



# EL DORADO COUNTY PLANNING COMMISSION

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

Jo Ann Gillion ..... Clerk of the Commission

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## MINUTES

### **Regular Meeting July 24, 2008 – 8:30 A.M.**

#### **1. CALL TO ORDER**

Meeting called to order at 8:40 a.m. Present: Commissioners Knight, Mac Cready, Machado, Mathews, and Tolhurst; Paula F. Frantz, County Counsel; and Jo Ann Gillion, Clerk of the Planning Commission.

#### **2. ADOPTION OF AGENDA**

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

#### **3. PLEDGE OF ALLEGIANCE**

**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 26, 2008

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY, IT WAS MOVED TO APPROVE THE MINUTES OF JUNE 26, 2008.

b. **General Plan Consistency**

**GOV08-0003/Sienna Ridge School** (Rescue Union School District); Finding of General Plan Consistency per Government Code Section 65402(a)

Commissioner Machado pulled this item from the Consent Calendar.

Thomas Lloyd presented this item. Larry Appel said the request must be found consistent with the El Dorado Hills Specific Plan, not the 2004 General Plan. Chair Tolhurst feels the request must be consistent with the General Plan also. Paula Frantz, County Counsel, said the rules in effect at the time the development agreement was approved would apply. She explained the pertinent plans. The item today is for a finding of consistency for the acquisition of a school site. Commissioner Machado discussed using commercial property for a school site.

Kirk Bone explained the original site and the move to the current site. They are going back to where they started. The 45 acres of commercial in the Plan is severely limited for commercial use. Last week the Community Services District did approve a stand-alone park adjacent to the current school site. Mr. Bone briefly explained some of the projects they will be submitting next week.

William Wright, representing the school district, said the decision of the Commission is important to them. They look very hard at the decision of the Commission. This property was originally sited for a middle school in the El Dorado Hills Specific Plan. He explained the reason for moving the site. The adjacent agricultural property is designated High Density and will become residential in the future.

There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO FIND THE ACQUISITION OF A PORTION OF ASSESSOR'S PARCEL NUMBERS 123-040-07 AND -09 CONSISTENT WITH THE EL DORADO HILLS SPECIFIC PLAN**

## **END OF CONSENT CALENDAR**

### **5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Larry Appel informed the Commission of the action taken by the Board of Supervisors in the INRMP. There will be another ad hoc committee meeting at 10:00 a.m. next Tuesday. Mr. Appel informed the Commission that Char Tim will become the Clerk to the Planning Commission upon the retirement of the current Clerk.

### **6. COMMISSIONERS' REPORTS**

**PUBLIC FORUM/PUBLIC COMMENT** – Art Marinaccio spoke about the meetings of the ad hoc committee.

7. **REZONE/TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT**

**Z06-0005/TM06-1408/PD06-0006** submitted by ALTO, LLC/GARY SPARKS (Agent: CTA Engineering and Surveying, Inc.) to rezone property from Exclusive Agriculture (AE) to Estate Residential Five-Acre Planned Development (RE-5-PD) and to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three (3) open space lots totaling 25.4 acres. The property, identified by Assessor's Parcel Number 126-100-19, consisting of 81.61 acres, is located approximately 3,000 feet northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the **El Dorado Hills area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Michael Baron recommended approval to the Board of Supervisors. He gave the Commission a memo proposing several modifications.

Commissioner Knight did meet with the applicant, engineer, and fire marshal on the project. If the applicant did not go under a planned development, they could go with 16 parcels by right. He asked Eileen Crawford, Department of Transportation, to explain the road improvements proposed for this area. Ms. Crawford gave the Commission a brief overview of their plans.

Commissioner Mac Cready has met with the applicant as has Commissioner Mathews. Commissioner Mathews asked about the fire easement. Commissioner Knight said there is a representative from the fire district present, and perhaps he can clarify the issue.

Commissioner Mathews spoke about the recommendation of the Agricultural Commission. Mr. Baron read the motion of the Agricultural Commission.

Commissioner Knight asked how much area will remain in open space. Mr. Baron said the plan does not show building envelopes but development envelopes. The applicant can answer the question about open space.

Joel Korotkin represented the applicant and stated the most disturbance of the site is 13 percent. He thanked staff for helping them with this project. They feel it is a very good project. The oak replacement requirement is 1:1. On Condition 33 the length of Roadway B above the fork is about 1,500 feet and is acceptable to the fire district because it is 36 feet wide. Mr. Korotkin proposed eliminating Condition 33.

Commissioner Mathews asked if they met with the Arroyo Vista CSD. Mr. Korotkin replied in the affirmative. They also met on the site with concerned residents. Regarding the fire easement, that is something that has been part of the discussions since the beginning of the project. It is his understanding the easement is not for the benefit of their project but for the area. He spoke about improving the Alto portion of the easement and improving it when the need arises.

Chair Tolhurst opened the public hearing and stated there is a three minute time limit for individuals and five minutes for individuals representing a group.

Paul Sayegh represented a group of individuals in Arroyo Vista. The meetings with the residents in Arroyo Vista were only held during the past two weeks. Most of the people are not aware of the changes spoken to by Eileen Crawford. He asked why the County is not requiring a specific plan. All of the pertinent issues should be addressed. He asked that the project be temporarily denied and that a specific plan for the projects in the area be developed. They would like the developer to meet with residents in the area regarding fire access. Mr. Sayegh spoke about buffering on the east side of the project. The road improvements should be in place prior to development. A sound study should also be done for the area.

Paul Raveling has a traffic concern with the connection to Salmon Falls Road. The intersection of Lake Hills Drive and Salmon Falls Road is a very dangerous intersection. A portion of Salmon Falls Road could be realigned to somewhat solve the problem. He is concerned about the number of projects and that there is no road map for road improvements. These lots are under five acres in size. Mr. Raveling spoke about the character of the area and the rural atmosphere.

Bill Welty asked about the big picture. He spoke on behalf of the Arroyo Vista CSD. Everyone he has spoken to are not against the development but the size of the parcels. There is a petition with 50 signatures in the information he submitted today. Mr. Welty asked that the project be delayed until some of the issues are discussed further.

Joanne Sayegh would like the Agricultural Commission's recommendation taken into consideration, lots not less than five acres in size. She spoke about current traffic problems on Malcom Dixon Road.

Doreen Barton, resident on Uplands, said there has been a fatal accident on Malcom Dixon Road. She agreed with the previous speakers. Since Safeway has opened there is a lot more traffic on the road. She has no problem with the area being developed but the way it is being developed. The development in the area should be done as a whole. The decision should be postponed or denied.

Blake Wilson, resident on Arroyo Vista, agreed with the previous speakers. His concern is about the fire right-of-way on the east side of the property. There is a dense oak tree forest on this property. He has had an accident on Malcom Dixon Road near the proposed project. There have been numerous accidents on Malcom Dixon Road. He and his wife urged that the Commission deny the subdivision based on the arguments heard this morning. Commissioner Mathews asked if there are animals in this area. Mr. Wilson replied in the affirmative.

Garland Gagnon, owner of a five-acre parcel adjacent to this parcel said the developer has houses located 30 feet from their property line. Their properties are zoned RE-5. There needs to be a larger buffer zone, perhaps 100 feet, between their properties and the new development.

David Gersten said the issue he would to address is the rural environment so they could have their horses and life style. The Agricultural Commission recommended keeping this area at five acre parcels. The road is very dangerous. The road can be safe if it is driven at the correct speed. He would like the Commission to look at this project again and look at the five-acre minimum.

Barbara Shaw, resident off Arroyo Vista (Deer Horn Lane), said they moved to this area to be in a rural area and where there are animals. All she wants is a buffer zone so they can live in peace and quiet.

Lori Hulsing, resident on Arroyo Vista, said she was also run off Malcom Dixon Road. There are a lot of bicyclists on this road. That is another reason the road needs upgrading. The road improvements need to be done before the development.

Connie (?), resident on Arroyo Vista, was at the Agricultural Commission meeting. They recommended the parcels not be smaller than five acres. Now it is down to 1.7 acres. She would hope that the Planning Commission would listen to the previous recommendation. The developer has said there are over 30 acres of open space. She would like to know where that open space is located. There are going to be problems if the developer does not take in the culture of the area as it is. They want the development done the right way and not piece meal.

Joannie (?) said they have sheep, goats, llamas, chicken, etc. Her concern is Malcom Dixon Road and how narrow it is. She asked that a double line be placed on the road and has now found out that the road is not wide enough for a double line.

Vern Miller, resident off Malcom Dixon for 30 years, said they are not adjacent to the Alto project but are to one of the lower projects. He would hate to see the curve taken out of Malcom Dixon Road because it is a historical road. He spoke about the planned development overlay which allows parcels to go lower than the size of the parcels in the zone district. The problem is the piecemeal plan. The maps here today do not show the development in the whole area. Mr. Miller submitted his written comments and urged a comprehensive plan instead of this piecemeal plan.

Delores Smith asked if we could have quality instead of quantity.

Alan Reese would not like to see the character of Malcom Dixon change. He would like to see the traffic decrease; not increase. He does not want to see the bridges change. He would like to see a road constructed before any development is done.

Sondra Damron, resident in the area since the 1970s, spoke about the wildlife. There is also a lot of traffic on Salmon Falls Road. This project will also impact Salmon Falls Road. They object to the parcels being smaller than five acres in size. Their side fencing is right against this property.

Cathie Klejwa, resident on Arroyo Vista, is not against the development, but there should be a better way to channel the traffic. Malcom Dixon is an historic road, and she does not want to see it change. There are many existing parcels that are very close to the proposed parcels.

Terry Mehlhaff does not see the solution being the improvement of Malcom Dixon Road. Something should be done about the speed on the road, and a master plan should be done.

Terry (?), resident where the fire access is proposed, said the access is for public safety. There may be a better location. It seems the current proposal would cause a bottleneck. They have a

water problem in the area. There are wetlands in the area. They also have a road agreement for the area. They may want the fire access in a place where they could take their animals out in case of a fire.

John Garcia, new resident in the area, said the attraction to the area was the rural atmosphere. He does not want to see the road or bridges changed. He believes the future access would be Salmon Falls Road. These projects should be considered as a whole.

Helen Sleton commented their property line abuts the project. Sound carries in this area. Her goat was killed by a dog. There will be a problem with the 30-foot buffer. Trying to get on Salmon Falls Road from Malcom Dixon is a current problem. With all the cars from these developments there will be emissions from the cars trying to get on Green Valley Road. She hopes that the Commission rejects this plan as presented and that one be submitted that satisfies the whole community.

Scott Blaze said it is a question of flow management and not road improvement. There are very steep driveways on this road already. There have been many calls to the Highway Patrol about the fast traffic on Malcom Dixon Road. He urged that the Commission look at all these developments in one plan and look at the improvements to the infrastructure first.

There was no further input.

Mr. Korotkin understands people have serious concerns about what is going on in El Dorado County. There is one parcel that is 1.7 acres; most are between two to three acres. There are 30 acres of open space in the project. This project was designed in order to take advantage of the General Plan and the current design being done on projects in the County. He discussed the restricted development envelopes. There will be CC&Rs for this project that will provide restrictions. The concerns today are traffic, septic, water, and lifestyle. The project has been designed to address traffic concerns. The septic systems will satisfy Environmental Health. Mr. Korotkin presented some pictures of homes currently on Arroyo Vista. The Department of Transportation has stated there will be safe access. This project consists of 81 acres. They have done what they should do. They have done what was asked by the County.

Commissioner Mac Cready commented when he talked to the developer it was mentioned there will be a road from this project which will eventually connect to Salmon Falls Road. Mr. Korotkin stated there is a possibility that access could be from Salmon Falls Road and reduce the traffic on Malcom Dixon Road. Water will be provided by EID, not private wells.

Commissioner Knight asked that Pierre Rivas explain the planned development concept.

Commissioner Mathews spoke about doing a development plan, but it is when the property is under one owner. Paula Frantz, County Counsel, said there is nothing that precludes doing a specific plan if there are different ownerships. Most of the specific plans we have were under one ownership or control, but that is not a requirement in the County. We have the Bass Lake and Missouri Flat areas that are in different ownerships. A specific plan can be done by the property owners or the County.

Commissioner Mathews spoke about the improvement to Malcom Dixon Road. He is not in favor of widening roads, because it makes people go faster. Are the view sheds protected in the area, or are they going to see roof tops. Dave Crosariol presented an overview of the area. He feels it would be very hard to see anything in the proposed subdivision. They believe they have picked the best locations for the development envelopes. Mr. Crosariol explained how they determined where to locate the envelopes. Only 18 percent of the entire project will be developed and the rest of the property left in its natural state. Based on the concerns of a neighbor, they have relocated their leach field.

Commissioner Knight asked about the location of the fire easement. Mr. Crosariol stated the easement was required by the fire department and the location determined by the fire department. Olga Sciorelli explained why the fire department chose the current location.

Chair Tolhurst said it seems there are some things the neighbors do not understand. There are people that do not want the road improved and some that do. It seems the main issue is will seven more lots create a problem. Chair Tolhurst would have to see the proposed roads in the area before he could recommend approval of the project. He believes there is a solution. The projects in the area should come forward together. He needs more information before voting on the project. He is not looking for a specific plan but a comprehensive plan to solve the traffic problems in the area. Commissioner Mac Cready would like to see something that shows the traffic for all the projects seen on Exhibit J. Commissioner Mathews would like to see the same things. The issue for him is the road, Malcom Dixon Road. Unfortunately, development is going to occur. He knows there are people in the County that do not like the density bonus issue.

Mrs. Crawford said the information is available, and they could make a map of the area with the proposed roads. Chair Tolhurst suggested that people in the area also see the map prior to the next hearing.

The representative from the Arroyo Vista CSD asked that the developer meet with them regarding the fire easement. They would like to have a choice on where the easement is located.

After the motion and before voting, Ms. Frantz said the applicants for the other projects in the area and neighbors in the area should be aware of any discussion on the roads.

There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO CONTINUE THESE APPLICATIONS TO SEPTEMBER 25, 2008, IN ORDER TO LOOK AT AN OVERALL TRAFFIC CIRCULATION PLAN BASED ON THE PROPOSED PROJECTS IN THE AREA WITH MAPS TO BE AVAILABLE TO THE PUBLIC 30 DAYS PRIOR TO THE HEARING.**

**8. REZONE/TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT/  
SPECIAL USE PERMIT**

**Z07-0032/TM07-1447/PD07-0019/S08-0014** submitted by STEVE and TINA FARREN (Agent: Lebeck Young Engineering) to rezone property from Estate Residential Five-Acre (RE-5) to Estate Residential Five-Acre Planned Development (RE-5-PD), to create 12 single-family lots ranging in size from 1 to 7.2 acres and one (1) open space lot totaling 15.4 acres. The property, identified by Assessor's Parcel Number 126-100-11, consisting of 35.19 acres, is located on the east side of Salmon Falls Road approximately 1,700 feet north of the intersection with Green Valley Road, in the **El Dorado Hills area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Chair Tolhurst stated no action will be taken on this item today. He asked that members of the audience keep their comments brief.

Michael Baron briefly described the project.

Cheryl McDougal, adjacent property owner, read here comments into the record.

Kyle Fields indicated the location of his property on the display map. He feels the applicant should work with the adjacent property owners. He spoke about the year-round stream on the subject parcel which eventually flows into Folsom Lake. They need to work with the neighbors to find a solution for everyone. There are environmental impacts with this project.

Commissioner Machado asked how close his pool is to the creek. Mr. Fields replied 10 to 15 feet. When the lots flood, the pools in the area flood also.

A gentleman stated he built a retaining wall three feet high because of the water flow. He has had problems at least three times. This is a year-round stream. They chose this area because of the rural aspect. He is located on a cul-de-sac and did not know about the possibility of extending the cul-de-sac until the meeting today. Commissioner Machado asked the size of the lots in his area. The gentleman replied one acre.

Randy Striplin hoped they would have more time to review these projects. Life safety with the two single bridges and the Pony Express road (Malcom Dixon) are issues to consider. Malcom Dixon is below current Department of Transportation standards, and there are no easements for expansion. The historic school house in the area is important to the neighborhood. There have been two deaths on Malcom Dixon since he has been there, and there have been two recent accidents. This project encroaches on wetlands and goes across a stream. He is concerned with runoff with the hardscapes going in. For the past two years there has been a sign on the bridge stating the stream is polluted. He does not understand how the controlled gate would work. He would like to know where they go for points for the planned development. The wetlands should not be included. If it is a gated community people cannot go into the bonus area. He feels an alternative would be egress off Salmon Falls Road. He feels a car impact study should be done on all six developments in this area.

Vern Miller's concern is about some of the precedents being set. He asked if there is a minimum parcel size for a planned development. This project indicates what should not be done with a planned development. This project should be rejected and sent back to the drawing board. The public benefit area is actually a private benefit area.

Art Marinaccio gave some brief background information on this property. We should look to see if this property should be brought into the Community Region.

Terry Mehlhaff said we are not looking at improving Malcom Dixon Road but reducing the traffic on that road.

John Garcia said the applicant has property on Salmon Falls Road and has chosen to go through a community to Malcom Dixon Road.

Doreen Barton, resident in Green Valley Acres, said Malcom Dixon Road will be used. This is a dangerous area, and if Salmon Falls Road is an option that should be considered.

Charles Truax spoke about an access point to Green Valley Road. Calling the stream intermittent is a gross error. The setbacks need to be more than 50 feet. The map as drawn is not correct.

After the motion and before voting, Commissioner Mac Cready would like staff to look at the stream to see if it should be changed.

Commissioner Machado thought the Commission wanted to see the Department of Transportation map before any action was taken on these maps. Chair Tolhurst said if the information is not available by August 14 the project could be continued again to be considered with the first item today.

There was no further input.

**MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED CONTINUE THE APPLICATIONS TO THE MEETING OF AUGUST 14, 2008.**

**9. TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT/SPECIAL USE PERMIT**

**TM07-1450/PD07-0021/S08-0013/Cambridge Road Townhomes** submitted by LOUANN PARTRIDGE (Agent: CTA Engineering and Surveying, Inc.) to create 14 lots composing of 12 residential lots ranging in size from 1,705 to 2,407 square feet, one common private driveway lot, and one open space lot; construct 12 attached single-family townhome units ranging in size from 1,971 to 2,304 square feet in floor area; Special Use Permit for proposed retaining walls and fencing within rear and side yards of subdivision in excess of 10 feet; and request to include design waivers. The property, identified by Assessor's Parcel Numbers 082-531-15 and -16, consisting of 1.2 acres, is located on the west side of Cambridge Road approximately 1,000 feet

north of the intersection with Estepa Drive, in the Cameron Park area, Supervisorial District I. (Mitigated negative declaration prepared)

Mel Pabalinas recommended approval of the applications but denial of design waivers A, B, and C. The Department of Transportation would like to modify several conditions. Mr. Pabalinas proposed language for fencing, stating the applicant has agreed to the condition. Commissioner Mathews asked the reason for such fencing. Mr. Pabalinas explained. He gave the Commission copies of the revised parking plan indicating four additional parking spaces.

Eileen Crawford, Department of Transportation, proposed several modifications to their conditions.

Commissioner Knight did meet with the project engineer. There was some discussion about the State of California Handicapped Accessibility Standards. Mrs. Crawford stated this is a multifamily project, and those standards would apply.

Chair Tolhurst asked if there are parking standards for the parking spaces. Mrs. Crawford explained.

Commissioner Machado asked about the sidewalk and possible future reimbursement. Mrs. Crawford explained the current procedure.

Aaron Brusatori, CTA Engineering, proposed modification of Condition 19. He did prepare an estimate on the sidewalk and gave the Commission and Mrs. Crawford copies.

Alex Bergtraun, architect for the project, spoke about the fencing. There was no further input.

Mrs. Crawford read the language that replaces Condition 19.

There was no further input.

**MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE TM07-1450/PD07-0021/S08-0013, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, AND DENY DESIGN WAIVERS A, B, AND C, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.**

The motion did not include the fencing condition.

## **Findings**

### **1.0 CEQA**

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 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 and Air Quality categories. 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 GENERAL PLAN**

The project design and density is consistent with Multifamily Residential land use designation and applicable policies of the General Plan.

## **3.0 ZONING ORDINANCE**

The project conforms to the applicable development standards in the Limited Multifamily Residential (R2) zone district and regulations under the Planned Development overlay district.

## **4.0 PLANNED DEVELOPMENT**

### **4.1 That the PD zone request is consistent with the general plan;**

The PD would be consistent within the MFR land use designation. The proposed use and density is allowed within the MFR land use designation.

### **4.2 That the proposed development is so designed to provide a desirable environment within its own boundaries;**

The clustered development will include 0.47-acres of open space to preserve the oak woodland canopy. The decorative planters and landscaping will provide a desirable environment on the site. Additional guest parking has been provided on-site to alleviate circulation impacts on-site.

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

The modifications to the Development Standards of the R2 zone are justified by the clustered development utilizing a “stepping design”. The reduced setbacks and lot sizes will be required to minimize the impacts to the site and will provide a more desirable development

**4.4 That the site is physically suited for the proposed uses;**

The project has been designed to utilize the developable areas to the greatest extent possible. The clustered development will minimize the potential impacts to the site.

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

Adequate public water and sewer services are available for the project. The required road improvements are consistent with the General Plan and County Design Manual.

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

The project would preserve the oak woodland habitat not impacted as part of the project in an open space lot. The project has been designed to be more compatible with the existing features of the site.

**5.0 TENTATIVE MAP**

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

The project is designated as Multifamily Residential (MFR) in the El Dorado County General Plan Land Use Map. The proposed 12-lot residential subdivision will result in a density of 10 dwelling units per acre which is consistent within the allowed density in the MFR land use designation. The project will be consistent with General Plan policies relating to public utilities, traffic, noise, air quality, and oak woodland habitat. The Mitigation Measures included as part of the project would minimize environmental impacts associated with the project.

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

The subdivision includes the Planned Development planning concept which is designed to minimize impacts to the natural resources on the project site. The proposed clustered development will be used to avoid additional impacts to the natural resources on-site

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

The vacant project site is composed of mild topography and sparse oak tree vegetation. The multifamily residential project has been designed utilizing Planned Development concepts that would affect the developable areas of the site in a clustered design and preserve existing resources within open space areas. Any natural resources that will not be impacted will be included in the required open space areas.

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

The project includes a Planned Development application which will allow the units to be clustered on the project site. The project would be designed to minimize the impacts to the natural resources on the site. Any environmental impacts will be minimized through the project design and implementation of Mitigation Measures.

**5.5 The design of the subdivision or the improvements are not 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).**

Adequate fire protection measures have been included as conditions of approval of the project. Adequate emergency access is available and fire sprinklers will be required for the residential units. The public water system servicing the project will provide adequate fire flow for the project.

**5.6 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.**

The required road improvements will be consistent with the County Design and Improvement Manual. All existing easements across the property for utilities and infrastructure would remain or be relocated in a manner acceptable to the affected agency.

**6.0 SPECIAL USE PERMIT**

**6.1 The issuance of the permit is consistent with the General Plan**

The permit would allow the construction of a portion of a retaining wall and fence in excess of 10 feet within the rear and side yard of the subdivision. The structure is accessory to and would facilitate the multifamily residential development of the property, which is consistent with the identified land use designation and policies of the El Dorado County General Plan.

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

As designed, the proposed retaining walls/fencing would support the establishing of the necessary improvements for the development in conformance with existing site conditions in the vicinity of the project. Construction of the walls would require review by the County prior to issuance of any permits for the residential development.

**6.2 The proposed use is specifically permitted by special use permit pursuant to this title**

The proposed retaining wall/fencing is subject to a Special Use Permit under Section 17.14.155.B.3 of the El Dorado County Zoning Code

**7.0 DESIGN WAIVER FINDINGS OF DENIAL**

**The Design Waivers have been requested for the following:**

- a. To modify the frontage improvements along Cambridge Road from Standard Plan 101B to Standard Plan 101C thereby eliminating the curb, gutter, sidewalk and pedestrian ramps;**
- b. To modify the driveway improvements onto Cambridge Road from Standard Plan 103G to Standard Plan 103C.**
- c. To eliminate the requirement for curb, gutter and sidewalk along the off-site portion of Cambridge Road from Calido Court to the northern boundary of APN 082-531-14.**

**7.1 There are no special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

The proposed Design Waivers would be inconsistent with the County Design Manual and the General Plan.

**7.2 Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardship in developing the property;**

The sidewalk, curb, and gutter improvements would be consistent with the General Plan and the County Design Manual.

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

Approval of the Design Waivers will reduce the pedestrian sidewalk connectivity in the project area. Pedestrian movements in the project area would be restricted to Cambridge Road which is

a major County road subject to high volumes of traffic. The proposed Design Waivers will be detrimental to the health, safety and welfare of the public.

**7.4 This waiver(s) would have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**

The proposed Design Waivers will not be consistent with applicable General Plan polices and the County Design Manual. The General Plan Policy TC-5A requires curb and sidewalk for new residential development proposing lots less than 10,000 square feet. The project will create lots ranging in size from 1,705 to 2,117 square feet. The project is located along Cambridge Road which is a County-maintained road with the Cameron Park Community Region. The County Design Manual requires County-maintained roads within Community Regions to be design to Standard Plan 101B requirements which includes curb, gutter and sidewalk. Approval of the proposed Design Waivers will be inconsistent with the General Plan and the County Design Manual.

**Conditions**

**Project Description**

1. This Planned Development, Tentative Subdivision Map and Special Use Permit are based upon and limited to compliance with the Project Description, the Planning Commission hearing exhibits marked Exhibits A-K 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) Tentative Subdivision Map creating a Class I subdivision consisting of 14 lots comprise of 12 residential lots range from 1,705 square feet to 2,407 square feet in size, one common private driveway lot, and one open space lot;
- B) Planned Development Permit for the construction of 12 attached single-family townhome units, ranging from 1,971 to 2,304 square feet in floor area size. The units would be clustered in four separate buildings complexes. The Planned Development would allow for modifications in the Limited Family-Residential (R-2) Development Standards including lot sizes, building coverage, and yard setbacks;
- C) Special Use Permit for proposed retaining wall and fencing within the rear and side yard of the subdivision in excess of 10 feet, in accordance with El Dorado County Zoning Ordinance Chapter 17.14.155.B.3;

The proposed lots, square footages, and buildings would correspond to the tables:

**Cambridge Road Townhomes- Lot and Floor Area**

Lot Number	Unit Number	Gross Area Lot (S.F.)	Living Area (in sf) (First/Second Floor)	Garage Area (in sf)	Total Floor Area (in sf)
1	1	2,407	580/895	496	1,971
2	2	2,407			
3	3	1,898			
4	4	1,898			
5	5	2,117			
6	6	1,898			
7	7	1,898			
8	8	1,944			
9	9	1,785	658/950	493	<del>1,971</del> 2,101
10	10	1,761			
11	11	1,730			
12	12	1,705			
A	N/A	19,602	NA	NA	NA
B	N/A	9,583			

**Modified Limited Multifamily Residential-Planned Development (R2-PD) Standards**

Development Standard	Required	Proposed Modifications
Minimum Lot Size (in square feet)	2,000 square feet	1,705 square feet
Maximum Building Coverage	50% of the lot (.60 acres)	26% (0.32 acres)
Minimum Lot Width	20 feet	26 feet
Minimum Yard - Front - Side - Interior Yard -Between Buildings - Rear	- 20 feet - 5 feet - 5 feet - 10 feet - 15 feet	- 1 foot <sup>A</sup> - 0 feet - 0 feet - 0 feet - 15 feet
Maximum Building Height	40 feet	20 feet 7 inches

Note: A. Affects Lots 9-12 only

**Construction Material and Color**

<b>Portion of Building</b>	<b>Construction Material</b>	<b>Color</b>
Roof	Elk Barkwood 40-year Asphalt Shingle	NA
Body	Stucco and Composite Concrete Siding	Dried Basil (1510) Pining For You (1512)
Eaves	Stucco and Composite Concrete Siding	Abingdon Putty
Universal Accent	Stucco and Composite Concrete Siding	Georgian Brick
Accent		Jalapeno Pepper Gold Rush Golden Meadow (One for each unit)
Front Entry Door	Standard Entry Door	Georgian Brick

The grading, development, use and maintenance of the property, the size, shape, arrangement and location of structures, parking areas, landscape areas, and 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 approved and shall be implemented as approved by the County.

**MITIGATION MEASURES 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. Prior to any construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit (MM BIO-1).

**MONITORING:** Planning Services shall verify that the survey results have been received and all recommendations by the biologist have been implemented prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

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**CONDITIONS OF APPROVAL**

**Planning Services**

3. All healthy oak canopy removed from the site shall be replaced as specified General Plan Policy 7.4.4.4 and the Interim Interpretative Guidelines for General Plan Policy 7.4.4.4. Replacement of the removed canopy shall be at a density of 200 tree saplings per acre, or 600 acorns per acre. A tree planting and preservation plan shall be required prior to issuance of a grading permit. A maintenance and monitoring plan shall be required for a minimum of 15 years after replanting to ensure a survival rate of at least 90%. The arborist report, planting and maintenance plan and all necessary documents to demonstrate compliance shall be provided to Planning Services prior to issuance of a grading permit. The applicant shall have the option to pay the in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The 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 Development-Planning Services proof of payment of the in-lieu fee prior to issuance of a grading permit.
4. A water meter award letter from El Dorado Irrigation District or similar assurance form the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to Development Services-Planning Division at the time of filing the Final Map.
5. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
6. Prior to filing of the Final Map, Development Services- Planning Division shall verify that all Development Services Department fees have been paid.
7. 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.
8. Prior to approval of Final Map, 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.
9. 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.

10. The applicant shall pay the Rare Plant Mitigation Fee of \$663.75 for multifamily development within Mitigation Area 1. The applicant shall pay the fee prior to issuance of a building permit.
11. The applicant shall comply with the requirements of the Federal Aviation Administration Part 77. The applicant shall submit a completed Form 7460 to Planning Services prior to issuance of a building permit.
12. 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.

13. 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.
14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

*Planned Development Conditions*

15. In accordance with the Planned Development, the following development standards shall apply:

<b>Criteria</b>	<b>Development Standard</b>
Minimum Lot Size (in square feet)	1,705 square feet
Maximum Building Coverage	26% (0.32 acres)
Minimum Lot Width	26 feet
Minimum Yard - <i>Front</i> - <i>Side</i> - <i>Interior Yard</i> - <i>Between Buildings</i> - <i>Rear</i>	- 1 foot <sup>A</sup> - 0 feet - 0 feet - 0 feet - 15 feet
Maximum Building Height	20 feet 7 inches

Note: A. Affects Lots 9-12 only

16. The Planned Development Permit shall expire within three (3) years from the approval the Planning Commission. Minor changes in the adopted Planned Development Permit may be approved by the Planning Services provided that the changes:
- a) Do not change the boundaries of the subject project property;
  - b) Do not change any use as shown on the official development plan; and
  - c) Do not change the intent of the official development plan

Major changes in the official development plan may be approved by the Planning Commission and shall be made in accordance with the requirements of Section 17.04 of the County Code. A major change in a development plan approved by the Planning Commission shall be filed with the Board of Supervisors pursuant to Section 17.04.005(B) (3) of the County Code.

**Department of Transportation**

*Project Specific Conditions*

17. The applicant shall widen the frontage along Cambridge Road to 16 foot wide from the existing centerline, to the provisions of the Design and Improvement Standards Manual (DISM), Standard Plan 101B. In addition, as required in General Plan Policy TC-5a, the applicant shall construct a Type 2 curb and gutter and a 4 foot wide sidewalk along the frontage of Cambridge Road, per DISM, Standard Plan 104 & 101B with an approved design waiver for the sidewalk reduction from 6 feet to 4 feet. 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 map.

18. The developer shall construct a modified Std. Plan 103G driveway onto Cambridge Road. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any unit of this project.
19. ~~As required in General Plan Policy TC-4i, the applicant shall construct a Type 2 curb and gutter and a 4 foot wide sidewalk along the off-site portion of Cambridge Road from Calido Court to the northern boundary of APN 082-531-14. 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 map.~~

As required in General Plan Policy TC-4i, the applicant shall construct a Type 2 curb and gutter and a four-foot wide sidewalk along the off-site portion of Cambridge road from Calido Court to the northern boundary of Assessor's Parcel Number 082-531-14. The improvements shall be substantially completed, to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the final map. The applicant shall be responsible for their pro ratta share  $(.60+.61)/(.60+.61+.55) \times 100 = 69\%$ , cost of the improvements based upon project acreage of Assessor's Parcel Numbers 082-531-14 (.55 ac), 082-531-15 (.60 ac), and 082-531-16 (.61 ac). If the applicant constructs the off site sidewalk prior to development of Assessor's Parcel Number 082-531-14, the applicant shall receive a lump sum payment from the developer of Assessor's Parcel Number 082-531-14 in the amount of  $(.55)/(.60+.61+.55) \times 100 = 31\%$  of the engineer's estimate cost of the off site improvements. The Department of Transportation shall approve the engineer's estimate.

20. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
21. The applicant shall provide for adequate turn around areas for each parking stall and garage as ~~required~~ approved by the Department of Transportation, demonstrating a standard turning template.
22. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainages not maintained by the County, prior to the filing of the map.
23. A ~~commercial~~ grading permit is required for on-site and off-site improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the ~~Development Services~~ 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. The improvements and

grading shall be substantially completed, to the approval of the ~~Development Services~~ Department of Transportation, prior to ~~completion~~ filing of the final map.

24. 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.
25. 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.

*Standard DOT Conditions*

26. 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.
27. 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.
  28. 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.
  29. 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).
  30. 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.
  31. 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.
  32. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
  33. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday;

8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.

34. 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.
35. 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.
36. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
37. 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.
38. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**Cameron Park Fire Protection District:**

39. The project shall meet the fire flow of 1,500 gallons per minute with 20psi residual pressure for a two hour period. The District shall verify that the fire flow can be obtained prior to issuance of a grading permit.
40. The applicant shall relocate the existing fire hydrant and install one additional fire hydrant. The locations of the fire hydrant shall be determined by the District. The District shall review and approve the hydrant location and design prior to issuance of a grading permit.
41. Each building shall install NFPA 13 fire sprinkler systems built to Type V-1 HR construction specifications. The system shall be monitored by a UL listed central station. The District shall review and approve the sprinkler systems prior to issuance of any building permit.

**Air Quality Management District**

42. The applicant shall submit and pay appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading permit.
43. The applicant shall adhere to all District rules during project construction.

**Cameron Park Community Services District**

- 44 The applicant shall pay the park in-lieu dedication fees to the Cameron Park Community Services District. The fees shall be paid at the time of the filing of the final map.
44. All CC&Rs shall be reviewed and approved by the District. The District shall review and approve the CC&Rs prior to filing of the final map.

**County Surveyor**

46. All survey monuments shall be set prior to the presentation of the Final Map to the Board of Supervisors for approval, or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set monuments, or amount of bond or deposit to be coordinated with the Surveyors Office.
47. 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.

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

**10. 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, stating this project was continued from the meeting of June 26, 2008, to allow staff, the applicant, and concerned residents time to conduct a site review and consider possible revisions to Condition 18. The site inspection was made, and the Department of Transportation has proposed modification to Condition 18 and the addition of one condition.

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

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE TM07-1446, WITH DESIGN WAIVERS**

a., b., c., d., and g., BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

**Findings**

**1.0 CEQA Findings**

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

1.2 No significant impacts to the environment as a result of this project were identified in the initial study.

1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG).

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 located at 2850 Fairlane Court, Placerville, CA.

**2.0 General Plan Findings**

2.1 As proposed, the project is consistent with the Medium Density Residential (MDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per acre with parcel sizes ranging in size from five to ten acres, and establishes areas for single family residential development in Community Regions and rural centers. The proposed 1.00 to 1.45-acre parcels conform to the General Plan land use designation.

2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.2.1, 2.1.2.2, 2.1.2.3, 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, and 7.4.4.4, concerning Rural Centers, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access and mitigation for the loss of indigenous oak tree canopy. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

**3.0 Zoning Findings**

3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots each can meet the development standards of the R1A zone district pursuant to section 17.28.080 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

#### **4.0 Administrative Findings**

##### **4.1 Tentative Subdivision Map**

4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, the tentative map conforms to the Medium Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy.*

4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1 unit per acre.*

4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. A negative declaration was prepared for the proposed parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.*

4.1.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and El Dorado County Fire Protection Districts requirements to assure adequate access.*

4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties. The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.*

#### **5.0 DESIGN WAIVER APPROVAL AND DENIAL FINDINGS**

##### **5.1 No on-site road improvements on existing Paradise Pines Road.**

5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. A non vehicular access restriction which is shown on the tentative map and therefore the proposed subdivision would have no encroachments or access to Paradise Pines Road.*

5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. As the proposed subdivision would not require access to Paradise Pines Road there is no nexus to require improvements.*

5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

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

**5.2 No on-site road improvements on existing Wandering Way.**

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* A non vehicular access restriction which is shown on the tentative map and therefore the proposed subdivision would have no encroachments or access to Wandering Way.

5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* As the proposed subdivision would not require access to Wandering Way there is no nexus to require improvements.

5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

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

**5.3 No on-site road improvements on existing Fern Avenue.**

5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* A non vehicular access restriction which is shown on the tentative map and therefore the proposed subdivision would have no encroachments or access to the on-site portion of Fern Avenue.

5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* As the proposed subdivision would not require access to the on-site portion of Fern Avenue there is no nexus to require improvements.

5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

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

**5.4 Allow for an outside radius reduction in the standard cul-de-sac from 50 to 40 feet to edge of pavement.**

5.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Reduced radius of the cul-de-sac will better conform to the existing topography, reduce grading, and preserve existing mature trees. In addition, the length of the two cul-de-sac streets are fairly short, about 150 feet for the southern street and about 200 feet for the northern street from the intersection.

5.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased cul-de-sac radius would require increased grading and unnecessary tree removal otherwise saved.

5.4.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The requested reduction to the standard cul-de-sac radius has been approved by the El Dorado County Fire Protection District and the El Dorado County Department of Transportation.

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

**5.5 Allow for an increase in the maximum grade of the 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.**

5.5.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* There are no special conditions or circumstances to the property proposed to be divided which would justify the adjustments or waivers. The El Dorado County Design Improvements Standards Manual allows for a maximum of 10 percent for development at elevations greater than 3,000 feet above sea level.

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

design and improvement requirements would not cause extraordinary and unnecessary hardship in developing the property.

5.5.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* There are hazards associated with steep roads in areas of snow accumulation.

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

**5.6 Allow for an increase in the maximum cross-slope of the cul-de-sac to 10 percent.**

5.6.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* There are no special conditions or circumstances to the property proposed to be divided which would justify the adjustments or waivers. The El Dorado County Design Improvements Standards Manual allows for a maximum of 8 percent cross slope.

5.6.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardship in developing the property.

5.6.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* There are hazards associated with steep roads in areas of snow accumulation.

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

**5.7 Allow for a reduction in the minimum road width to 20 feet for the two onsite proposed roads (proposed Sheridan Court and Helena Lane) from their intersection to their ends.**

5.7.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* A reduced road width of 20 feet will better conform to the existing topography and preserve existing mature trees. The northerly street is about 200 feet long and will serve only four lots and the southerly street is about 150 feet long and will serve only three lots, or possibly four lots.

5.7.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Increased road width would require increased grading, unnecessary tree removal, and a decrease in an effective lot area.

5.7.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The requested reduction to the standard road width has been approved by the El Dorado County Fire Protection District and the El Dorado County Department of Transportation.

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

### **Conditions**

#### **I. PROJECT DESCRIPTION**

1. This tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M, approved April 24, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative map creating twelve parcels, ranging in size from 1.00 to 1.45 acres, on a 14.71-acre site. Public water will be provided by the El Dorado Irrigation District and each lot will utilize individual septic facilities. The existing accessory buildings will be removed prior to filing the final map.

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

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**II. PROJECT CONDITIONS OF APPROVAL**

2. Prior to filing the final map, an oak tree canopy replacement plan shall be submitted by the applicant to meet the requirements of General Plan Policy 7.4.4.4, Option A. Should identified on-site replacement area not be sufficient, applicant shall comply with Option B prior to filing the final map.
3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with §15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines §15064.5; Health and Safety Code §7050.5; Public Resources Code §§5097.94 and 5097.98).
5. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
6. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.10 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Parks Department, and shall submit the receipt to El Dorado County Planning Services with the final map application.
7. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
8. All fees associated with the tentative subdivision map shall be paid prior to recording the final map.
9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs

County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

10. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
11. As specified in 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.
12. 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 Planning Director 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 County Counsel.

**Air Quality Management District**

12. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:

Application of water on disturbed soils and unpaved roadways a minimum of three times per day; Using track-out prevention devices at construction site access points; Stabilizing construction area exit points; Covering haul vehicles; Restricting vehicle speeds on unpaved roads to 15 miles per hour; Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust

13. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
14. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
15. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
16. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
17. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

**El Dorado County Department of Transportation**

18. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:

<b>Table 1</b>			
<b>ROAD NAME</b>		<b>ROAD WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
Larkspur Lane (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer )	24ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP
Fern Avenue (offsite)	<del>Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer)</del>	20ft (50 ft R/W)	<del>No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing constraints.</del>
Cedar Drive (offsite): <u>from intersection of Larkspur Lane to Mace Road</u>	Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer)	20ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing constraints.
Helena Lane and Sheridan Court and the street serving lots 9-11 (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min. or as recommended by geotechnical engineer)	<del>24</del> 20ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured EP to EP.

19. Sight Distance: The applicant shall improve the corner sight distance at the intersection of Cedar Drive and Mace Road. The substandard sight distance, looking north, can be improved by the removal of roadside vegetation and grading and shall conform to the provisions of the DISM. The applicant shall obtain an encroachment permit from the Department of Transportation for this sight distance improvement work prior to the filing of the map.
20. The applicant shall provide a turn-around at the end of Sheridan Court and the street serving lots 9-11 to the provisions of County Standard Plan 114 or as approved by the Fire District. 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.
21. The applicant shall construct encroachment from Helena Avenue onto Larkspur lane to the provisions of DISM 103C. 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. The applicant shall construct encroachment from Sheridan Court and the street serving lots 9-11 onto Helena Lane to the provisions of DISM 103C. 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.

23. The applicant shall irrevocably offer to dedicate 50 feet of right-of-way along the entire frontage of the on-site portion of Larkspur Lane, Helena Lane, Sheridan Court, and the street serving lots 9-11, with the filing of the final map. This offer will be rejected by the County.
24. The applicant shall provide a 50 foot wide road and public utility easement along the on-site portion of Larkspur Lane, Helena Lane, Sheridan Court, and the street serving lots 9-11 with the filing of the final map.
25. Prior to the recordation of the final map, the applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Larkspur Drive.
26. A vehicular access restriction (VAR) shall be placed along Fern Avenue along the property frontage for lots 8, 9, and 10 with the filing of the final map.

**Standard Department of Transportation Conditions**

27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.

39. 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.
40. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
41. 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.
42. 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. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
44. If the 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 County Fire Protection District**

45. Submit review fee of \$ 300.00.
46. Fire flow for this project is 1,000 gpm @ 20 psi for two hrs.

47. Provide documentation (FIL) to show system will meet required fire flow.
48. Hydrant locations as shown on the tentative map are approved.
49. El Dorado County DOT standards may be more stringent and will supersede these requirements.

**Surveyor's Office**

50. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
51. 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.

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

**11. ORDINANCE**

- a. **OR07-0004/Lot Line Adjustment:** Review of draft Lot Line Ordinance which reflects input from various meetings and a public workshop. (Exempt pursuant to Section 15061b of the CEQA Guidelines)

Lillian MacLeod recommended approval to the Board of Supervisors.

Commissioner Knight asked about one lot having to be a legal lot. Mrs. Mac Leod comments if they both are not legal lots they would have to receive a Certificate of Compliance prior to the lot line adjustment.

Commissioner Mac Cready asked if you can create a lot with a lot line adjustment. Mrs. Mac Leod replied you cannot create lots that way.

Commissioner Machado asked if the new application is available. Mrs. Mac Leod stated once the amendment is approved by the Board the application will be updated and ready to use. The Board will determine if the ordinance amendment is included in Chapter 16 or 17.

Art Marinaccio stated recordation needs to be changed to final map. He would prefer to have the amendment be in Title 16. Mrs. Mac Leod said the County Surveyor had no comment on recordation or final map language.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT EXEMPT PURSUANT TO SECTION 15061(b) OF THE CEQA GUIDELINES, APPROVE OR07-0004 (see attachment for ordinance amendment), AND DIRECT STAFF TO CRAFT A LIMITED REFERENCE IN TITLE 17 TO ASSIST STAFF AND THE PUBLIC AS TO ITS LOCATION IN TITLE 16, AS AN UPDATE TO CHAPTER 16.33.

b. **OR07-0006/Flood Damage Prevention:** Review of draft Flood Damage Prevention Ordinance which reflects input from a public workshop, discussions with the Department of Water Resources and Building Services, and review by County Counsel. (Exempt pursuant to Section 15061 of the CEQA Guidelines)

Lillian MacLeod recommended approval to the Board of Supervisors. Eileen Crawford, Department of Transportation, commented registered engineer should be changed to licensed engineer.

Staff and the Commission discussed change to the definition of “Mean sea level”.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT EXEMPT PURSUANT TO SECTION 15061 OF THE CEQA GUIDELINES, APPROVE OR07-0006 (see attachment for ordinance amendment), AS AMENDED, AND DIRECT STAFF TO INCORPORATE THE OPTIONAL LANGUAGE INTO THE DRAFT ORDINANCE THAT WOULD ALLOW PARTICIPATION IN THE NFIP’S COMMUNITY RATING SYSTEM (CRS).

12. **GENERAL PLAN UPDATE** - None
13. **ZONING ORDINANCE UPDATE** - None
14. **DEPARTMENT OF TRANSPORTATION** - None
15. **COUNTY COUNSEL’S REPORTS** - None
16. **DIRECTOR’S REPORTS** - None

**17. ADJOURNMENT**

Meeting adjourned at 3:55 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Alan Tolhurst, Chair

