



EL DORADO COUNTY
PLANNING COMMISSION

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

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

Jo Ann Gillion Clerk of the Commission

MINUTES

**Regular Meeting
June 26, 2008 – 8:30 A.M.**

1. CALL TO ORDER

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 – Adopted, with addendum (Items 8.b. and 11).

3. PLEDGE OF ALLEGIANCE

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

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

a. **Minutes:** June 12, 2008

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MATHEWS, AND TOLHURST; ABSTAIN – COMMISSIONERS MAC CREADY AND MACHADO (as they were not present June 12, 2008), IT WAS MOVED TO APPROVE THE MINUTES OF JUNE 12, 2008.

END OF CONSENT CALENDAR

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

The Integrated Natural Resources Management Plan (INRMP) workshop will be held on June 27 at 1:30 p.m., in the Supervisors Meeting Room. As part of the INRMP, staff will also be making recommendations on the PWTAC (Plant and Wildlife Technical Advisory Committee).

The Board will be considering the Winery Ordinance on July 1 to determine whether an EIR or negative declaration will be used for the ordinance amendment.

Policy 2.2.5.20 was amended by the Board of Supervisors on July 17 and will take effect in 30 days. Commissioner Machado asked if an individual comes in for a building permit will they still have to go through Planning or just the Building Department. Mr. Appel said there are still some triggers that would require review by Planning, i.e., being located in an Important Biological Corridor, etc.

The Ad Hock Committee continues to meet weekly and is now working on the building permit process.

Mr. Appel informed the Commission that the Planning Commission Clerk will be retiring, and her last day will be August 1.

6. **COMMISSIONERS' REPORTS** - None

PUBLIC FORUM/PUBLIC COMMENT - none

7. **REZONE/TENTATIVE SUBDIVISION MAP**

Z07-0004/TM07-1433/Portico Estates submitted by CAYENTE WAY INVESTORS, LLC/ANTHONY SCOTCH (Agent: Baker-Williams Engineering Group/Mike Williams) to rezone property from Estate Residential Five-Acre/Airport Safety (RE-5/AA) to One-Family Residential/Airport Safety (R1-AA) and to create 15 residential lots ranging in size from 10,060 square feet to 12,381 square feet. The property, identified by Assessor's Parcel Number 070-040-02, consisting of 5 acres, is located on the north side of Cayente Way, approximately 330 feet east of intersection with Auburn Hill Drive, in the **Cameron Park area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Jonathan Fong recommended approval to the Board of Supervisors. He gave the Commission additional Department of Transportation conditions and informed the Commission of the written comments received. Eileen Crawford, Department of Transportation, commented that the additional conditions are standard Department of Transportation conditions (25 through 43). Commissioner Machado asked if the cul-de-sac would line up with Bridgeport. Ms. Crawford replied in the affirmative.

Kent Baker represented the applicant. They have no problem with the proposed conditions or with the proposed fencing. They want to make sure the road is 36 feet wide without sidewalks. They have no problem requesting the road be named Cayente Court. They will be filing a Street Naming Petition with the County Surveyor.

Larry Fry, resident in the immediate area, submitted comments regarding the fencing. They only want to see the fencing constructed as it currently exists and with the same materials. They would not be in favor of connecting the road. The fence is field fencing with barbed wire on the top.

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 BOAR OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE Z07-0004 REZONING ASSESSOR'S PARCEL NUMBER 070-040-02 FROM ESTATE RESIDENTIAL FIVE-ACRE/AIRPORT SAFETY (RE-5/AA) TO ONE-FAMILY RESIDENTIAL/AIRPORT SAFETY (R1-AA), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE TM07-1433, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources category. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 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 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.

- 1.4 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 2850 Fairlane Court Placerville, CA 95667.

2.0 Tentative Map Findings

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

The HDR Land Use Designation allows a density range of 1-5 dwelling units per acre. The project will create 15 residential lots on a 5.0 acre site which will yield a density of 3 dwelling units per acre.

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

The proposed onsite access road is consistent with the Circulation Element of the General Plan and the Design and Improvement Standards Manual. The subdivision arrangement is consistent within the High Density Residential (HDR) land use designation and consistent with the objectives and policies relating to residential development.

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

The proposed development will not impact slopes exceeding 30 percent or riparian areas. The project site is located within Rare Plant Mitigation Area 1 and will be subject to payment of a mitigation fee established in Chapter 17.71 of the Zoning Ordinance. The project will impact oak canopy and the project included mitigation measures for the payment of mitigation in-lieu fees established in Option B of General Plan Policy 7.4.4.4.

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

The project site contains adequate buildable areas for each of the proposed residential lots. The new on-site access road would be designed to meet the requirements of the General Plan, County Design Manual, and the Fire Safe Regulations.

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

The project site is not located near riparian areas and will not negatively affect fish or wildlife. The project is located within Mitigation Area 1 and will be required to pay the mitigation fee established by Chapter 17.71 of the Zoning Ordinance.

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

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

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

The El Dorado County Fire Protection District has reviewed the project and determined that the installation of fire hydrants and implementation of a Fire Safe Plan would be acceptable for fire protection services.

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

The project will not result in conflicts with existing easements. No access through the project site for public use currently exists. The project will not conflict with existing access to the adjacent properties and will not conflict with any existing easements.

3.0 Zone Change Findings

- 3.1 The proposed Zone Change is consistent with the General Plan.**

The amendment of the parcel zoning from Estate Residential Five-Acre- Airport Safety to One-family Residential- Airport Safety (R1-AA) will be consistent within the HDR Land Use Designation. The proposed zone change has been evaluated with respect to the specific criteria established by General Plan Policy 2.2.5.3 and will result in residential development consistent with the General Plan, Zoning Ordinance and County Design Manual.

Conditions

1. This project is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits E through G (Tentative Subdivision Map, Tree Exhibit, Grading Plan) dated June 26 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 allow a Rezone and Subdivision Map.

The Rezone would change the parcel zoning from Estate Residential Five-Acre- Airport Safety (RE-5/ AA) to One-family Residential- Airport Safety (R1-AA).

The project would create a 15-lot residential subdivision and on-site road improvements including the construction of a new cul-de-sac road. The project shall connect to EID public water and wastewater systems. The proposed lots shall conform to the table listed below:

Lot Number	Gross Area (s.f.)
1	12,381
2	10,740
3	10,754
4	10,748
5	10,739
6	10,739
7	10,739
8	10,739
9	10,739
10	10,739
11	10,739
12	10,739
13	10,185
14	10,060
15	10,417

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply to the table included below:

Total Oak Canopy to Be Removed (sf)	Canopy Removed for Road Improvements (sf)	Canopy Removed for Residential Development (sf)
152,544	25,495	25,628

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

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

The following mitigation measures are required as means to reduce potential significant

environmental effects to a level of insignificance:

2. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit (MM BIO-1).

MONITORING: Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

3. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of an building permit (MM BIO-2).

MONITORING: Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

CONDITIONS OF APPROVAL

Planning Services

4. The applicant shall make applications and pay appropriate fees for the removal of the existing single family residence and all accessory structures. The applicant shall obtain a finalized demolition permit prior to filing the Final Map.

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

5. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. Planning Services shall verify that the fees have been paid at the time of filing the Final Map.
6. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
7. All Development Services fees shall be paid prior to filing of the Final Map. Planning Services shall verify payment of all fees prior to the filing the Final Map.
8. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing 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.

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

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

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

10. Prior to any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

11. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

The Department of Transportation:

PROJECT SPECIFIC CONDITIONS

12. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual and the following table. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:

ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
On -site road	StdPlan101B StdPlan104	28 <u>36</u> ft(50ft R/W) w/C&G and 6 ft SAW	Type 1 rolled curb

Notes for Condition 1 table:
 Road widths in the preceding table are measured from curb face to curb face.
 Curb face for rolled curb and gutter is 6" from the back of the curb.

13. The applicant shall construct a cul-de-sac at the end of the on-site roadway, as specified in Standard Plan 114. The improvements shall be substantially completed to the approval

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

14. The applicant shall re-construct the existing residence driveway encroachments that will access the on-site roadway to the provisions of County Standard Plan 103A-1. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map. All fencing reconstructed must be to the original style and material, subject to approval of Planning Services.
15. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site road and public utility easement along the eastern boundary of this project.
16. The applicant shall provide a drainage facility along the western boundary of the project and shall direct this drainage to existing drainage courses. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
17. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the ~~Department~~ County to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
18. Prior to filing of the final map, the applicant shall form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met. The applicant shall designate a road and public utility easement (R&PUE), to total 50 feet in width, for the on-site portion of the proposed road and the required easement for the associated turn-around, prior to the filing of the final map. The R&PUE shall extend to the westerly property line.
19. ~~The applicant shall designate a road and public utility easements (R & PUE), to a total 50 feet in width, for the on site portion of the proposed road and the required easement for the associated turn around, prior to the filing of the parcel map. The R&PUE shall extend to the westerly property line.~~
20. The applicant shall irrevocably offer to dedicate a total of 50 feet of right of way, along the proposed road and the cul-de-sac, as required by the General Plan. The IOD shall extend to the westerly property line. This offer shall be rejected by the County.
21. The proposed roadway alignment shall be aligned with Bridgeport Drive. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
22. ~~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.~~

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

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

24. The on-site roadway shall conform to Standard Plan 101B road, 28-foot wide minimum in a 50-foot right of way according to the General Plan, with curb and gutter.

DEPARTMENT OF TRANSPORTATION STANDARD CONDITIONS

25. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
26. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

27. **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).
28. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
29. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
30. **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.
31. **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.
32. **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.
33. **Grading Permit / Plan:** 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.
34. **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.

35. **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.
36. **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.
37. **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:

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. 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.
- d. The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. 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.

38. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
39. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
40. **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.
41. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel 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.
42. **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.
43. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Cameron Park Community Services District:

44. The developer shall ensure that any CC&R's established for the project are reviewed and approved by the Cameron Park CSD. The CC&R's shall be reviewed and approved by the district prior to recordation of the CC&R's.
45. The required parkland dedication in-lieu fees shall be paid to the Cameron Park CSD prior to filing the final map.

Department of Environmental Health- Air Quality Management District:

46. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

Surveyor's Office:

47. 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.
48. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

8. TENTATIVE SUBDIVISION MAP

TM07-1446/Fern Woods Subdivision submitted by CARL DAMOUDE to create 12 lots ranging in size from 1 to 1.454 acres. Design waivers have been requested for the following: a) No on-site road improvements on existing Paradise Pines Rd.; b) No on-site road improvements on existing Wandering Way; c) No on-site road improvements on existing Fern Ave.; d) Allow for an outside radius reduction in the standard cul-de-sac from 50 to 40 feet to edge of pavement; e) Allow for increase in maximum grade of proposed streets to a 12 percent sustained grade and in one section, not to exceed 125 feet in length, allowing a maximum grade of 15 percent; f) Allow for increase in the maximum cross-slope of cul-de-sac to 10 percent; and g) Allow for reduction in the minimum road width to 20 feet for two onsite proposed roads (proposed Sheridan Court and Helena Lane) from their intersection to their ends. The property, identified by Assessor's Parcel Number 076-111-01, consisting of 14.71 acres, is located on the east side of Larkspur Lane, approximately 0.1 miles north of intersection with Cedar Drive, in the **Cedar Grove area**, Supervisorial District III. (Negative declaration prepared)

Aaron Mount recommended conditional approval.

Commissioner Machado asked for clarification on the location of the fire hydrants. Mr. Mount said there will be a new hydrant between Lots 1 and 2 on Larkspur Lane. The locations were approved by the fire district. Commissioner Machado said a comment was made about headlights coming out of Helena. He does not believe that will be a problem. Why are we not

connecting Helena to one of the other roads for ingress/egress? There would be another way out of the area. Fern is the only way out. Mr. Mount explained the roads being improved. Eileen Crawford, Department of Transportation, said the existing roads make it difficult to widen the roads. Where possible, they will be widened. Ms. Crawford explained the roads being widened.

Ken Urso explained the access to the area. He does not believe the bridge is 20 feet. There are many spots on the roads that are not 20 feet wide. His biggest concern is the road widths. Mr. Urso previously submitted written comments. He does not want to see the area turned into a dirt bike track. He is disappointed that the County is not going to take over maintenance of the roads. His concerns is getting fire vehicles in and people out of the area.

Carl Damoude had nothing to add to the staff presentation. Commissioner Mathews asked about the traffic study. Mr. Damoude explained how they did the study. They are trying to save as many trees and fencing as possible.

Commissioner Machado referred to the mail center on the west side which is on the neighbors' side of the road. Why are the mail boxes not being placed on the subject property? Mr. Damoude commented the mail center is not just for the project but for other residents in this area. Mr. Mount said it is up to the federal government where the facility is placed. Mr. Damoude said if you look at Larkspur Lane, the mail center is on his property. He will be happy to place the facility where it would be most convenient to the neighbors.

Commissioner Machado asked about the placement of the hydrant. This project puts a hydrant in the neighborhood which is good for everyone. Mr. Damoude spoke about putting in a possible extension for future use. The location meets County and fire district requirements.

Commissioner Machado asked Mr. Damoude's plans for the lots, i.e., building all the homes, selling lots for other individuals to build, selling the map, etc. Mr. Damoude said all the options are possible.

Mary Ryan said they are not against development but the size of the development. She and her husband submitted written comments. She briefly went through the written comments she and her husband submitted.

Bill Sanford stated his driveway faces into the new development. He is not happy about the placement of the mail boxes. Mr. Sanford spoke about there only being one access to the area. There will definitely be a change in life style for everyone on Larkspur Lane. The intersection of Fern and Pony Express Trail is dangerous at the present time. It would be better to have a second access.

Bob Hughes agreed with the previous speakers. He would challenge that the traffic study was done. He has never seen anyone out there counting cars. He spoke about the traffic from Search and Rescue. His last concern is the bridge.

Bill Leghorn, resident on Wandering Way and member of the Pollock Pines Fire Department, said the roads in the area are too narrow. He has a motor home, and it is difficult to get in and out

on the roads. Mr. Leghorn does not know how the fire district signed off on a 40-foot cul-de-sac, because his engine cannot make the turn. He also does not know how something in excess of 12 percent slope could have been approved in snow country.

There was no further input.

Regarding the 40-foot radius, Mr. Damoude said it was approved by the fire chief. The chief did not want a hammerhead but a cul-de-sac. The 12 percent slope was not approved, so no slopes will exceed ten percent. It is actually 120 vehicle trips. He explained when the traffic study was done. Regarding snow removal, the Department of Transportation will look at the final plans. Commissioner Machado asked about snow removal. Who will pay for that? Mr. Damoude and Ms. Crawford said there is a condition of approval requiring a homeowners association for road maintenance. The 12 new lots will be required to pay for the maintenance; the existing five lots will not have to pay for maintenance of the roads that they use. He does not know how the garbage is picked up but assumes the truck will make the loop and make pickups.

The Commission, applicant, and Ms. Crawford discussed improvements to the west rather than the east. Ms. Crawford said they need to do a site visit, look at the site distance, etc. The applicant would like to be included on the site visit as well as having the residents in the area present.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONCEPTUALLY APPROVE THE NEGATIVE DECLARATION AND TM07-1446 AND CONTINUE THE PROJECT TO THE MEETING OF JULY 24, 2008, TO DETERMINE THE PROPER OFF-SITE IMPROVEMENTS AND TO FURTHER MODIFY CONDITION 18 RELATING TO OFF SITE IMPROVEMENTS FROM CEDAR TO MACE, SITE DISTANCE, AND SAFETY IMPROVMENTS.

ADDENDUM #2

8.b. TENTATIVE SUBDIVISION MAP/DESIGN REVIEW (Public Hearing)

TM06-1430/DR08-0001/Blackstone Villas submitted by BLACKSTONE LLC/Lennar Communities (Agent: CTA Engineering) creating a small-lot tentative subdivision map of 12.1-acres within the Valley View Specific Plan Area. The subdivision would consist of a total of 131 lots that would include 112 residential lots (ranging from 1,056 to 1,914 square feet in size) to be occupied by multifamily attached dwelling units, seven private, parking lots, three Open Space lots, five landscape buffer lots, two private driveway lots, one on-site park, and one private street lot; and a design review of the proposed 112-unit attached multifamily residential development in accordance with the Valley View Specific Plan Design Clearance standards. The property, identified by Assessor's Parcel Number 118-140-01, consisting of 12.1 acres, is located on the northeast corner of Latrobe Road and Royal Oaks Drive, in the El Dorado Hills area, Supervisorial District I. (Exempt pursuant to Section 15182 of the CEQA Guidelines)**

Mel Pabalinas presented this item. The applicant would like Condition 50 deleted.

Commissioners Knight, Mac Cready, Machado, and Tolhurst stated they have met with the applicant regarding the project.

Don Barnett, representing Lennar Communities, said the reason for deleting Condition 50 is because it has been accomplished. He explained how they feel this is a mixed use project and how it will work.

Commissioner Knight suggested when marketing the lots that the applicant make sure people purchasing the properties know it is not open space across the street (Business Park).

Commissioner Machado spoke about signage. Gina Hunter said this is the first time Planning staff has heard about signs for this project. Under the Specific Plan they cannot have individual signs advertising the businesses.

Commissioner Mac Cready feels mixed use is someone living upstairs with the business on the bottom floor. Paula Frantz, County Counsel, said this project is coming before the Commission under a mixed use for the Specific Plan. The mixed use the County is considering as a whole is different, and the Commission will be able to determine the type of signage that would be allowed in that instance. Commissioner Machado asked that Ms. Hunter read the definition of mixed use from the Specific Plan.

Mr. Barnett showed the Commission proposed signage that would be allowed on the structures. This would be the only type of signage that would be allowed. Mr. Barnett explained some of the restrictions for using the entire building which will be placed in the CC&Rs.

Commissioner Machado talked about the blend of the commercial and residential.

Mr. Barnett explained the benefits of being able to have your business operation on the lower floor of your residence.

Ms. Hunter said there is sufficient parking for this project. She referred the Commission to Page 5 of the staff report.

There was no further input.

Mr. Pabalinas proposed a condition pertaining to the CC&Rs (new Condition 7). Mr. Barnett agreed to the additional condition.

Commissioner Machado asked if the Commission wants to discuss hours of operation. Commissioner Knight said the hours of operation should fall under the homeowners association. Mr. Pabalinas said CC&Rs are self-enforcing. Ms. Frantz said language should be added to Condition 7 to ensure that the signage meets the specifications of the Planning Commission hearing.

Chair Tolhurst said he would be voting against the project. He does not believe it is a good site plan. With the garages facing the back, it is an alley. He feels we could do better. It is an exception to the zone standards. It is trying to be a village and needs to be tied to the Village Center. He likes the idea of the work facet but believes it is just going to be condominiums.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, AND MATHEWS; NOES – COMMISSIONERS MACHADO AND TOLHURST, IT WAS MOVED TO FIND THE PROJECT EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND APPROVE TM06-1430/DR08-0001, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA FINDING

1.1 The project is a residential project and a part of an adopted Valley View Specific Plan, subject to the certified Environmental Impact Report (EIR) and mitigation measures in the Mitigation Monitoring Reporting Program. Therefore, the project is exempt from the requirements of CEQA pursuant to Section 15182. No further environmental analysis is necessary.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a description in reference to areas where Specific Plans have been designated and adopted within and by the County. The specific plan and the respective land use maps are accepted and incorporated by reference and are hereby adopted as the General Plan Land Use map for the project area. The proposed minor amendment to the specific plan, tentative map and deviation from standards have been verified for conformance with the applicable policies of the General Plan, specific policies in the Valley View Specific Plan, and mitigation measures in Environmental Impact Report. Therefore, the project is consistent with the General Plan.

2.2 Valley View Specific Plan, Zoning, Design Review Clearance

The project has been verified for conformance with the specific policies and requirements of the Valley View Specific Plan. The residential subdivision meets the required density, residential product type, and applicable development standards. Also, the multifamily development meets the architectural concept and site layout and design in accordance with the general standards in

the VVSP and specific provisions under the Mixed Use Zone District. Therefore, the project has been found to be consistent with the Carson Creek Specific Plan

2.3 Subdivision Ordinance

2.3.1 That the proposed map is consistent with applicable general and specific plans;

The proposed project has been verified for conformance with applicable General Plan and Valley View Specific Policies including provisions relating to density, site and layout design, zone development standards, and amenities. The anticipated development shall be subject to conformance with the approved Conditions of Approval and Mitigation Measures. Therefore, the project has been found to be consistent with the applicable El Dorado County General Plan and Valley View Specific Plan.

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

The design and improvement of the subdivision has been designed in conformance with the identified residential land use requirements in the Specific Plan. Subsequent improvement plans, grading plans and other permit application shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval/mitigation measures for this project. Therefore, the project has been found to be consistent with the applicable El Dorado County General Plan and Valley View Specific Plan design and improvements.

2.3.3 That the site is physically suitable for the type of development; and

2.3.4 That the site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed type of development and density and improvements for Blackstone Villas residential subdivision. The site contains mild rolling hills with sparse tree coverage. The tributaries within the project site shall be impacted but has been mitigated as part of the overall Wetland Impacts for the VVSP. Prior to any activity, the anticipated development would require various permit and plan approval, subject to review for consistency with the conditions of approval for the project by the County and affected agencies.

2.3.5 That the design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Development of the subdivision would be subject to the applicable provisions of the Valley View Specific Plan, and the required mitigation measures originally evaluated under the certified Environmental Impact Report (EIR) for the Specific Plan. Off-site improvements associated with the project are not anticipated to have any significant environmental impacts and shall be further verified by the affected agency. Therefore, the project would have less than significant environmental impact, subject to the conditions of approval and mitigation measures imposed on the project.

2.3.6 That the design of the division or the type of improvements would not cause serious public health hazards;

The proposed development has been designed and conditioned to ensure no public hazard would occur. In accordance with the VVSP, the design and improvements would involve a controlled internal road systems, public utility services, on- and off-site amenities, and adequate vehicular accesses. Development of the project would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage, and roads in accordance with the El Dorado County Design and Improvement Manual, County Grading Ordinance, Specific Plan, and the adopted EIR.

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

The development is subject to the applicable Specific Plan standards involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Hills Fire Department regarding location of on-site hydrant, construction of non-combustible fencing material, and preparation, submittal and implementation of a Wildfire Management Plans. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

2.3.8 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Coupled with imposed project conditions, necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing and approval of the final map for any portions of the approved tentative map.

Conditions

1. The Tentative Subdivision Map and Design Review are based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through L and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described

approval will constitute a violation of permit approval. The project description is as follows:

- A Small-Lot Tentative Subdivision Map of 12.1-acres creating a Class 1 residential subdivision within the Valley View Specific Plan Area. The subdivision consists of a total of 131 lots that includes 112 residential lots (ranging from 1,056 to 1,914 square feet in size) to be occupied by attached dwelling units, seven (7) parking lots, three (3) open space lots, five (5) landscape buffer lots, two (2) private driveway lots, one (1) on-site park, and one (1) private street lot. The table below describes the project:

Blackstone Villas Proposed Lots and its Uses

Lot	Type/Use	Lot Size (min to max square feet)	Note
1 through 112	Attached Residential	1,056 to 1,914	Actual residential floor area ranges from 1,133 to 2,132 square feet
A through C	Open Space	12,354 to 82,307	No direct access to open space lots to the east
R	Main Private Streets A	88,918	Street A would be the main street through the subdivision accessed at Royal Oaks Drive ending and connecting to Latrobe Road on the northern end of the project.
E, F, J, K, L, Q, S	Parking Lots	5,280 to 5,895	70 of 321 total parking space (covered and uncovered) would be located within these lots
H	Paseo	7,517	
D, M, N, O, P	Landscape Buffer Lots	396 to 1,023	
G, I	Private Driveway Lots	3,396	Serves the 6-plex units proposed for Lots 30-53

- Design Review of the proposed 112-unit attached multifamily residential development in accordance with Valley View Specific Plan Design Clearance standards.

Blackstone Villas Development Standards

Plan No.^A	Lot Area (gross square feet), Dimension^B	Height^G	Setbacks^C (Min)	Parking^D	Building Coverage (Max)	Density (du/ac)^F	Floor-Area Ratio (Live/Work portion of site)^H
1133	1,056 gsf 16 feet x 66 feet	3-story (36 feet)	Sides at Building Ends: 5 feet	2-car, tandem	20% (Entire Project Site)	8.74	4%
1450	1,320 or 1,650 gsf Minimum 20 feet x 66 feet		Rear at Garage: 6 feet	2-car, typical			
1720 ^E	1,320 or 1,650 gsf Minimum 20 feet x 66 feet		Front at Building Entries: 10 feet				
2132 ^E	1,914 gsf 29 feet x 66 feet		Between Units: 3 inches from wall to PL, 6 inches total				

Notes:

- A. Plan reflects typical floor area in square feet. Actual size may vary.
- B. Actual lot size and dimensions vary depending the lot location within particular complex (i.e. 3-plex, 5-plex) configuration
- C. Applies to each building complex.
- D. Total of 321 parking spaces: 224 residential (covered); 28 guest, and 69 Live/Work uncovered stalls (standard size)
- E. Live/Work area: Plan 1,720 is 12 feet x 14 feet and Plan 2132 is 16 feet x 16 feet
- F. Maximum gross density (per chart on Page 26 of the VVSP) for Mixed Use District is 10 du/ac.
- G. Maximum height is 40 feet. With architectural projection, maximum height is 42 feet.
- H. Maximum Floor-Area Ratio for Mixed Use (MU) Zone District is 20%

Blackstone Villas Circulation Details

Private Street/ Section	Width	Drive Aisle Width	Notes
Street A, Section A-A, C-C	54 feet	(2) 20-foot aisle	Includes a 14-foot wide landscape median with 23 parallel parking stalls; gutter pans along median
Extension of Street A	36 feet	(2) 18-foot aisle	Off-site Right-in/Right-out access along Latrobe Road; 46-foot wide easement

Exterior Finish Matrix: Color Schemes for Blackstone Villas-Townhomes

Scheme #	Dark Body	Medium Body	Light Body/Window Trim	Rails/Decorative Metal	Front Door and Shutter	Roofing "S" Tile
1	SW6663 Saffron Thread	SW6660 Honey Blush	SW6672 Morning Sun	SW6069 French Roast	SW6096 Jute Brown	IESCS61 69N Casa Grande Blend

Note: All paint selection made from Sherwin Williams Paint Company. All roofing selections made from MonierLifeLite

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

PLANNING SERVICES

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

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

3. Prior to approval of Final Map, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
4. Prior to approval of Final Map for any portion of the proposed tentative map, the applicant shall provide written statement justifying the project's consistency with the mitigation measures in the adopted Mitigation Monitoring Reporting Program for Valley View Specific Plan. The documentation shall be provided to and reviewed by the Development Services-Planning Division and, as needed, shall consult and verify with the affected agency.
 - a) In accordance with Mitigation Measure N-1 of the EIR for the VVSP EIR, the applicant shall implement the specific noise attenuation measures identified in Bollard Acoustical Consultants' Environmental Noise Assessment (BAC Job # 2006-168) for Blackstone Villas. This information shall be noted on corresponding construction plans and verified during building permit review process.
5. Prior to approval of final grading/improvement plan, the following amendments, in accordance with Chapter 17.18 (Off-Street Parking and Loading) of the El Dorado County Zoning Ordinance, shall be completed and verified:
 - a. The dimension of the parallel parking spaces shall be amended to a standard measurement of 9 feet x 22 feet;
 - b. Based on the total 97 uncovered parking stalls, a minimum of three (3) handicap stalls shall be provided. Each stall shall have a minimum area of fourteen feet in width and eighteen feet in depth, with a marked parking stall of ten feet in width and a loading/unloading area four feet in width. All handicap spaces shall be identified by a permanently affixed reflectorized sign displaying the international symbol of handicap accessibility.
6. Prior to issuance of building permit, the applicant shall provide to Planning Services a final documentation detailing the allocation of specific units and corresponding floor plan that includes a live/work area. The document shall include an itemization of the designated off-street parking in accordance with the VVSP.
7. Prior to approval of the final map, the applicant shall submit Conditions, Covenants, and Restrictions (CC&Rs) for review by and to the satisfaction of Development Services-Planning Services. Specifically, but not limited, the CC&Rs shall detail regulations of the proposed signs associated with the commercial live-work office within the specific units and shall meet the sign specifications submitted at the Planning Commission hearing on June 26, 2008.

Comment [LL1]:

DEPARTMENT OF TRANSPORTATION

PROJECT SPECIFIC CONDITIONS

8. All roads shall be constructed in conformance with the Standard Plan 101B of the Design and Improvements Standard Manual (DISM) as approved by EDC DOT.

ROAD NAME	MINIMUM ROAD/ROW WIDTH*	EXCEPTIONS/NOTES
Royal Oaks Drive	As shown on plans	Frontage Improvements including curb, gutter, and 6 foot wide sidewalks per DISM 101B and West Valley View Specific Plan
Latrobe Road	As shown on plans	Frontage improvements to include class I 8 foot wide bike path per West Valley View Specific Plan

9. The applicant shall be subject to any and all applicable Conditions of Approval for TM99-1359 as well as applicable Mitigation Measure described in the Mitigation Monitoring Checklist for the Valley View Specific Plan.
10. The applicant shall design and construct a right in/right out at the southerly intersection of Street 'B' and Latrobe Road. This design shall include providing a raised traffic island and curbing to prevent left turn movements at this intersection according to the provisions of the Caltrans Highway Design Manual. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
11. The applicant shall design and construct the roadway encroachments from Street 'A' onto Royal Oaks Drive to the provisions of DISM, Standard Plan 103C and Street 'B' onto Latrobe Road to the provisions of DISM, Standard Plan 103D. These improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
12. The applicant shall pay the traffic impact fees (TIF) at the time of building permit issuance or provide documentation that this condition has been met.
13. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements along the western and southern boundaries of this project.
14. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.

15. Prior to recordation of the final map, the applicant shall form or annex into a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
16. A drainage study must be submitted at the time of improvement plans that shall demonstrate the subject property had adequate existing and proposed storm drainage facilities in accordance with criteria as designed in the County Drainage manual. At the minimum, plans and calculations shall demonstrate the following:
 - a. The site can be adequately drained;
 - b. The development of the site will not cause problems to nearby properties, particularly downstream sites and upstream sites;
 - c. 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 may be required.
 - d. The ultimate drainage outfall of the project.
17. If the subdivider is required to perform off-site improvements and it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% 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.
 - d. Completed CEQA analysis.

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.

STANDARD CONDITIONS

18. 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.
19. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
20. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
21. 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.
22. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
23. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
24. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.

25. 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.
26. 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.
27. 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.
28. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
29. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
30. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
31. 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).
32. 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.

33. 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.
34. 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 7:00 p.m. Monday through Friday; 8:00 a.m. and 5:00 p.m. on weekend and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.
35. This project disturbs more than one acre 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). This condition is mandated by the 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 commencing construction.

EL DORADO HILLS FIRE DEPARTMENT

36. The Final Grading/Improvement Plan shall depict a minimum turning radius of 56 feet outside and 40 feet inside.
37. The Final Grading/Improvement Plan shall indicate areas that do not accommodate parking stalls with posting "No Parking" signs and painted red. The affected areas include between buildings where emergency access tends to be blocked by tenants.
38. Prior to issuance of building permit, all buildings shall have fire sprinklers that conform to NFPA 13R, 2007 standards. The attic shall be fully covered.
39. Prior to approval of Final Map, the building addressing shall conform to the El Dorado Hills Fire Department address standard.
40. Mueller Dry Barrel fire hydrants shall be supplied to the project site. The quantity and location of the hydrants shall be determined by the department. This requirement shall be verified during review and prior to approval of Improvement Plans.
41. No traffic calming devices such as speed bumps shall be allowed. This information shall be noted and verified on Improvement Plans.

42. A Wildland Management Plan shall be developed and maintained. A copy of the approved document shall be provided prior to Final Map approval.

OFFICE OF COUNTY SURVEYOR

43. All survey monuments must be set prior to the representation of the final map to the Board of Supervisors for approval, or the developer shall a surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to coordinated with the County Surveyor's Office.
44. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Final Map.
45. Situs addressing for the project shall be coordinated with the El Dorado Hills Fire Department and County Surveyor's Office prior to Final Map.

AIR QUALITY MANAGEMENT DISTRICT

46. All applicable AQMD standard measures and procedures shall be coordinated with the district and verified on all grading/construction permit plans. The provisions shall include applicable mitigation measures identified in the VVSP EIR.

The following are original the Conditions of Approval approved under Tentative Subdivision TM99-1359 West Valley Village. These conditions have been selected and determined to be applicable for this project. The sequence of the original condition is shown in a parenthesis at the end of each condition.

47. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public street and service facilities. All improvements shall be consistent with the approved tentative map. (Original COA 1)
48. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. (Original COA 4)
49. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations. (Original COA 8)

50. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director. (Original COA 11)

~~51. The applicant shall provide funding for each of the road improvements listed in this condition together with submittal, after review and approval by the Department of Transportation, to the County of a complete package consisting of bid ready documents for the County's use in advertising for construction bids and awarding a construction contract for each public improvement. The applicant shall contract for the design and engineering of the identified improvements and shall secure any additional right of way, regulatory permits and utility relocation provisions necessary for each public improvement and provide evidence of same as part of the complete package of bid ready documents. All improvements shall be designed to County standards, which include paved shoulders.~~

~~Such funding shall be through a Community Facilities District (CFD) or other financing mechanism acceptable to the County and shall be in place prior to the approval of a small lot final map, or at such time as indicated below. Large lot final maps will be allowed as may be needed for the formation of the CFD and financing purposes.~~

~~For the purposes of this condition of approval the term "funding the construction" shall include the entire cost of the identified improvement(s) including design, engineering, environmental clearances, necessary permits, necessary right of way acquisition, surveying and construction, as determined by current engineer's estimates.~~

~~Once the complete package for each improvement is provided to the County this condition with respect to such improvement shall be deemed satisfied and the County shall thereafter take full responsibility for causing the construction of the improvement. In imposing these conditions the County is cognizant of the fact that in order to accomplish the construction of the identified improvements in a timely manner, significant cooperation will be necessary between the County and the applicant. To that end, and in recognition of the significant commitment on the part of the applicant herein, the County will fully cooperate in the processing and in the review of improvement plans; in obtaining necessary rights of way through eminent domain if good faith efforts by the applicant to obtain necessary right of way are unsuccessful, and otherwise committing the time and resources necessary to accomplish the tasks in a timely manner.~~

~~The improvements specified in this condition of approval, subject to the review and approval of the County Engineer, may be eligible for reimbursements and/or credits against the El Dorado Hills/Salmon Falls Area Road Impact Fee (R.I.F.), the Transportation Impact Fee (T.I.M) for the State System's Capacity and Interchanges El Dorado Hills/Salmon Falls Area and the Interim Highway 50 Variable Traffic Impact Mitigation Fee programs. The reimbursement agreement will reflect that these improvements are high priority improvements being funded by the applicant while recognizing that funding for additional high priority improvements still needs to be accrued. As such, the reimbursement agreement will reflect the equal need for reimbursement and accrual of RIF revenues.~~

~~The applicant and County shall enter into a credit/reimbursement agreement, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement are executed, prior to the recording of a small lot final map.~~

~~a. Prior to the approval of the first small lot final map, the applicant shall provide funding and bid ready package as described above for widening and restriping of Latrobe Road between US Highway 50 south to White Rock Road, to provide for three through lanes in the northbound and southbound directions between the interchange and White Rock Road. In addition, the applicant shall provide funding and bid ready package as described above for Intersection improvements at Latrobe Road and White Rock Road to provide additional lanes as follows providing for a right turn and two through lanes on northbound approach, a left turn lane and a through lane on westbound approach, realign the eastbound approach and add a right turn lane and a left turn lane and a through lane on eastbound approach, a right turn lane on southbound approach, a northbound through lane from White Rock Road to Town Center Boulevard connecting to the right turn lane at Town Center Boulevard, and reconstruct signal at Latrobe Road and White Rock Road to eight phases.~~

~~a. Prior to the approval of the first small lot final map, the applicant shall provide funding and bid ready package as described above for the widening of Latrobe Road to four lanes from its intersection with Golden Foothill Parkway (south) to Suncaast Lane together with signalized intersection improvements at Latrobe Road/Golden Foothill Parkway (south). In addition, the applicant shall provide the funding and bid ready package for the installation of intersection improvements at Latrobe Road/Golden Foothill Parkway (south). The Entrance Parkway into West Valley Village shall provide for one left/through shared lane and one right turn only lane in this westbound direction. The existing Golden Foothill Parkway (south) shall be restriped to provide one left turn and one through/right shared lane in the eastbound direction. Latrobe Road in the northbound direction will not change leaving the existing single lane configuration. Latrobe Road in the southbound direction will provide one left turn only lane and one right/through lane at this intersection.~~

~~c. — Prior to the approval of the first small lot final map, but in no case later than a time sufficient for the County to solicit bids for the construction of the improvements commencing in summer 2004, the applicant shall pay to the County the estimated cost of reconfiguring/reconstruction of the following elements of the El Dorado Hills/Latrobe interchange. Such payment shall be considered an advance payment for the purposes of reimbursement from the CFD. No building permits may be issued for any lots in the Tentative Map prior January 31, 2005, unless the Board of Supervisors has authorized the advertisement for construction bids for the following elements.~~

- ~~1. — Providing dual right turn lanes onto the westbound on ramp in the southbound direction on El Dorado Hills Boulevard consisting of a right turn lane onto the on ramp and a shared through/right turn lane southbound;~~
- ~~2. — Construction of a sound wall adjacent to the town homes and residential properties along the realigned Saratoga Way.~~
- ~~3. — Construct the realigned Saratoga Way to its new intersection with El Dorado Hills Boulevard at Park Avenue, consistent with approved interchange project report and Environmental Impact Report.~~
- ~~4. — Construction of a third southbound travel lane on El Dorado Hills Boulevard from Park Avenue to the Highway 50 westbound on ramp.~~
- ~~5. — Construction of the El Dorado Hills Blvd Interchange Enhancement Improvements as identified below subject to final approval by Caltrans:
 - ~~I. — Widening/restriping the westbound off ramp to provide for a right turn lane onto El Dorado Hills Blvd. in the northbound direction, a left turn lane onto Latrobe Road in the southbound direction and shared through/left/right turn lane;~~
 - ~~II. — Widening/restriping the westbound on ramp for two lanes with a merge into one lane, which shall be extended 500 feet, prior to entering the highway;~~
 - ~~III. — Providing dual left turn lanes northbound on Latrobe Road onto the westbound on ramp;~~
 - ~~IV. — Additional northbound through lane on Latrobe Road between the eastbound onramp and the existing Saratoga Way intersection together with any necessary facilities to accommodate pedestrian and bicycle traffic along the east side of Latrobe Road at this location.~~~~

~~Conditions a. and b. above shall be satisfied upon payment of the funds and delivery of bid ready package as provided herein and the County shall be responsible for completion of the improvements.~~

~~Condition c. above shall be satisfied upon payment of the funds in a time sufficient for the County to solicit bids for the construction of the improvements commencing in summer 2004, and the County shall be responsible for completion of the improvements.~~

~~The County will be responsible for obtaining the necessary right of way to complete the condition e) improvements. The County has collected funds and will continue collecting funds from the RIF for these improvements. The Applicant shall pay the difference between the funds allocated in the RIF program to this project, at the time of advertisement soliciting bids for the construction contract, and the total engineer's estimated amount of the project, with an additional funding contribution from the applicant, if necessary, to cover any shortfall between the total engineer's estimated amount of the project and the actual bid amount at time of award of contract plus an amount for contingencies not to exceed 10 percent of the contract amount. The applicant and County shall enter into a credit/reimbursement agreement, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement are executed, prior to the recording of a small lot final map. No certificate of occupancy building permits shall be issued within the tentative map area until the project is bid-ready approved and the applicant has made the funding contribution or until January 31, 2005, and the applicant has made the funding contribution, which ever occurs first. (Original COA 25)~~

52. The applicant shall fund the Silva Valley Parkway interchange in the manner set forth below.

The applicant shall, immediately upon recording of the first small lot final map, begin the design, engineering and processing necessary with County Department of Transportation and Caltrans to achieve all necessary approvals for bidding the contract for construction of the improvements described below, as conceptually depicted in the Supplemental Traffic Analysis for the West Valley TM99-1359 of the Valley View Specific Plan, December, 2003, or as subsequently modified through the project approval process with the County, Caltrans, or other regulatory agencies, except to the extent the work and improvements are completed by third parties. As a method of measuring progress, the following scheduling milestones are provided herein and are considered non-binding target milestones and, further, the applicant shall submit the engineering design contract and other consulting contracts for the Silva Valley Parkway interchange, which shall contain schedules for completion, to the County for review and approval prior to the applicant executing said contracts: preliminary design, preliminary right-of-way mapping and a circulation ready draft environmental document shall be completed by the applicant upon the issuance of the 200th building permit within the tentative map, final approved design, final approved right-of-way mapping and a final environmental document shall be completed before the issuance of the 400th building permit, right-of-way certification and necessary regulatory permits shall be obtained by the applicant by the issuance of the 700th building permit. A complete package shall include all necessary Caltrans' permits and all other necessary regulatory permits for constructing the improvement. Once the complete package for the improvement is provided to the County by the applicant, this condition with respect to such improvement shall be deemed satisfied and the County shall thereafter take full responsibility for causing the construction of the improvement.

- 1) Improvements including the extension of a minimum of two lanes beginning at

Silva Valley Parkway from the existing four lane improvements located adjacent to the School site to a connection with the existing White Rock Road, together with the construction of the bridge abutments for the new Parkway overpass. The applicant shall provide the funding for the construction of the north and south bridge abutments. The roadway improvements are the obligation of a third party and should be constructed, or under construction, prior to the funding obligation contained herein. However, if such roadway improvements are not substantially completed, as determined by the Department of Transportation, the applicant shall secure the funding for the roadway improvements, subject to reimbursement. In addition, the project includes the construction of auxiliary lanes eastbound from the El Dorado Hills Boulevard interchange on-ramp to the planned Silva Valley Parkway Interchange off ramp, west bound from the Silva Valley interchange west bound on ramp to the El Dorado Hills interchange westbound off ramp, and east bound from the Silva Valley Parkway Interchange on ramp to the Bass Lake truck climbing lanes. No improvement to the existing bridge crossing at White Rock Road shall be required for this improvement.

- 2) Improvements including all four on and off ramps from US Highway 50 both in the eastbound and westbound directions, including traffic signals as warranted at the interchange.

The County shall appropriate the entire balance of the Silva Valley Parkway Interchange set-aside account fund, for payment of the cost of the improvements at such time as a contract is awarded for the construction of such improvements less any prior reimbursements to County, Serrano Associates, LLC, or other third parties for Silva Valley Interchange related facilities constructed by these parties prior to the award of the construction contract under this condition of approval. The applicant shall fund the difference in cost for the construction of the improvement and the amount that has been collected in the set-aside account at such time as the County is prepared to put the project contract out to bid. The applicant's contribution of funding improvements once made shall be creditable/reimbursable against the Silva Valley Parkway Interchange set-aside amount in the following manner: (1) the applicant shall be entitled to a credit/reimbursement of the 30 percent of the prevailing RIF Fee which would otherwise be paid by the applicant into the Silva Valley Parkway Interchange set-aside fund; (2) reimbursement from revenues into the Silva Valley Parkway Interchange set-aside fund from other sources until such time as the applicant has been fully reimbursed for the construction costs, subject to additional set-aside that might be necessary to construct the final phased improvement; and (3) any other applicable fee. The preceding points shall be incorporated into a credit/reimbursement agreement between the applicant and the County, consistent with Board of Supervisors' adopted reimbursement policies. The agreement shall be entered into prior to the recording of the first final map. (Original COA 26)

53. The County, City of Folsom and Caltrans are engaged in preliminary project planning which includes an auxiliary lane on US Highway 50 from westbound on ramp at the El Dorado Hills Boulevard interchange to the County line. At such time as the County, City

of Folsom or Caltrans is prepared to solicit bids for the construction of this auxiliary lane, the applicant shall pay the balance of the funds needed by the County to complete the County's portion of this auxiliary lane construction. The applicant's obligation pursuant to this condition will be limited to paying the difference between the cost of construction less the total fees paid from within the tentative map area into the County's fee program for Highway 50 improvements. The obligation hereunder shall also be reduced by the receipt by the County or Caltrans of any other funds from outside sources, i.e. federal funds or grant money. Any funds advanced by the applicant shall be reimbursed or credited against future fees in accordance with a reimbursement agreement with the County consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement is executed. (Original COA 28)

54. It is anticipated as part of the current General Plan update process that a comprehensive update of the County's various impact fee programs will be completed. This update may substantially alter the existing impact fee programs. The developer shall be responsible to pay fees associated with all impact fee programs in effect at the time building permits are issued. (Original COA 29)
55. When specified in conditions of approval, the subdivider is required to perform off-site improvements, and 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. (Original COA 30)
56. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the County for approval:
 - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
 - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of the County. (Original COA 30)

57. Prior to the filing of a final map, the applicant shall construct and/or bond to ensure the construction of all drainage facilities as described in the Preliminary Engineering Report for West Valley View Specific Plan Master Drainage Study, dated September 28, 1999. (Original COA 31)
58. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan. (Original COA 32)
59. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans. (Original COA 33)
60. All grading plans shall be prepared and submitted to the 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 Soil Conservation Service, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed. (Original COA 37)
61. The timing of construction and method of re-vegetation shall be coordinated by the El Dorado County Resource Conservation District. 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 Soil Conservation Service 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. (Original COA 38)
62. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91). (Original COA 39)
63. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed. (Original COA 40)

64. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, County Ordinance No. 4569 shall apply. (Original COA 41)
65. A meter award letter or similar commitment to provide water and sewer service to each lot by the El Dorado Irrigation District shall be submitted to the Planning Department prior to final map application submittal. (Original COA 42)
66. The subdivider shall obtain a will serve letter from the franchise refuse hauler, El Dorado Disposal Com., Inc. (Original COA 51)
67. A Class I bicycle and pedestrian trail shall be constructed along the portion of Latrobe Road adjacent to the project site consistent with El Dorado County and El Dorado Hills Community Services District standards. If bike paths are included in the RIF program, the applicant shall be eligible for reimbursement or credits. (Original COA 61)
68. Trenches greater than five feet in depth shall be shored, sloped back at a 1:1 (horizontal to vertical) slope angle or reviewed for stability by the County's geotechnical engineer in accordance with the Occupational Safety and Health Administration (OSHA) regulations (described in 29 CFR 1926.650 to 1926.653) if personnel are to enter the excavations. Require trench excavations to conform with local ordinances. Monitor shearing and high groundwater associated with the Bear Mountains fault during trench construction and require additional shoring and/or de-watering as necessary. (Original COA 63)
69. Prior to final map approval, each lot potentially affected by the proximity to the Bear Mountain Fault, pursuant to the geologic mapping locating said Fault on the West Valley Village site, shall have a disclosure informing all potential home buyers of the potential seismic risk associated with the Foothills Fault System. (Original COA 64)

The action today can be appealed to the Board of Supervisors within 10 working days.

9. VARIANCE

V08-0003 submitted by BRIAN MULLENS to allow a reduction in the front yard setback from 30 feet to 5 feet to allow construction of a 900 square foot garage structure. The property, identified by Assessor's Parcel Number 043-370-10, consisting of 1.41 acres, is located on the south side of Eight Mile Road, approximately 0.70 miles east of intersection with Carson Road, in the **Camino area**, Supervisorial District II. (Categorically exempt pursuant to Sections 15303(e) and 15305(a) of the CEQA Guidelines)

Robert Peters recommended conditional approval.

Commissioner Machado looked at the site yesterday and sees no problem with the setback. He asked for clarification on the bank. Brian Mullens explained.

Commissioner Machado asked if it is all garage, or are there plans for a granny flat? Mr. Mullins said it is all garage. Paula Frantz, County Counsel, said there are very specific findings for granting a variance. The variance only allows a garage. A granny flat would have to be out of the setbacks.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15303(e) AND 15305(a) OF THE CEQA GUIDELINES AND APPROVE V08-0003, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDINGS

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to *Section 15303(e)* that allows accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in areas where no sensitive environmental resources exist, as well as *Section 15305(a)* that allows minor alterations in land use limitations for a variance.

2.0 VARIANCE FINDINGS

2.1 *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.*

The subject site is constrained by the steepness of the terrain, coupled with dense forest vegetation. These factors in conjunction with the required 30-front setback requirement pursuant to Section 17.28.080 severely limit the possible locations for placement of structures on the project site, pursuant to General Plan Policy 7.1.2.1. Additionally, a previously graded pad which currently takes access from an existing driveway would allow for placement of the proposed garage structure without the need for significant grading or vegetation removal. The proposed variance would result in the best use alternative to allow construction of the garage on the existing pad.

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

Without the proposed variance, the existing pad could not be utilized for development. The steepness of the terrain and existing vegetation would preclude the applicant's ability to place additional structures, such as the proposed garage structure, on the subject parcel. The proposed

garage would be utilized to meet the off-street parking requirement pursuant to Section 17.18.060 of the County Zoning Ordinance.

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

This variance request will authorize the construction of a garage structure, which has been conditioned to prevent any further structural encroachment within the front yard setback (see Attachment 1). To utilize the existing graded pad, thus avoiding significant grading and removal of vegetation, the proposed setback of five (5) feet is the minimum variance necessary for the reasonable use of the land.

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

The project was distributed to all applicable responsible agencies, and no comments were received to prevent approval of the variance. The adaptive reuse of the existing graded pad will ensure that the parcel meet the on-site parking requirements pursuant to *Section 17.18.060*. The garage is proposed to be constructed on a graded pad located approximately 16 feet lower in elevation than the existing roadway and at a distance of approximately 35 feet from the edge of the pavement. This change in elevation and distance from the edge of pavement, along with existing vegetation, will help to screen the garage from the roadway and the proposed variance is not anticipated to negatively impact the public health, safety, and welfare, or injurious to the other residential uses in the project area, specifically those to the east and west.

Conditions

1. This variance is based upon and limited to compliance with the project description, the Planning Commission hearing Exhibits A through F, dated June 26, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A reduction in front yard setback from 30 feet to five (5) feet to allow construction of a 900 square-foot garage structure, as shown on Exhibit E.

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. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

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 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 variance, which action is brought within the time period provided for in *Section 66499.37* of the *California Government Code*.

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

3. The reduction in setback shall apply only to the garage structure. All other structures shall conform to all setback requirements pursuant to Section 17.28.080.
4. Any exterior lighting installed as a result of the construction of the garage structure shall be shielded to prevent light and glare from leaving the property and must conform to the provisions of *Section 17.14.170* for *Outdoor Lighting*.
5. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.
6. Prior to issuance of a building permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval, as well as conformance with the General Plan checklist and all applicable "Fire Safe" regulations.

El Dorado County Building Department

7. The applicant shall apply for a building permit for the proposed garage structure. All necessary permits shall be issued prior to construction.

El Dorado County Department of Transportation

8. Prior to issuance of a building permit the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of the approval of this setback line removal. The form of said document shall be reviewed and approved by County Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office. An official copy shall be sent to the Department of Transportation, Placerville office.

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

10. WILLIAMSON ACT CONTRACT

WAC06-0010 and WAC06-0011 submitted by TERRY and ELLEN STIGALL to divide existing Agricultural Preserve #133 into two separate preserves. The properties, identified by Assessor's Parcel Numbers 089-010-29/60 acres, and 089-010-02 and -27/100 acres, are located on the north side of Thompson Hill Road, at the intersection with Big Sky Ranch Road, in the Lotus area, Supervisorial District III. (Categorically exempt pursuant to section 15317 of the CEQA Guidelines)

This item was continued from the meetings of December 13, 2007, and March 13, 2008.

Commissioner Mathews abstained due to a possible conflict of interest.

Pierre Rivas said this item was continued from March 13. Staff does not have a recommendation at this time. Bill Stephans, Agricultural Commissioner, stated the applicant meets the minimum requirements.

Chair Tolhurst said after the presentation by the Department of Conservation, it seems there is a risk of an audit of the preserves by the state. Mr. Stephans said the audit could find there is a problem with the management of Williamson Act Contracts in El Dorado County, or there may be no problem. The residence being built may be a problem with the state.

Robert Laurie said there is a application to create a separate contract. The applicant built a second residence with the consent of the County. It was determined that since it was a Williamson Act Contract you could not build a second home. There is confusion about the square footage of the home. The easiest solution is to divide the contract. The Agricultural Commission has found that the contracts meet the minimum criteria.

Paula Frantz, County Counsel, said the Commission needs to decide whether it feels the properties are appropriate to include under a Williamson Act Contract.

Commissioner Machado asked if the barn is being used for agricultural purposes. Mr. Laurie replied it is an agricultural barn. Commissioner Machado said there is a sign that states office. Is that for the agricultural operation or the real estate operation? Terry Stigall said the sign is for the agricultural operation. The grazing has gone on for 20 years. There are usually 30 cows and 30 calves.

Art Marinaccio said there are issues here. This is basically a General Plan issue. He read Policy 8.1.2.1. Perhaps the criteria should be reviewed. The Agricultural Commission has reviewed this request and determined this is land used for grazing. The Commission should forward a recommendation for approval to the Board.

There was no further input.

Commissioner Mac Cready said if they run cattle they would only be there part of the time. He does not see any problem with an additional use of the property with this type of operation.

After the motion and before voting, Commissioner Machado said there have been several other contracts that were a real stretch for meeting the requirements. This has been a controversial item. Just because the applicant meets the minimum criteria the Commission does not have to forward a recommendation of approval to the Board. What happens if it is not approved? Mr. Stigall does not get a tax break. If it is approved he does. Commissioner Machado said he hopes Commissioner Mac Cready would amend his motion and ask the Agricultural Commission to go back and look at their guidelines. Mr. Stephans said at their June meeting the Agricultural Commission did discuss minimum criteria. The Agricultural Commission makes a recommendation on the criteria, and the Board adopts the criteria. The Agricultural Department staff will be looking at the criteria and take the item back to the Agricultural Commission within the next few months. They look at the minimum requirements and not whether it is appropriate. Mr. Stephans spoke about placing a restriction in the motion that no further development can take place on the property. Paula Frantz, County Counsel, said if the property is placed under a Williamson Act Contract you cannot have other uses on the property that are not agricultural uses. You would be bound by the terms of the contract.

Ms. Frantz informed the Commission regarding the state determination on a breach of contract and the fines that could be imposed.

Mr. Rivas asked that Commissioner Mac Cready include staff's proposed findings in his motion.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, AND TOLHURST; NOES - COMMISSIONER MACHADO; ABSTAIN – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THAT THE DIVISION OF EXISTING AGRICULTURAL PRESERVE NO. 133 INTO TWO SEPARATE PRESERVES IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES AND APPROVE WAC06-0010 TO INCLUDE ASSESSOR'S PARCEL NUMBER 089-010-29 AND WAC06-0011 TO INCLUDE ASSESSOR'S PARCEL NUMBERS 089-010-02 AND -27, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA Findings

- 1.1 The project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."

2.0 General Plan Findings

- 2.1 The proposed Williamson Act Contracts are consistent with policies 2.2.1.2, 8.1.1.6, and 8.1.1.8 of the El Dorado County General Plan, as discussed in the General Plan section of the staff report.

3.0 Zoning Findings

- 3.1 The subject parcels meet the design standards pursuant to 17.36.090 of the Zoning Ordinance.

4.0 Administrative Findings

- 4.1 The properties satisfy the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

- 4.1.1. The 20-acre minimum has been met:

- a. WAC06-0010 has a total of 60 acres; and
- b. WAC06-0011 has a total of 100 acres.

- 4.1.2. Capital outlay has been achieved for each contract as follows

- a. WAC06-0010 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing; and
- b. WAC06-0011 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing.

- 4.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from grazing and timber harvesting for each contract as follows:

- a. WAC06-0010 has a projected income of at least \$2,000 generated by dry grazing; and
- b. WAC06-0011 has a projected income of at least \$2,000 generated by dry grazing.

11. GENERAL PLAN UPDATE

Housing Element: Review of revised Housing Element. (Negative declaration prepared)*

Shawna Purvines recommended approval to the Board of Supervisors.

Art Marinaccio feels there should be discussion about the letter from the Department of Housing and Community Development (HCD) about why they were not going to approve the draft. There should be a workshop. What is the Commission being asked to approve? The discussion needs to include what the Housing Element is going to be.

Ken Greenwood is working on a project where housing affected by a noise source. This needs to be considered when looking at the low-cost housing areas.

Commissioner Machado mentioned that Attachment 4 is the letter from HCD. Mrs. Purvines said the state requires we adopt a Housing Element by June 30. Staff will be working with the state over the next six or eight weeks for a finding of substantial compliance and a four-year certified Housing Element. Staff did not find anything in the document that is out of County control. Once staff and HCD make some amendments to the document, it will be coming back before the Commission for a recommendation to the Board.

Peter Maurer said our requirements are less stringent than state law. The size of granny flats in the County is consistent with state law. Commissioner Machado asked if we are developing criteria for TIM fee waivers. Mrs. Purvines spoke about the deed restriction in such instances.

Commissioner Machado asked the process on low cost housing projects. Larry Appel explained.

Joyce Aldrich, Community Programs, explained funding opportunities.

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 ADOPT THE NEGATIVE DECLARATION, BASED ON THE INITIAL STUDY/NEGATIVE DECLARATION AND APPROVE A RESOLUTION ADOPTING THE 2008-2013 GENERAL PLAN HOUSING ELEMENT UPDATE BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1. The Housing Element was prepared in accordance with California Government Code Sections 65580-65589.8 and reviewed by the State Department of Housing and Community Development to ensure compliance with State law. An Initial Study was completed per the requirements of CEQA and the County's CEQA Guidelines. The Planning Commission has considered the Negative Declaration and finds, based on the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration reflects the County's independent judgment and analysis.
2. The proposed amendment is deemed to be in the public interest. Availability of housing is a vital issue of local and statewide importance. The Housing Element makes adequate provisions for the existing and projected housing needs for all economic segments of the community. The housing element also is in the public interest since it addresses regional housing needs.

3. The proposed General Plan amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected. Implementation of some programs identified in the Housing Element may require an amendment to other Elements of the General Plan to ensure internal consistency. The 2008-2013 Housing Element replaces the 2004-2008 Housing Element in the General Plan. Most of the policies, programs, and objectives are similar in both elements.
4. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare. It is intended to promote the housing needs of the community, including safe housing conditions and vital neighborhoods.

12. **ZONING ORDINANCE UPDATE** - None

13. **DEPARTMENT OF TRANSPORTATION** - None

14. **COUNTY COUNSEL'S REPORTS**

Paula Frantz informed the Commission that a suit was filed against the County on the Oak Woodland Management Plan. The first hearing is scheduled at Tahoe next week.

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

16. **ADJOURNMENT**

Meeting adjourned at 2:07 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair

