acres. The project would create four parcels ranging in size from 20 to 49.00-acres in size which is consistent within the RE-10 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 exceed the minimum parcel size required for the RE10 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 the capability to provide private facilities (water and wastewater disposal) to support the residential uses. Other utilities currently exist on and adjacent to the proposed parcels.
- 4.3 The proposed tentative map is not likely to cause substantial environmental damage** because the project has been conditioned to provide building envelopes which would minimize environmental impacts to biological resources and erosion and sedimentation impacts. Access will be improved to current safety standards and the impacts from all other potential improvements (building pads and driveways) have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

5.0 DESIGN WAIVER APPROVAL FINDINGS

To allow the length of a dead end street from 2,640 feet to a length of 5280 feet, in compliance with the El Dorado County Department of Forestry SRA Fire Safe Regulations 1273.09(a) Dead End Roads which allows the maximum length of a dead-end road for parcels zoned for 20 acres or larger not to exceed 5,280 feet.

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

The proposed access road would meet the County's road standards in terms of width but can not be looped because Burkett Lane is cut off by the American River to the north, as is Rattlesnake Bar Road. There are no other alternatives for secondary access.

- 5.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

The project would only result in the creation of two additional lots to be served by Burkett Lane, which presently serves 10 additional parcels to the north. Because of existing zoning and environmental constraints on these parcels, future discretionary development is unlikely to occur north of the proposed project. The requirement to create an additional access or looped road would therefore be burdensome on this proposed project. Such a requirement also seems unnecessary given that traffic volumes are low and the applicant will be required to develop a Fire Safe Plan acceptable to the El Dorado County Fire Protection District and DOT prior to final map recordation.

Conditions

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

This General Plan land use designation amendment, rezone, and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A-K (General Plan amendment/

rezone/tentative parcel map) dated May 22, 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.

Project Description: Approval of this project allows the following: amendment to the General Plan land use designation from Rural Residential (RR) and Commercial-Platted Lands (C-PL) to Rural Residential (RR) on the 129.43-acre lot referenced as Assessor's Parcel Number 104-100-67; a rezone to change zoning designation from RE-10 (Estate Residential Ten-Acres), RE-5 (Residential Five-Acres), C (Commercial) and AE (Exclusive Agricultural) to RE-10 (Estate Residential Ten-Acres), and a tentative parcel map to subdivide the existing 129.43-acre parcel into four parcels ranging in size from 20.00 to 47.22-acres. Future development (structural improvements, grading, utilities, paving, etc) will be limited to building envelopes designated on Exhibit G. Building envelopes are designated on areas of less than 30% slope, outside setback areas for water courses and water bodies, and outside setbacks required by the RE10 zone district. Access for Parcel 2 will be provided from Rattlesnake Bar Road. Access for Parcels 1, 3, and 4 will be provided by Burkett Lane. Burkett Lane will be improved to Fire Department and Department of Transportation standards.

2. All site improvements shall conform to Exhibits E-G.

Environmental Review (Mitigation Measures)

3. **MM Bio-1:** All grading, improvement, and building plans shall state: "It is the applicant and contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water act for all on-site impacts. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction."

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-2:** In order to avoid impacts to sensitive habitat for State- and/or Federally-listed species, species of concern; impacts due to erosion and sedimentation, and impacts drainages, watercourses, and water bodies, building/development envelopes shall be designated consistent with Exhibit G, dated April 21, 2008. No development or earth disturbance shall occur outside of these areas. Construction equipment operation shall be confined to the approved development envelopes. Prior to final map recordation, a Notice to Property Owner (NTPO) stating this limitation and including a figure depicting the development envelope location shall be recorded with the County Clerk-Recorder. The development envelope shall be shown on all plans submitted for land use and building permits. Development envelope boundaries shall be staked in the field.

*Timing/Implementation: Prior to issuance of final map recordation
Enforcement/Monitoring: El Dorado County Planning*

5. **MM Bio-3:** Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of any one of the following options will reduce impacts to a less than significant level:

- a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.
- b. Payment of all fees required under Option B of General Plan Policy 7.4.4.4 to the county's Integrated Natural Resources Management Plan (INRMP). Payment of fees shall be at a migration ratio of 2:1 and based on all impacted oak woodland acreage. Payment of fees and successful completion of this alternative is dependent upon county adoption and implementation of the INRMP by the County and approval of Planning Services.

*Timing/Implementation: Prior to issuance of grading and building permits
Enforcement/Monitoring: El Dorado County Planning*

6. **MM Bio-4:** If option a. above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the re-planted oak saplings and/or oak acorns for this project.

*Timing/Implementation: Prior to issuance of occupancy permits
Enforcement/Monitoring: El Dorado County Planning*

7. **MM Bio-5:** If option a. above is utilized, Covenants, Conditions, and Restrictions (CC&Rs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CC&Rs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both

oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the replanted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.

Timing/Implementation: Prior to issuance of grading and building permits
Enforcement/Monitoring: El Dorado County Planning

8. **MM Bio-6:** A conservation easement, consistent with Exhibit G contained herein, shall be designated on the parcel map for the sole purpose of providing an area for the replacement of oak trees disturbed or removed consistent with Option A of General Plan Policy 7.4.4.4. This conservation easement shall be recorded prior to filing of the parcel map. The conservation easement may be modified subject to review and approval by Planning Services with appropriate documentation from the property owner in the form of an oak tree canopy report and tree replacement and preservation plan prepared by a certified project arborist or qualified biologist. The plan shall evaluate potential impacts of future development activities within designated building envelopes. Modification of the conservation easement will require formal application to El Dorado County Planning Services for a map revision.

Timing/Implementation: Prior to filing of the parcel map.
Enforcement/Monitoring: El Dorado County Planning

9. **MM Bio-7:** Prior to issuance of grading permits, the property owner shall select one building envelope on Parcel 3 upon which development activities are to occur. Grading permits and building permits shall specify the proposed envelope on an exhibit to be provided to the contractor designated to perform the grading and construction activities.

Timing/Implementation: Prior to issuance of grading and building permits
Enforcement/Monitoring: El Dorado County Planning

10. **MM Bio-8:** Fencing shall be limited to areas around barns and or homes for the purposes of protecting livestock or landscaping. The property owner shall submit a fencing plan to El Dorado County Planning with the submission of building permits for review and approval.

Timing/Implementation: Prior to issuance of building permits
Enforcement/Monitoring: El Dorado County Planning

Planning Services Site Specific and Standard Conditions

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.

12. 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.
13. The applicant shall make the actual and full payment of planning processing fees for the general plan amendment, rezone and the tentative parcel map application prior to filing the parcel map.
14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the 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.

El Dorado County Department of Transportation

Project Specific DOT Conditions

15. **On-site Access Improvements:** The applicant shall widen the on-site portion of Burkett Lane to a 20-foot wide roadway with ~~10-foot~~ two foot shoulders on each side consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan, 101C *and DISM II.3.A.12.a*, 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.
16. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Burkett Lane from the project boundary to Rattlesnake Bar Road, meets the requirements of El Dorado County Standard Plan *101C, and DISM II.3.A.12.a*, a 20-foot roadway width with ~~10-foot~~ two foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM, and Fire Safe Regulations. The applicant shall provide an exhibit to the DOT, Planning, and the Fire Agency that shows that Burkett Lane complies with the DISM and Fire Safe Regulations as well as a secondary

- access road or acceptable alternative. 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.
17. **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.
 18. The applicant shall grant a 60-foot road and public utility easement (R & PUE) where Rattlesnake Bar Road is located within the property boundaries prior to the filing of the parcel map. This offer will be accepted by the County.
 19. A vehicular restriction must be placed on the existing road located within the existing 50-foot road easement (PM 15-86) for Parcels 1, 2, and 3 prior to the filing of the parcel map.
 20. The applicant shall grant a ~~60-foot~~ 50 foot road and public utility easement (R & PUE) where Burkett Lane is located within the property boundaries prior to the filing of the parcel map. This offer will be rejected by the County.
 21. Per the El Dorado County Design and Improvement Standards Manual (DISM) Section 3.B.2, the roadway shown at approximately STA 21+00 Burkett Lane shall be reconstructed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 70 degrees. The improvement plans shall provide bearings on the centerline of proposed roadway to show said condition is met.
 22. The applicant shall construct the roadway encroachment of Burkett Lane onto Rattlesnake Bar Road to the provisions of DISM Standard Plan 103D and shall be paved per recommendations of geotechnical engineer. 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 parcel map.
 23. The applicant shall provide for unobstructed visibility at the one-lane bridges (3 locations on Rattlesnake Bar Road) and provide/verify turnouts with a minimum 25-foot taper on each end. Where turnouts are not feasible the applicant shall be allowed to widen the pavement to a width of 22 feet for a distance of 50 feet measured from the bridge. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
 24. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, prior to the filing of the parcel map.

25. Per the Design and Improvement Standards Manual [Section 3 A) 9) & 12)] the applicant shall be required to provide a secondary access to this site or provide evidence of a fire safe plan in accordance to the corresponding fire department, prior to the filing of the parcel map.
26. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a twenty-percent (20%) contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements

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

27. The applicant shall adhere to all DOT standard conditions as specified in Attachment A.

Standard DOT Conditions

28. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee the performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing of the parcel map.
29. If site improvements are to be made, 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.

30. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing , at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
31. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
32. The applicant shall provide a drainage report at the 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.
33. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
34. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
35. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
36. 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 potential discharge of pollutants into drainages.
37. The applicant shall submit a soils and geologic hazards report (meeting the requirement for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading and design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
38. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation (DOT). The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the DOT shall consider the imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the DOT approves the final grading and erosion control plans and the grading is completed.

39. The timing and construction and method of revegetation shall be coordinated with the El Dorado 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 DOT. The DOT shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
40. 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 record drawings in TIF format.
41. 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.
42. For projects that disturb more than one acres of land area (43,560 square feet), the Developer 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). The condition is mandated by State of California. 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 SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to construction.

El Dorado County Fire Protection District

43. Submit a review fee of \$120.00.
44. Fire flow for this project is 1,000 gpm @ 20 psi for two hours with additional fire hydrants.
45. In place of requirements for hydrants and fire flow the applicant may enter into a deed restriction for parcels 1, 2, and 4 for a "Fire District approved NFPA 13D Fire Sprinkler System with 3,000 gallons of water storage for all new structures."
46. The existing home on Parcel 3 is required to have a 3000 gallon storage tank that is Fire District approved and within 500 feet of the home.
47. A deed restriction for an El Dorado County Fire District and a California Department of Forestry (CDF) approved Fire Safe Plan is required for this TPM. The Fire Safe Plan shall be reviewed and approved by El Dorado County Fire Protection District.
48. Existing non-conforming access roads serving this TPM will meet at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads.

49. El Dorado County DOT standards may be more stringent and will supercede these requirements.
50. All Fire Protection District Requirements shall be completed prior to filing of the parcel map.

El Dorado County Office of County Surveyor

51. All survey monuments must be set prior to filing the parcel map.
52. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on the map by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

9. GENERAL PLAN AMENDMENT/ORDINANCE AMENDMENT (Public Hearing)

A07-0011/Z08-0012 initiated by EL DORADO COUNTY to amend Policy 2.2.5.20 as follows: All non-residential development, all subdivisions, residential development on existing legal lots involving any structure greater than ~~120~~ 4,000 square feet in size or requiring a grading permit for which land disturbance of an area of 20,000 square feet or more occurs, and all development located on lands identified as Important Biological Corridor (-IBC) on the Land Use Diagram, Figure LU-1, shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies, and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstrating compliance. All building permits shall be consistent with the land uses described in the land use designation established for the site, as provided in Policy 2.2.1.2 and set forth on Figure LU-1. (Addendum to General Plan Environmental Impact Report prepared)

The zoning ordinance amendment revises Section 17.22.330 of the County Code to reflect said policy amendment as follows:

17.22.330 Applicability of General Plan Consistency Requirements. Requirements for General Plan consistency shall apply to:

- A. All building permits for new structures, as defined in the General Plan, greater than ~~120~~ 4,000 square feet, including additions to existing structures.
- B. Building Permits or other permits that require a grading permit for which land disturbance of an area of 20,000 square feet or more occurs.
- C. All development, as defined in the General Plan, located on lands identified as Important Biological Corridor (-IBC) on the Land Use Diagram, Figure LU-1.
- D. Non-residential development. (Addendum to General Plan Environmental Impact Report prepared)

This item was taken after Item 10. Peter Maurer recommended approval to the Board of Supervisors. He explained the use of the addendum to the General Plan Environmental Impact Report as the environmental document.

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

Commissioner Mac Cready read a letter of support submitted by Ray Nutting.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THE ADDENDUM TO THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT AND APPROVE A07-0011/Z08-0012, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1. The proposed change to Policy 2.2.5.20 and §17.22.330 is not a substantial change and does not require substantial changes to the previous EIR because there are no new significant environmental effects and no substantial increases in the severity of previously identified significant effects. Changes in the severity of the impacts will not increase for most impacts, as described in the addendum and in the staff report. Changes will be minimal for impacts to scenic resources, safety due to flood hazards, land use compatibility by locating near mining operations, and cultural resources.
2. Substantial changes to the previous EIR are not required due to the lack of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Development which has occurred under the 2004 General Plan since adoption has been consistent with the plan, and as described in the addendum, the impacts of build-out of the remainder of the plan will not significantly increase as a result of the amendment.
3. An addendum to the 2004 General Plan EIR is appropriate for compliance with CEQA, pursuant to 14 CCR §15164, based on the following:
4. No new significant effects have been identified as a result of the proposed amendment to Policy 2.2.5.20 and §17.22.330 than those analyzed in the 2004 General Plan EIR, as discussed in the addendum and staff report.
 - a. As discussed in the addendum and staff report, each of the significant effects examined in the EIR and addressed by mitigation measure 5.1-3(a) will not be substantially more severe than shown in the previous EIR;
 - b. No mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and

- c. No mitigation measures or alternative that are considerably different from those analyzed in the previous EIR have been identified that would substantially reduce one or more significant effects on the environment.

10. REZONE/PLANNED DEVELOPMENT/PARCEL MAP (Public Hearing)

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

This item was taken prior to Item 9. Michael Baron recommended approval to the Board of Supervisors adding conditions pertaining to the County Surveyor's Office. He referred to a letter from Jerry Ledbetter, Chair for the El Dorado County Trail Advisory Committee. Gene Thorne does not see how their project would affect the trail.

Commissioner Machado asked how the properties behind the subject property access their parcels. Mr. Thorne explained. Norm Brown, owner of the property to the north, explained the access to the parcels in this immediate area.

Mr. Thorne said Condition 38 states 70 feet. The map shows 56 feet. The fire district requires 60 feet, and they told the fire district they would meet their requirements. The Commission modified the condition.

Ray Nutting went to the project site. It is incredible what the applicant has done to these homes. It is amazing what transformation has occurred with these historical homes.

There was no further input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. ADOPT THE NEGATIVE DECLARATION, AS PREPARED; 2. APPROVE Z07-0044/PD07-0030, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN AND REZONING ASSESSOR'S PARCEL NUMBER 090-040-39 FROM GENERAL COMMERCIAL (CG) TO GENERAL COMMERCIAL-PLANNED DEVELOPMENT, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND 3. APPROVE P07-0010, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 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 could 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 As proposed, the project is consistent with the Commercial General Plan land use designation as defined by General Plan Policy 2.2.1.2, as the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.1.1.3, 2.1.1.7, 2.2.1.2, 2.2.1.5, 2.2.3.1, 5.1.2.1, 5.3.1.7, 5.7.1.1 and 6.2.3.2 relating to Community Regions, the requirements and intent of a Planned Development, the floor/area ratio, supporting infrastructure, and emergency access and public protection. The existing site design and current compatibility within the context of the surrounding uses for the current use as residential, is consistent with the General Plan Policies identified above.

3.0 Zoning Findings

- 3.1 The project is consistent with the General Commercial Zoning District because the project includes the addition of the Planned Development Overlay which would allow the continued residential use of the property. Approval of the Development Plan would allow parcels to be approved at less than 10,000 square feet in size.
- 3.2 The project, as proposed and conditioned, along with the Zone Change to General Commercial-Planned Development, is consistent with the El Dorado County Zoning Ordinance Development Standards, as the project includes the Planned Development overlay with a preliminary Development Plan for the site. The existing historic residential structures would remain until a formal Development Plan is submitted, which would include commercial uses.

4.0 ADMINSTRATIVE FINDINGS

4.1 Planned Development Findings

4.1.1 The Planned Development Zone request is consistent with the General Plan.

The Planned Development request allows the residential use of the property to continue without a primary commercial use. The Development Plan would allow the potential for the future parcels to be developed individually or together for commercial purposes consistent with the Commercial Land Use Designation.

4.1.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

The proposed development exists and does not propose any physical changes. The addition of the Planned Development overlay would permit further opportunities for the development of the site and flexibility in development standards for a future Development Plan.

4.1.3 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

With the addition of the Planned Development Overlay, the residential uses could remain until a formal Development Plan is submitted, which would include a commercial component. Except for minimum parcel sizes for the individual parcels, the project could be found to be in compliance with all County Code requirements.

4.1.4 The site is physically suited for the proposed uses.

The site is physically suited for the proposed uses because the residential use has existed within the current commercial environment for many years.

4.1.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

All required utilities are available for the residential uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.

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

The proposed uses do not significantly detract from the natural land and scenic values of the site. No physical changes are proposed with this project.

4.2 Parcel Map Findings

4.2.1 **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.**

The approval of the Parcel Map to allow the creation of four (4) parcels is consistent with the applicable policies as outlined in Finding 2.2 with the addition of the Planned Development overlay, which allows parcels less than 10,000 square feet in size.

4.2.2 **The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size and the Minor Land Division Ordinance. Because the project site has been evaluated in accordance with the General Commercial development regulations, it has been found that the project complies with the minimum design standards, as conditioned.

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

The site is physically suitable for the proposed type and density of development because the site is located within a General Commercial Zone District, and it can be found that the site is suited for commercial development. No physical changes are proposed with this project.

4.2.4 **The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

The proposed Parcel Map would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Parcel Map is an administrative document to allow the individual ownership of buildings within the development. No environmental impacts would be created by the Parcel Map. No physical changes are proposed with this project.

4.2.5 **The design of the parcel map is not likely to cause serious public health hazards.**

The design of the Parcel Map is not likely to cause serious public health hazards. The proposed Parcel Map would not create an undue negative impact upon the Shingle Springs Community. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to the Shingle Springs Community because the surrounding infrastructure is in place.

4.3 Design Waiver Findings

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

Requiring a Standard Plan 101B road as opposed to a Standard Plan 101A road for access to the proposed parcels would require excessive road improvements and unwanted access. The project site is currently developed; therefore, the reduced requirements can be justified.

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

Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* for road widths and sidewalk requirements would introduce unwanted public access and excessive road improvements for access to four (4) parcels.

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

A reduction in the required road improvements and elimination of sidewalks would not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

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

The approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

Conditions

Planning Services

1. This Parcel Map, Rezone and Planned Development is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (Tentative Parcel Map) dated April 24, 2008 and conditions of approval set forth below. Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would rezone the property from General Commercial (CG) to General Commercial-Planned Development (CG-PD). This would allow for the residential units to remain within the CG Zone District while allowing a Development Plan to be submitted in the future. A Tentative Parcel Map has been proposed to create four parcels ranging in size from 6,000 square feet to 11,050 square feet on a .66-acre site. Parcel 1 would contain a 734 square foot single family residence, Parcel 2 would contain a 1,795 square foot single-family residence, Parcel 3 would contain a 1,505 square foot single-family residence, and Parcel 4 would contain a 779 square foot single-family residence. Design Waiver requests to allow a reduction of road improvements from a Standard Plan 101A to a Standard Plan 101B standard as noted within the County Design and Improvement Standards Manual would be permitted. A waiver from the sidewalk requirements would be permitted as well as a reduced road width, allowing an 18-foot roadway from curb face to curb face in lieu of a 24 foot wide roadway.

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

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code. The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.
3. The applicant shall make the actual and full payment of planning processing fees for the Tentative Parcel Map Application prior to the County Recorder processing the Parcel Map.
4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage

Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

5. The Tentative Parcel Map shall expire within 36 months from date of approval unless a time extension has been filed.

Department of Transportation

6. The proposed access points cross the former railroad right-of-way now owned by the Joint Powers Authority (JPA). The applicant shall enter into a JPA easement agreement with the County of El Dorado, to the satisfaction of the Department of Transportation and General Services, prior to filing the Parcel Map. Per the easement agreement, the applicant understands and agrees that the County of El Dorado or the California Public Utilities Commission (CPUC) may require the applicant to provide (but not be limited to providing) the following improvements: a) lights, b) crossing barricades, c) signs, d) tire rumble strips, etc. The applicant shall be responsible for the cost of designing, constructing, and maintaining any such improvements and shall be responsible for obtaining any required approvals from the CPUC prior to construction of the crossing. No gate or fence shall be erected that blocks or interferes with the use of said easement.
7. The applicant shall improve all access roadways per El Dorado County DISM, Standard Plan 101B. 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 filing of the Parcel Map. In the event that the use of the site is converted to commercial uses, the applicant shall be required to improve the access roadways to Standard Plan 101A.
8. The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the roadway encroachment from the proposed access road onto Mother Load Drive to the provisions of County Design Std 103D and proposed Parcel 1 to Sunset Lane to the provisions of County Design Std 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 (MTCUD) and 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 filing the Parcel Map.
9. The applicant shall provide a turn around at the end of the on-site access roadway 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 filing the Parcel Map.
10. All applicable existing and proposed easements must be shown on the project plans.

11. The applicant shall provide a 50 foot wide non-exclusive road and public utilities easement for access roadways prior to filing the Parcel Map.
12. 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 filing the Parcel Map.
13. At the time of 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 erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
14. The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, and drainage facilities. The Department of Transportation shall review the document forming the entity to ensure the provisions are adequate prior to filing the Parcel Map. 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.
15. 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).
16. 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 filing the Parcel Map.
17. The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and on the recorded map.
18. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
19. Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and holidays.

20. 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 Parcel Map.
21. 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 Parcel Map.
22. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
23. 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.
24. A grading permit is required for the project. 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.
25. 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.

26. 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.
27. 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 Parcel Map or the applicant shall obtain an approved improvement agreement with security.

28. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
29. Prior to the filing of a Parcel 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 the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

30. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Parcel 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 subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site 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.
 1. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

31. The applicant shall provide proof of access to the project site from Mother Lode Drive, a County maintained road, and Sunset Lane, also a County maintained road, together with the legal right to improve such access. 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.
32. 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.
33. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

34. Applicant shall submit a \$120.00 review fee to the Fire District prior to filing the parcel map.

35. A fire hydrant at Mother Load Drive and the project access road shall be required prior to filing the parcel map.
36. Fire Flow for this project is 1000 gpm @ 20 psi for two hours. The applicant shall provide documentation from EID (FIL) to show that the system meets fire flow prior to filing the parcel map.
37. Existing non-conforming access roads serving the project site shall meet at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds and turnouts, one-way and dead-end roads prior to filing the parcel map.
38. The proposed hammerhead turn-around shall ~~be increased to a width of 70 feet or be replaced with a DOT approved cul-de-sac~~ meet at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds and turnouts, one-way and dead-end roads prior to filing the parcel map.

County Surveyor

39. All survey monuments must be set prior to filing the parcel map.
40. 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).
41. 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 parcel map.
42. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and the applicant.

11. GENERAL PLAN UPDATE

Peter Maurer commented staff is working on an amendment to the agricultural buffer requirements. Staff is also working on the INRMP. The Board has directed staff to bring back a scope of work that will be on the Board agenda June 3. The mixed use ordinance amendment will come before the Commission very shortly. Staff will be meeting with HCD next week, and the Housing Element should be adopted before the deadline.

12. ZONING ORDINANCE UPDATE - None

13. DEPARTMENT OF TRANSPORTATION - None

14. COUNTY COUNSEL'S REPORTS - None

15. DIRECTOR'S REPORTS - None

16. ADJOURNMENT

Meeting adjourned at 11:32 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair

