



EL DORADO COUNTY PLANNING COMMISSION

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

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

Char Tim..... Clerk of the Commission

MINUTES

Regular Meeting
August 14, 2008 – 8:30 A.M.

1. CALL TO ORDER

Chair Machado announced that due to a lack of a quorum, the meeting would officially convene at 9:30am when Commissioner Knight was expected to arrive. Meeting was called to order at 9:35 a.m. Present: Commissioners Knight, Machado, and Mathews; Paula F. Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS, 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: July 24, 2008

Findings of Consistency

- b. GOV08-0006 for a finding of Consistency on the Capital Improvement Program submitted by the EL DORADO COUNTY FIRE PROTECTION DISTRICT.
- c. GOV08-0007 for a finding of Consistency on the Capital Improvement Program submitted by the EL DORADO HILLS COUNTY WATER DISTRICT (El Dorado Hills Fire Department).
- d. GOV08-0005 for a finding of Consistency on the Capital Improvement Program submitted by the LAKE VALLEY FIRE PROTECTION DISTRICT.

- e. **GOV08-0008** for a finding of Consistency on the Capital Improvement Program submitted by the MOSQUITO FIRE PROTECTION DISTRICT.
- f. **GOV08-0004** for a finding of Consistency on the Capital Improvement Program submitted by the RESCUE FIRE PROTECTION DISTRICT.

Pierre Rivas recommended that item 4.c/GOV08-0007 be continued to the September 11, 2008, meeting as Commissioner Knight would need to recuse himself and there would be no quorum for this item.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE ITEMS 4.A, 4.B., 4.D, 4.E., 4.F OF THE CONSENT CALENDAR AND CONTINUE ITEM 4.C TO THE SEPTEMBER 11, 2008, MEETING.

END OF CONSENT CALENDAR

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

Pierre Rivas, on behalf of Larry Appel who was on vacation, made the following reports to the Commission:

1. At the August 12, 2008, Board of Supervisors meeting, there were additional appointments made to the Plant and Wildlife Stakeholder Advisory Committee (PAWTAC), which now is comprised of 15 members.
2. At the August 13, 2008, Agricultural Commission meeting, draft criteria for agricultural housing was reviewed and discussed.
3. Mr. Rivas distributed a document titled "Planning Commission Tentative Projects Schedule". This lists upcoming projects that are tentatively scheduled for future Planning Commission meetings and is updated regularly.
4. Mr. Rivas distributed a Project Status Report, which had been requested by Commissioner Knight.

6. COMMISSIONERS' REPORTS

None presented.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

Pierre Rivas distributed a letter to the Commission that was received from Ken Greenwood. The letter was requesting a public hearing to evaluate the day and night operation of the Central Concrete Plant.

7. **SPECIAL USE PERMIT**

S02-0015R submitted by CAR-IZMA/Dennis Kolberg (Agent: Western Sign Company/Dennis Small) to revise an approved use permit to allow replacement of an existing monument sign with a new freestanding pole sign. The property, identified by Assessor's Parcel Number 109-214-01, consisting of 0.95 acre, is located on the east side of Cameron Park Drive at the intersection with Robin Lane, in the **Cameron Park area**, Supervisorial District II. (Categorically exempt pursuant to Section 15303 of the CEQA Guidelines)**

Prior to hearing this item, Paula Frantz explained that since this is a discretionary item and the Commission only has three (3) Commissioners present, the applicant has the option of requesting a continuance since it would take an unanimous vote to approve any motion made today. The applicant, Gary Gall, requested that the item be heard today.

Jonathan Fong explained that although this item was heard by the Zoning Administrator on July 2, 2008, it was deferred to the Commission because the Cameron Park Community Services District recommended denial based on signage regulations that they are currently in the process of compiling. Staff is recommending approval of the project. Mr. Fong indicated that letters have been received by local business owners in the area in opposition and in support of the project.

Mr. Fong explained that the Conditions of Approval provided to the Commission by staff under the July 10, 2008 memo contained modified Conditions of Approval of the original use permit with strikeout/underline changes. Staff requested that certain conditions currently struck out now be kept in. These would not change conditions applicable to the sign but would track future modifications and revisions.

Keith Wills, applicant's representative, stated that the proposed sign is within the County's square footage and height requirements. He also indicated that the Cameron Park Design Review approved the sign prior to the denial by the Cameron Park Community Services District.

Gary Gall stated that he was only requesting a 15 foot sign compared to the much larger signs of the surrounding businesses. Mr. Gall also stated that he was never invited to attend the meeting of the Cameron Park Community Services District nor was he given any requested changes to be made to his sign request in order for it to be approved.

Judy Mathis, president of the Shingle Springs/Cameron Park Chamber of Commerce, supported the efforts of the applicant.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CERTIFY THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 15164 AND 15303 OF THE CEQA GUIDELINES AND APPROVE SPECIAL USE PERMIT REVISION S02-0015R, BASED ON

THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, INCLUDING THE CHANGES REQUESTED BY STAFF.

Findings

1.0 CEQA FINDING

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines pursuant to which states that “construction and location of limited numbers of new, small facilities or structures” are exempt from further environmental review.

2.0 SPECIAL USE PERMIT FINDINGS

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

There are no specific policies that apply directly to the proposed Special Use Permit revision; however, the absence of any policy that would restrict or prohibit the use implies consistency, provided the required findings of Chapter 17.22, Special Use Permits, of the Zoning Code can be made.

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

The proposed free standing sign will comply with the Development Standards of the CP Zone and will comply with the signage requirements of the Zoning Ordinance. The proposed Special Use Permit revision has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use is specifically by Special Use Permit pursuant to Section 17.32.140(B) of the Zoning Ordinance as the required findings detailed above may be made by the Zoning Administrator. The proposed revision will not nullify the conditions of approval or the findings of approval of the approved Special Use Permit S02-0015.

3.0 ADMINISTRATIVE FINDINGS

3.1 The proposed use conforms to the Zoning Ordinance because the project meets all development standards for a free standing sign within the CP Zone District. The approval of this revision will not nullify any of the conditions of approval or objectives of the approved Special Use Permit.

CONDITIONS OF APPROVAL

Planning Services

1. The project, as approved, consists of the construction and development of an automatic drive through car wash with an accessory retail facility, supporting lube shop, covered waxing station, and pet wash consistent with exhibits E, F, G, H, and I from the Zoning Administrator Hearing dated December 18, 2003. The project includes four buildings/structures, approximately 9,040 square feet (with a footprint of 6,786 square feet), consisting of a drive through car wash structure, a retail facility, and ancillary waxing station and pet wash. The lube shop would be approximately 3,680 square feet of building split between a main service floor and a support basement. Total lot coverage, not counting landscaping and paved areas, of the facility and supporting trellises, shade structures, and miscellaneous enclosures would be approximately 12,280 square feet. Minor changes/amendments may be approved by the Planning Director.

This Special Use Permit is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit D, dated July 2, 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:

This Special Use Permit revision would allow for the removal of the existing monument sign and the installation of a new internally illuminated, double faced free standing monument sign.

The sign shall conform to the Proposed Signage Exhibit D included with the staff report. The sign shall be constructed as follows:

Maximum Height: 15 feet 4 inches.

Pole Width: 4 feet 8 inches.

Sign area: 66 square feet.

Sign height: 6 feet.

Sign width: 10 feet 11 inches.

The sign shall have a brushed aluminum finish. The text of the sign shall read "Car-Izma Auto Spa Wash & Lube." The text and colors shall conform to the Signage Exhibit D included with Exhibit D.

2. The proposed buildings shall utilize the following materials/colors:
 - Roof: MBCI Standing Seam Metal Roofing; Color, Harbor Blue

- Store Front Doors and Windows: Frames, Clear Anodized Aluminum; Glass, Clear Non-Tinted
- Walls: Main Body, Stucco- La Habra 'Viejo' X-475; Steel Doors and Frames, GSM flashing to be painted to match walls
- Trim: Stucco, La Habra 'Oatmeal' X-81
- Wall Cap at Sigh Wall/Water Feature: Cast Stone, Series WC1507 'Canyon Sandstone' 155W
- Column Bases and Sign Wall/Water Feature: Culture Stone 'Lake Tahoe River Rock' CVS-2057

(As shown in file of record at El Dorado County Planning Department.)

3. The applicant shall be subject to the issuance of a building permit from the El Dorado County Building Department.
4. The applicant shall comply with the requirements of the Cameron Park Fire Protection District.
- 5.. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner 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 Special Use Permit.

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

6. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
7. The sign design shall adhere to the approved sign plan (Exhibit D).
8. The sign shall be setback 11 feet from Cameron Park Drive and 18 feet from Robin Lane. Planning Services shall verify the setbacks on project plans prior to issuance of a building permit.
5. ~~The applicant shall comply with all County requirements related to the Department of Transportation including, but not limited to, "Design and Improvements Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual, the "Off-Street Parking and Loading Ordinance", the State of California Handicapped Accessibility Standards, the County Traffic Impact Mitigation Fee program, and the State System Infrastructure Traffic Mitigation Fee program. A commercial grading permit issued by the El Dorado County Department of Transportation will be required.~~

9. No lighting shall be permitted as part of this Special Use Permit.
6. ~~At the time of the grading permit application, the applicant shall submit a drainage study prepared by a professional civil engineer to the Department of Transportation for review and approval. The report shall include pre and post project flow quantities form this project; existing upstream flows; analyze impacts of increased flows to downstream properties; and demonstrate the ability of the downstream facilities to contain increased flows form the project. Discuss and provide water quality facilities and Best Management Practices to separate and entrap oils and sands from stormwaters. Provide the design calculations and sizing of all proposed on site drainage facilities.~~
10. No additional advertising sign copy shall be permitted without prior approval by Planning Services.
7. ~~At the time of the grading permit application, provide a soils report addressing, at a minimum, grading practices, compaction, slope stability, erosion potential and control and pavement section with T1 and R values.~~
11. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
8. ~~If, at any time during grading, building or any facet of construction of the project, artifacts, exotic rock, or unusual amounts of shell or bone are uncovered, work is to stop immediately in the area of discovery and a qualified archeologist is to be contacted to evaluate the find. If the bone appears to be human, the El Dorado County Coroner and the Native American Heritage Commission must be contacted (916/322 7791).~~
12. The applicant shall ensure the sign is properly maintained at all times. Any maintenance problems shall be addressed immediately.
- 9.13. Provide water quality measures to mitigate pollution to the storm water discharge. Facilities may include oil/water/sand separators, fossil filters and grass lined swales. The applicant shall demonstrate to DOT as well as to Central Valley Region of the California Water Quality Control Board (RWQCB), the effectiveness of these facilities and Best Management Practices to meet NPDES and RWQCB goals and requirements.

Department of Transportation

14. The placement of the proposed sign shall not be placed in the existing right-of-way and shall not restrict sight distance along Cameron Park Drive or Robin Lane.

- 10.15. The applicant shall comply will the requirements of the El Dorado County Environmental Department, Solid Waste/Hazardous Materials Division. Included, but not limited to, shall be the following requirements:
- Pursuant to the CUPA Program, the applicant shall file a Business Plan with the Environmental Management Department together with the payment of all applicable fees.
 - The design, connection, and operation of the sand/oil separator for the car wash facility shall be subject to the review and approval of the Environmental Management Department together with the payment of all applicable fees.
 - The lube shop construction and operation shall require the preparation of improvement plans specific to its operation, and such plans, construction, and operation of the facility shall be subject to the review and approval of the Environmental Management Department together with the payment of all applicable fees.
11. ~~Evidence of water and sewer service shall be provided prior to the commencement of any grading, construction, or fabrication of the proposed project.~~
16. The applicant shall comply will the requirements of the El Dorado County Environmental Department, Air Pollution Control District.
13. ~~The applicant shall be subject to an encroachment permit. Std. Plan 103G at Durock Road, Robin Lane, and Saratoga Lane shall apply.~~
14. ~~The applicant shall construct a 5 foot wide sidewalk along the project's frontage on Durock Road and Robin Lane.~~
- 15.17. The applicant shall, at the time of the building permit application, shall submit a final Landscape Plan compliant with El Dorado County Zoning Ordinance Section 17.18.090. A member of the El Dorado County Planning Department will conduct an on-site inspection to verify compliance with the final landscape plan.
16. ~~The applicant shall, at the time of the building permit application, shall submit a final Outdoor Lighting Plan compliant with El Dorado County Zoning Ordinance Section 17.14.170.~~
17. ~~Staff shall make an on site inspection confirming compliance with conditions of approval prior to final occupancy being issued. Notification of the timeliness of this inspection shall be the responsibility of the applicants.~~
18. The flagpole is to be reserved for the purposes of display, the Flag of the United States of America, and/or the State Flag of California.
19. This use shall be started and diligently pursued within one year of approval of the date of approval of this permit, or the permit shall be declared null and void.

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

8. PLANNED DEVELOPMENT/PARCEL MAP

PD07-0008/P07-0013 submitted by SERRANO ASSOCIATES, LLC. The development plan would allow for the construction of 118,842 square feet of commercial development. One building would be constructed on each of the nine proposed lots and range in size from 3,080 to 62,000 square feet. The parcel map would create nine parcels ranging in size from 0.37 to 5.70 acres with one 11.76 remainder parcel. One 1.45 acre parcel would be created for an extension of Serrano Parkway. Two design waivers have been requested to allow the reduction of the road width requirement from 40 to 36 feet and allow the reduction of the sidewalk requirement from 8 to 6 feet. The property, identified by Assessor's Parcel Number 123-040-07, consisting of 24.91 acres, is located on the south side of Bass Lake Road, east of the intersection with Serrano Parkway, in the **El Dorado Hills area**, Supervisorial District II. (Statutorily exempt pursuant to Section 15162(a) of the CEQA Guidelines)**

Prior to hearing this item, Paula Frantz explained that since this is a discretionary item and the Commission only has three (3) Commissioners present, the applicant has the option of requesting a continuance since it would take an unanimous vote to approve any motion made today. The applicant, Kirk Bone, requested that the item be heard today.

Jonathan Fong made a presentation on this project and recommended conditional approval.

Kirk Bone stated he was in agreement with staff's report and already had an intake appointment scheduled with staff to provide the balance of the information needed for the project. When questioned by Commissioner Knight on the location of the trash enclosures, Mr. Bone stated that those types of issues will be addressed in the upcoming Planned Development application.

Commissioner Machado inquired on the drive-thrus proposed for Buildings B and C and the impact they would have to the parking lot. Mr. Bone stated that there would be no interference.

There was no further input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CERTIFY THAT THE PROJECT IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15162(A) OF THE CEQA GUIDELINES; APPROVE PD07-0008 AND P07-0013 WITH DESIGN WAIVERS a AND b, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

1.1 The project is a residential project and a part of an adopted El Dorado Hills Specific Plan EIR, this project is statutorily exempt from the requirements of CEQA pursuant to

Section 15182 stating that a residential project is exempt where a public agency has prepared an EIR on a specific plan after January 1, 1980. No impacts have been identified which were not discussed and mitigated in the EIR. Implementation of the project is subject to conformance with applicable mitigation measures detailed in the Mitigation Monitoring Plan in the EIR. No further environmental analysis is necessary

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

2.0 Administrative Findings

2.1 The project is consistent with the El Dorado Hills Specific Plan

The proposed neighborhood commercial center would be consistent with the permitted used and development standards established for Village J within the El Dorado Hills Specific Plan.

2.2 The project is consistent with the Zoning Ordinance

The project site is zoned Planned Commercial (CP). The proposed neighborhood commercial center will be consistent with the parking requirements and the development standards of the CP Zone District.

3.0 Tentative Map Findings

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

The project will create a neighborhood commercial center consisting of nine commercial lots and 118,842 square feet of commercial space. The proposed project will be consistent with the El Dorado Hills Specific Plan.

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

The proposed design will be consistent with the Development Standards of the Zoning Ordinance and design guidelines of the El Dorado Hills Specific Plan. The proposed road improvements will be consistent with the El Dorado Hills Specific Plan Circulation Element and will match the required road improvements within the Bass Lake Hills Specific Plan.

3.3 That the site is physically suitable for the type of development;

The El Dorado Hills Specific Plan and EIR identifies Village J as containing 45 acres of commercial lands. The project is for 11.76-acres of commercial development which is consistent with the El Dorado Hills Specific Plan. The proposed project will be

consistent with the design guidelines of the Specific Plan and the environmental impacts analyzed in the EIR.

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

The proposed project density will be suitable for the site. Adequate parking areas and encroachments onto access roads will allow for adequate circulation through the project.

3.5 That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and will not avoidably injure fish and wildlife or their habitat;

The project will not likely result in substantial environmental damage. The existing jurisdictional wetlands on-site have been impacted pursuant to issued state water permits.

3.6 That the design of the subdivision or the type of improvements is not likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;

The project will provide encroachments onto Bass Lake Road and will create a new extension of Serrano Parkway through the Bass Lake Specific Plan area. The road improvements will provide adequate circulation and emergency access through the project site.

3.7 That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision.

The project includes an extension of Serrano Parkway through the project site and improvements to Bass Lake Road. The project includes the necessary dedication for road right-of-way and will not conflict with public access through the site.

4.0 Planned Development Findings

4.1 That the Planned Development request is consistent with the Specific Plan;

The proposed commercial development will be consistent within the CP zone as established by the El Dorado Hills Specific Plan. All future development will be reviewed to be consistent with the architectural guidelines of the Specific Plan.

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

The project has been designed to provide adequate vehicular access to the site as well as on-site parking consistent with the Zoning Ordinance. Sidewalks and bus turnouts will allow for non-motorized and public transportation. Landscaping and project siting will buffer the commercial uses from the surrounding residential uses.

4.3 That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the CP Development Standards have been proposed. All future development will be consistent with the requirements of the CP zone. The requested Design Waivers will allow for the required road improvements to match the future roads within the Bass Lake Hills Specific Plan.

4.4 That the site is physically suited for the proposed uses.

The project site is easily accessed from Serrano Parkway and Bass Lake Road. The project will require road improvements and signal construction to reduce the future traffic impacts associated with the project. The construction of sound walls will reduce any impacts of site operation on the surrounding residential uses. The removed oak canopy will be mitigated through the preservation of additional oak canopy within the Village J area.

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

The existing public water and sewer services are available to serve the project. The project will include road improvements and signal construction to reduce the future traffic impacts associated with the project.

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

The project site is currently undeveloped and does not contain any scenic value. The proposed commercial development will be consistent with the anticipated improvements in the Specific Plan area and will provide a benefit to the existing and future residential uses in the area.

5.0 Design Waiver Findings

- 1. To reduce the road width requirement from 40 feet to 36 feet;**
- 2. To reduce the sidewalk requirement from 8 feet to 6 feet.**

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

The proposed Design Waivers will match the road and sidewalk improvements within the Bass Lake Hills Specific Plan area.

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

The additional road and sidewalk widths are not required and will not be matched by future improvements south of the project area within the Bass Lake Hills Specific Plan area.

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.

The reduced road and sidewalk widths will provide adequate traffic circulation and pedestrian access through the El Dorado Hills Specific Plan Area and the Bass Lake Hills Specific Plan area. The Design Waivers will not result in health, safety, and welfare concerns.

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 proposed Design Waivers will be consistent with the design criteria of the Bass Lake Hills Specific Plan area and will provide adequate emergency access to the project site and surrounding areas.

Conditions of Approval

Planning Services

1. This Parcel Map and Planned Development is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E-G, dated August 14, 2008, and conditions of approval set forth below. Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow for a Commercial Parcel Map and Development Plan. The Parcel Map would allow for nine parcels, one right-of-way parcel and a remainder. The Planned Development would allow for commercial building on each of the numbered parcels. The parcel sizes and improvement square footages shall correspond to the table included below:

Parcel Number	Improvements (Square Feet)	Net Area (Acre)
1	62,000	5.70
2	3,080	1.00

Parcel Number	Improvements (Square Feet)	Net Area (Acre)
3	8,400	0.81
4	4,800	0.44
5	6,000	0.56
6	4,000	0.37
7	8,064	0.75
8	8,098	0.74
9	14,400	1.33
A	Right-of-Way	1.45
Remainder	Remainder	11.76

Approval of the project shall allow for the creation of the parcels only. All future development of the site shall correspond to the square footage improvements listed in the table above and shall require Planning Commission approval prior to issuance of any building permit for the project.

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

2. The project shall connect to EID services for water and waste water services. The applicant shall submit an EID Water Meter Award Letter or similar document to Planning Services prior to filing the Parcel Map.
3. The applicant shall construct sound barriers as recommended in the noise impact analysis prepared by The Acoustics & Vibration Group dated March 2007. Planning Services and the acoustical engineer shall review and approve the sound barriers prior to issuance of any building permit for the project.
4. The applicant shall submit an acoustical analysis for any outdoor mechanical equipment proposed on Parcels 1, 2, 8, or 9. Planning Services shall review and approve the acoustical analysis prior to issuance of a building permit.
5. The project shall remove 1.112-acres of oak canopy. The required 20 % retention of oak canopy as established by the El Dorado Hills Specific Plan EIR shall be achieved through limited development of Village J6 and J7 areas.
6. Development Services shall verify that all fees have been paid prior to filing of the parcel map.

7. The applicant shall submit to Planning Services the required Department of Fish and Game fee and filing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

9. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

Department of Transportation

Project Specific Conditions

DOT CONDITIONS

10. The applicant shall construct realigned Sienna Ridge Road from the boundary of the Bass Lake Hills Specific Plan to form a 4-way intersection with Serrano Parkway and Bass Lake Road. The improvements shall be as follows (starting on the north side of Sienna Ridge Road):
 - 6-foot sidewalk with Type 2 vertical curb and gutter
 - 8-foot shoulder to include a type II Bike path
 - 11-foot AC travel lane
 - 12-foot striped median
 - 11-foot AC travel lane
 - 4-foot shoulder to include a type II Bike Path
 - 6-foot sidewalk with Type 2 vertical curb and gutter

- A transition to the existing road (Sienna Ridge Road) must be provided to the satisfaction of the Department of Transportation. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
11. An application for general vacation shall be filed for the unused segment of Sienna Ridge Road from the intersection of the proposed local road to Bass Lake Road prior to occupancy.
 12. The applicant shall irrevocably offer to dedicate in fee, 60-foot wide on-site road and public utility easement for the on-site portion of Sienna Ridge Road, prior to the filing of the map. This offer will be acknowledged but rejected by the County, subject to completion of said improvements.
 13. In Accordance with Policy TC-5 of the County of El Dorado General Plan, sidewalks and curbs shall be required along the future road as well as along Bass Lake Road per DISM 101A. The concrete curb and gutters shall be in accordance with DISM Standard Plan 104 Type 2. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 14. The southerly driveway encroachment onto Bass Lake Road shall have a restricted turn movement to a right-in and right-out only. 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.
 15. A left turn pocket shall be provided on Bass Lake Road for the driveway between Buildings B and C. A letter from the traffic engineer shall be provided stating the required length of the turn pocket. 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.
 16. A traffic signal shall be placed at the intersection of Serrano Parkway/Sienna Ridge Road and Bass Lake Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 17. The location of the bus turnout located on Sienna Ridge Road shall be located as shown on the preliminary plans submitted September 10, 2007 by R.E.Y. Engineers, Inc. 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.

18. The applicant shall obtain encroachment permits from the Development Services Department and shall construct said encroachments per DISM Standard Plan 103G prior to the issuance of a building permit.
19. Sight distance must be verified for all driveway approaches. DOT is concerned about site distance on the southeasterly driveway. Engineer/Applicant must verify that he/she has a sufficient sight distance prior to filing the final map.
20. Drainage structures shall be relocated outside of the right-of-way. 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. 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% 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 Conditions

22. 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 Subdivision Ordinance, prior to the recordation of the Parcel Map.
23. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street

- Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards.
24. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
 25. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
 26. 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.
 27. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
 28. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
 29. 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 analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis.
 30. 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.
 31. 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.
 32. The applicant shall submit a soil 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.

33. 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.
34. 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.
35. 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.
36. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekdays, and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays.
37. 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 Federal Clean Water Act and the California Water Code. A notice of Intent form, the appropriate fee, and a location map are required for this filing. A copy of the Application shall be submitted to the County with two (2) copies of the Storm Water Pollution Prevention Plan (SWPPP), prior to building permit issuance, and by state law must be done prior to commencing construction

El Dorado Hills Fire Department

38. The potable water system for the purpose of fire protection for this commercial development shall provide a minimum fire flow of 2,500 gpm with a minimum residual pressure of 20 psi for a two-hour duration. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval. The Department shall verify the fire flow prior to issuance of a grading permit.

39. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department. The Department shall review and approve all hydrant locations prior to issuance of a grading permit.
40. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations. The Department shall verify compliance with this condition prior to issuance of a grading permit.
41. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103. The Department shall verify compliance with this condition prior to issuance of a building permit.
42. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway. The Department shall verify compliance with this condition prior to issuance of a grading permit.
43. Each building shall be addressed in accordance with Fire Department requirements. The Department shall verify compliance with this condition prior to issuance of a building permit.
44. The applicant shall provide the Fire Department with a CD that contains all CAD files for this project.
45. The fire access roadways serving all buildings shall be designed to accommodate a 40 foot inside and a 56 foot outside turning radius. The Department shall verify compliance with this condition prior to issuance of a grading permit.
46. All buildings shall be fire sprinklered in accordance with NFPA-13 and Fire Department requirements. The Department shall verify compliance with this condition prior to issuance of a building permit.
47. This development shall provide a minimum of two unobstructed access roadways during construction of any building. The Department shall verify compliance with this condition prior to issuance of a grading permit.
48. The trash enclosure located between the Market and "G" Building shall be relocated a minimum of 5 feet from a building wall. The Department shall verify compliance with this condition prior to issuance of a building permit.
49. The main entrance to the project which consists of two 16 foot wide paved sections of roadway for ingress and egress. This width is not sufficient for emergency response

vehicles to pass any vehicle located within this section of roadway. This section of roadway shall be increased to a minimum width of 20 feet. The Department shall verify compliance with this condition prior to issuance of a grading permit.

El Dorado County Department of Transit

50. The project shall provide curbside turnouts as shown the Preliminary Plans submitted September 10, 2007 by R.E.Y. Engineers.
51. The project shall provide on-site passenger loading areas. The Department shall review and approve the loading areas prior to issuance of a grading permit.

El Dorado County Department of Environmental Management

52. For any proposed food facilities, the applicant shall submit complete, easily readable plans, drawn to scale. The Department shall review and approve the plans prior to issuance of a building permit.
53. Prior to installation of any new equipment, for any proposed food facilities, equipment specification sheets shall be reviewed and approved by the Department.
54. All new and replacement food-related and utensil-related equipment shall be certified or classified by for sanitation by an American National Standards Institute (ANSI) accredited certification program. In the absence of an applicable ANSI sanitation certification, this Department shall review food-related and utensil-related equipment prior to issuance of a building permit.

Air Quality Management District

55. The applicant shall make applications 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.
56. The applicant shall adhere to all District rules during project construction.

Surveyor's Office

57. All survey monuments must be set prior to filing the Parcel Map.
58. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

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

9. GENERAL PLAN/REZONE

AZ06-0003/Pollock Pines School submitted by THOMAS R. VAN NOORD, JOHN CONFORTI, and JAMES WUNSCHHEL to amend the land use designation from Public Facilities (PF) to Commercial (C) and rezone the same properties from Limited Multifamily-Design Sierra (R2-DS) to Commercial-Design Sierra (C-DS). The properties, identified by Assessor's Parcel Numbers 101-291-03, -04, -05, and -06, consisting of 5.62 acres, are located on the south side of Pony Express Trail, at the intersection with School Street, in the Pollock Pines area, Supervisorial District II. (Mitigated negative declaration prepared)*

Aaron Mount presented this project to the Commission and distributed letters received from the public and the applicant. Staff recommended approval to the Board of Supervisors.

Co-applicant, Tom Van Noord, notified the Commission that they had originally submitted a written request for a continuance, but were now withdrawing the continuance request and would like the project to be heard today.

Chair Pro Tem Machado explained to the audience that the issue at hand was the request for a rezone and not the homeless shelter being placed on that site.

Discussion ensued between the Commission and County Counsel on what the current zoning allowed by right and special use permit versus the requested zoning.

Mr. Van Noord offered the Commission an explanation regarding the issue of the homeless shelter. Representatives from Grace Place had initially shown interest in becoming a tenant in the business complex, but did not have the funding. However, later they were contacted by Grace Place and were requested to use the business complex's address solely for the purpose of applying for a grant. Mr. Van Noord stated that it is not their intention to have the homeless shelter in the complex as the El Dorado County Community Health Center is a strong potential anchor tenant, there would be conflicts if both were in the complex, and the homeless shelter does not fit in with their business practices. Paula Frantz indicated that even though the location was used for the grant application submitted by Grace Place, it doesn't mean that the homeless shelter has to be at that location. Mr. Van Noord also stated that by rezoning to straight Commercial, the El Dorado County Community Health Center could come in by right, compared to General Commercial zoning which would require a Special Use Permit.

Hank Holigrader, a resident from across the street of the proposed project, felt that if the property is rezoned Commercial then the homeless shelter will be placed there and also feels that there will be traffic issues with the school down the street.

Judy Mathis, speaking as an individual, felt that it would be appropriate for the applicant to meet with community residents.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, BASED ON THE INITIAL STUDY PREPARED BY STAFF, AND APPROVE GENERAL PLAN AMENDMENT AND REZONE APPLICATION AZ06-0003, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 General Plan Findings

- 2.1 The land use amendment from Public Facilities to Commercial is consistent with Objective 2.1.1 and Policy 2.1.1.2 in that the property could be developed to be self-sustaining and to meet the commercial needs of the surrounding area. Amending the land use designation to Commercial is found to be in the public interest.

3.0 Zoning Findings

- 3.1 A rezone to Commercial will allow the property to be consistent with the proposed General Plan designation. The proposed use of a health facility is consistent with Policies 2.1.1.2 and 2.2.1.2.

- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Commercial-Design Sierra (CG-DS) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the potential for surrounding commercial opportunities demonstrate that the site is appropriate for commercial development.
- 3.4 The proposed project and the existing structure, infrastructure, and uses are consistent with the El Dorado County Zoning Ordinance designation of Commercial (G) and Sections 17.32.020 to 17.32.040.

Conditions of Approval

Conditions from the Mitigated Negative Declaration

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

1. All outdoor lighting for subsequent development or remodeling shall conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning Department. A photometric plan of the existing and proposed onsite lighting showing conformance with applicable ordinances and the Illumination Engineering Society of North America's (IESNA) full cut-off designation shall be submitted with the first building permit, or occupancy if no building permits are required, for the project site and shall be approved prior to issuance of said permit or occupancy. **[MM Aesthetics-1]**.

Monitoring: Planning Services shall review and approve a lighting plan prior to issuance of building permits or occupancy if no building permits are required.

2. Prior to the issuance of any building permits or occupancy of the existing structure, the applicant shall conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a work plan and conduct a Phase II ESA and any required site remediation activities prior to developing the property. **[MM Hazards and Hazardous Materials-1]**

Monitoring: Planning shall verify compliance by receipt of a letter from Environmental Management stating compliance prior to issuance of building permits or occupancy if building permits are not required.

3. Prior to issuance of building permits, or occupancy if no building permits are required, for the existing structures, a letter of approval from the El Dorado County Fire Protection District shall be obtained. The letter shall state that the project site meets current fire safe regulations and County standards for access and water. Specifically the existing non-conforming access roads serving the project site shall meet at minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts. Additional hydrants may be required and hydrant placement shall meet EID standards and have El Dorado County Fire Protection District approval of locations. Should the project site be non-compliant with current fire safe and county requirements, the applicant shall be responsible for construction, modification, and installation to the satisfaction of the Planning Department and the El Dorado County Fire protection District prior to reuse of the property. **[MM Hazards and Hazardous Materials-2]**

Monitoring: Planning shall verify compliance by receipt of a letter from the El Dorado County Fire Protection District stating compliance prior to issuance of building permits or occupancy if building permits are not required.

10. **REZONE/PLANNED DEVELOPMENT/PARCEL MAP**

Z08-0007/PD08-0006/P08-0010/Barnett Business Park submitted by BARNETT LOT 1, LLC (Agents: David Cohen and Marcus Rabwin) to rezone property from Industrial-Design Control (I-DC) to Industrial-Planned Development (I-PD). The development plan consists of two phases: Phase I – Development of the front approximately one-half of the parcel with an industrial/warehouse building totaling 50,607 square feet and associated utility rooms, access ways, parking areas, trash enclosure areas, and landscaping. Phase II – Development of the rear portion of the property with an attached industrial/warehouse building totaling 45,755 square feet, an open storage yard, and associated improvements. The second phase is considered a preliminary planned development and requires further discretionary consideration. The parcel map would subdivide the property into 21 lots. The industrial/warehouse building will be subdivided into 18 lots. Lot A would encompass the common areas including the utility rooms, landscaping, parking and access ways; Lot B would be a remainder parcel to be considered in the future; and Lot C would consist of an area designated for open space. Lot sizes for the industrial units consist of 16 lots of 2,549 square feet each and two lots of 4,909 square feet each; the common area would consist of 118,712 square feet; the open storage lot would be 7,558 square feet; and the remainder parcel would be 50,602 square feet. The property, identified by Assessor's Parcel Number 109-480-21, consisting of 5.11 acres, is located in the Foothill Springs Business Park in the Barnett Business Park, on the south side of Business Drive, approximately one-half mile south of the intersection with Durock Road, in the **Shingle Springs area**, Supervisorial District II. (Negative declaration prepared)*

(Clerk's Note: Chair Pro Tem Machado used the Chair's prerogative to hear this item after Item #11, as staff requested additional time to meet with the contract planner for this item and Item #11 had a large audience present to speak.)

Dyana Anderly presented the item to the Commission and recommended conditional approval to the Board of Supervisors.

The applicant, David Cohen, distributed a letter to the Commission requesting that all of the proposed conditions of approval be removed except for items 37 through 43 (with changes) and 46.

Discussion took place with the applicant as to whether he wanted to proceed with the hearing using the proposed conditions or to continue the item to allow him time to meet with staff to discuss the conditions in question. Mr. Cohen requested a continuance.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE ITEM TO THE SEPTEMBER 25, 2008 MEETING.

11. 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)* (continued from the July 24, 2008 meeting)

Paula Frantz stated that a letter was received from Gary Lacy, an attorney retained by John McDougal, an adjoining property owner, requesting a continuance for approximately one (1) month. Therefore, the first issue at hand was for the Commission to determine if a continuance should be granted. Chair Pro Tem Machado requested public comment on the issue of a continuance.

David Trapani, representative from the Law Offices of Gary Lacy, stated they were recently retained by the neighbor due to issues regarding setbacks from the creek and the discrepancy over whether the creek is intermittent or perennial. Their office would like the opportunity to review documents and had spoken with the applicant's attorney regarding a continuance, which they had declined.

Bob Laurie, applicant's representative, objected to the proposed continuance as the applicant has been in discussion with the neighbors for the past 8-12 months.

Vern Miller, Scott Blaze, and an unidentified individual, requested that the item be continued so that it could be heard together with the Alto project.

Cheryl McDougal requested a continuance and disputed the claim that there had been discussions between the applicant and the neighbors.

Eileen Crawford of DOT stated that the Alto project's applicants were tasked to create a map of the area with the proposed roads and it is not available yet. Bobbie Lebeck, applicant's engineer, created a map that was made available this morning and reviewed by Ms. Crawford.

Paula Frantz stated that since the people in the area had not had the opportunity to see the map, as was suggested at the July 24, 2008 meeting, that it should perhaps be continued.

Mr. Laurie stated that there were no new issues being presented by opposing counsel and that DOT is under the view that this project can be handled independently as it is small in size and is not part of the problem with circulation.

It was unanimously agreed to hear the item today.

Michael Baron presented the item to the Commission and stated that staff has received numerous public comment on the project ranging from location of the roads, private entry gate, no public benefit of open space and the additional lots allowed by utilizing density bonus. Staff recommended conditional approval to the Board for Z07-0032, TM07-1447, PD07-0019, but denial of S08-0017.

Discussion ensued between the Commission and County Counsel on the definition of public benefit of open space, what constitutes a bonified benefit and if it needs to be accessible to the general public.

José Henríquez, LAFCO Executive Officer, stated he didn't have time to comment on the Mitigated Negative Declaration (MND), therefore, he had sent a letter to the Commission, dated August 6, 2008, stating LAFCO's concerns. In summary, from the letter, the concerns of the MND are water service, wastewater service, inaccurate statements regarding the parcel's need to annex into the El Dorado Hills County Water District for fire protection services, and that there is no discussion on the project's impacts to the El Dorado Hills Community Services District. If these concerns are not addressed in the MND and the Planning Commission and the Board of Supervisors approves this project, LAFCO would have to require the applicant to provide a new Environmental Review document.

Mr. Laurie indicated that this project was deemed complete a year ago and since then they have been addressing staff inquiries and answering questions raised by staff and the public. In regards to various issues, Mr. Laurie made the following responses: (1) Creek: It is a mute point whether the creek is seasonal or perennial as the proposed setbacks meet the higher standards; (2) Access to the project would be through the development; (3) Access gate: Would agree to continue this item off-calendar; (4) The length of the cul-de-sac is a new issue; (5) LAFCO issue: Would not object to LAFCO's decision to require another Environmental Review document; (6) Oak trees: Any impact would be handled during the Building permit process; and (7) Open

Space: Agrees with County Counsel that open space does not need to be accessible to the general public.

Ms. Lebeck stated the applicant had wanted to protect the natural resources and therefore utilized “clustering”. The proposed one (1) acre parcels are consistent with the surrounding parcels and that the County had stated that there was to be no further encroachment to Salmon Falls Road. She also stated that Foothill Associates was obtained to conduct various surveys on the property.

Jim O’Camb with the Fire Protection District, stated that the dead-end road had been his primary issue with the project. However, an agreement had been reached, based on what the codes allow. These new condition changes were identified and discussed with the Commission.

Art Marinaccio felt that the LAFCO comments need to be put in context when going through the findings. He also felt that the public benefit of open space is being appropriately interpreted.

Kyle Fields distributed photographs emphasizing his concern with the flooding issue and whether this issue has been reviewed or studied.

Frank Pazdureck had sent each Commissioner a CD packet containing a multitude of information and briefed the audience on what it contained in regards to the issues with the creek, roads, etc.

Cheryl McDougal stated that staff had advised them to not hire an attorney until the Board of Supervisors hearing, which is why an attorney was retained at such a late date. She also stated that they had hired a Biologist which deemed the creek as perennial. Ms. McDougal inquired why an area currently having unauthorized access wasn’t reviewed as a possible access location to the project. She also said that they were not re-noticed for this continued item nor were the minutes from the last meeting available on-line prior to the meeting.

Terry Halk said that Malcom-Dixon Road is treacherous during the winter and that the projects proposed in this community are not being reviewed as a “whole”.

Vern Miller expressed concern on the bonus density provision. He felt that once the threshold has been passed, there are no guidelines in place. He indicated that the project feels like a mini Serrano due to the gated smaller lots.

Scott Blaze said that Malcom-Dixon Road has no substantial turnouts and public safety is a concern, therefore, all projects by Malcom-Dixon Road should be reviewed together and flow studies should be conducted by DOT. Mr. Blaze also stated that when he purchased his property in 2000, he was aware that the surrounding property zoned RE-5 could only be split down to five (5) acres. The proposed project will place three (3) one (1) acre parcels along his property line.

Barbara Shaw said she is against the bonus density and wants the access to the project to come from Green Valley Road and Salmon Falls Road.

Doreen Barton requested clarification on the easement for the fire trucks. She also was concerned about the bonus density and that Malcom-Dixon Road would not be able to handle any more traffic. Ms. Barton requested that this project be postponed until issues were resolved.

Paul Sayegh stated he was concerned on the following issues: the general development of all property in this community; this project funneling to Malcom-Dixon Road; no maps available for review; no public meetings; bonus density and a gated community; and that CEQA laws are not being following since individual projects are being heard separately instead of as a whole.

Delores Knapp requested that the whole area be considered instead of just this one application.

Mr. Laurie responded to the public comments by stating that he was in disagreement with LAFCO's comments and that the 2004 General Plan did consider this area as a whole due to the land use designation it was given. Ms. Lebeck also stated that the wetlands exhibit was provided to the County in May and that a traffic study that was conducted for the area deemed it sufficient.

Ms. Frantz informed the Commission that by hearing this project separate from other projects in the area, it would not be considered "piecemealing" because parcels owned by separate owners are reviewed individually.

Commissioner Knight felt that the designation of the creek should be resolved.

Ms. Crawford explained that DOT has stated that there is not to be access from Salmon Falls Road because the site is not optimum and there were other safer viable entrances to the project.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(D); APPROVE DESIGN WAIVER REQUESTS 1 AND 3; DENY DESIGN WAIVER REQUEST 2; DENY S08-0014 AS THE REQUIRED FINDINGS CANNOT BE MADE; AND APPROVE Z07-0032/TM07-1447/PD07-0019 WITH THE ADDITIONAL FIRE DEPARTMENT CONDITIONS, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation measures placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with 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 at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 General Plan Findings

- 2.1 The proposed use and design conforms to the Low Density General Plan Land Use Designation. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, 6.2.3.2 regarding adequate fire protection, 7.3.3.4 regarding special setback for riparian areas, and 7.4.4.4 regarding oak woodlands.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject zone change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above referenced tentative subdivision map, zone change, development plan, and special use permit request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.
- 2.3 The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding

adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

3.0 Administrative Findings

3.1 Tentative Subdivision Map

3.1.2 The site is physically suitable for the proposed type and density of development after rezone.

As shown on the Post Oak Tree Development Map (Exhibit H), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

3.1.3 The proposed subdivision is not likely to cause substantial environmental damage.

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the Mitigation Measure and Conditions of Approval identified in Attachment 1.

3.1.4 The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.

As proposed, the Tentative Map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including density, access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

3.1.5 The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed, the Tentative Subdivision Map conforms with the applicable development standards outlined within the Estate Residential 5-acre Zone District with the addition of the Planned Development Overlay (RE5-PD) and the Major Land Division Ordinance.

3.2 Planned Development

3.2.1 The Development Plan is consistent with the General Plan.

As outlined within the staff report and General Plan consistency findings above, the Development Plan is consistent with all applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, as well as conservation and open space.

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

The proposed development plan features approximately 15.4 acres of open space. As such, the development is designed to provide a desirable environment within its own boundaries.

3.2.3 Any exceptions to the standard requirements of the Zone Regulations are justified by the design or existing topography.

A Deviation from the Residential 5-acre Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.

3.2.4 The site is physically suited for the proposed use.

The 35.19 acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

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

Public water and sewer service would be provided to the project site by EID. El Dorado Irrigation District provided a letter dated February 22, 2007 indicating that the project could have adequate sewer and water capacity to serve the proposed project provided additional improvements are made to the system. The Department of Transportation (DOT) has conditioned the project accordingly to reflect the additional traffic. The Fire District has provided conditions of approval to reflect additional residential units, ~~annexation by LAFCO~~, and private entry gate.

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

The project includes approximately 15.4 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

3.3 Design Waiver Approval and Denial Findings

3.3.1 Allow Lot 4 to exceed a 3:1 depth to width ratio

APPROVAL

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

Due to the steep topography of Lot 4 the increased lot depth would provide appropriate building envelope

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

Strict application of the requirement for Lot 4 to meet the *El Dorado County Design and Improvement Standards* for a lot that exceeds a 3:1 depth to width ratio would reduce the potential development envelope.

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

Increased lot depth to width ratio would not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- D. 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 would 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.

3.3.2 Allow two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A)

DENIAL

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

The waiver request is not consistent with the *El Dorado County Design and Improvement Standards Manual* for road width. The Department of transportation has conditioned the project to match the road width of the connecting portion of Uplands Drive.

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

Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* should be implemented into the project to match the existing portion of Uplands Drive.

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

A reduction in the required road widths could be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- D. 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 would 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.

3.3.3 Reduce the right-of-way width requirement to a 50 foot right-of-way in place of 60 foot right-of-way

APPROVAL

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

Requiring a 60 foot right-of way would require excessive road improvements and removal of oak canopy. A 50 foot easement would align with the existing Uplands Drive Road right-of-way.

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

Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* for road right-of-way would introduce excessive road improvements for access to parcels. A 50 foot easement would align with the existing Uplands Drive Road right-of-way.

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

A reduction in road right-of-way would not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- D. 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 would 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.

3.4 Special Use Permit

3.4.1 The issuance of the permit is consistent with the General Plan

The special use permit request would not be consistent with General Plan Policy 6.2.3.2 where a gate would hinder emergency vehicle access as well as the ability for private vehicles to evacuate the area in an emergency situation. Chapter 17.14 of the Zoning Ordinance regulates fencing and encroachments into required yards. Section 17.14.155 (E) specifically states that “Fences shall not be permitted within road easement or County road right-of-way.”

3.4.2 The proposed use would not be detrimental to public health, safety or welfare, or injurious to the neighborhood.

The County cannot approve construction of a gate within County right-of-way without processing a General Vacation, where all property owners would have to agree to and provide authorization and easements for a gate on their private property. The applicant has not provided the necessary documentation, which could allow the Department of Transportation to process a General Vacation.

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

Chapter 17.14 contains the miscellaneous development requirements of the County Zoning Ordinance. Although gates are not specifically mentioned, Section 17.14.155 (E) specifically states that “Fences shall not be permitted within road easement or County road right-of-way.” Therefore, pursuant to Section 17.28.200, in order to authorize other general provisions itemized in Chapter 17.14 (fences or gates in a road easement), a Special Use Permit must be approved by the Planning Commission. In this case the Department of Transportation does not support the entry gate within County maintained right-of-way.

Conditions of Approval

1. This tentative subdivision map, zone change, development plan, and special use permit approval is based upon and limited to compliance with the project description, the Planning Commission exhibits marked Exhibit E, F, G, H , and I, dated July 24, 2008, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project includes a request for a zone change from Estate Residential Five-acre (RE-5) to Estate Residential Five-acre, with a Planned Development Overlay (RE-5/PD), a Tentative Subdivision Map to create 12 residential lots ranging in size from 1 acre to 7.2 acres and one open space lot totaling 15.4 acres. Access to the proposed subdivision

would be from a roadway connection to the south at the existing Uplands Drive. A special use permit request is also included to allow an off-site private entry gate. The project also includes a request for an Option “B” proposal to relocate the private entry gate within the project site. Design waivers have been requested to allow Lot 4 to exceed a 3:1 depth to width ratio, allow two 12 foot paved lanes with unpaved shoulders for road and cul-de-sac (Court A), and allow a 50 foot right-of-way in place of 60 foot right-of-way.

The allowable density shall comply with Table 1 below:

TABLE 1: Density Calculation			
Acreage 35.46 acres	Allowable Density for LDR	Allowable Density in RE-5 Zone District	Allowable Units With Density Bonus
	Minimum 5-acre Parcels	Minimum 5- acre Parcels	1.5 Density Bonus Units
# of Lots	7	7	12

The gross and net lot area shall comply with Table 2 below:

Table 2 : Gross Acreage	
Lot Number	Acreage
1	1.2
2	1
3	1
4	1
5	1
6	1
7	1
8	1
9	1
10	1
11	1
12	7.2
Lot A	15.4

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 3 below:

Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Canopy Removed for Residential Development (acres)
8.1	1.4	6.7

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

Conditions of Approval from the Mitigated Negative Declaration

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
 2. Prohibit construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
 3. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
 4. Construction shall not resume prior to consultation by the applicants biologist and with the California Department of Fish and Game to determination that the proposed project would not result in a “take” of any rare, threatened, endangered or special status species.

Monitoring: The applicant shall provide Development Services with a letter from a qualified biologist verifying compliance, prior to issuance of a grading permit.

Project Conditions of Approval

Planning Services

3. The applicant shall pay the mitigation in-lieu fee or replace onsite for all oak canopy removed as part of road and infrastructure improvements, as shown on Exhibit H. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or a replacement plan prior to issuance of a grading permit or removal of any oak trees.

4. ~~The applicant shall pay the mitigation in lieu fee for all oak canopy removed as part of individual lot development, as shown on Exhibit H. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit.~~

The following shall be noted on the final map:

As a reference to Tree Survey, Preservation , and Replacement Plan (PD07-0019) a total of 1.4 acres (60,984 sq. ft.) of oak canopy proposed to be removed as a result of individual lot development shall be distributed evenly among Lots 1-11 requiring individual homeowners to either pay and/or replace oak canopy loss for individual lot development at a 1:1 ratio up to 5, 544 sq. ft. Additional removal beyond 5, 544 sq. ft. for individual lot development shall be required to pay and/or replace oak canopy at a 2:1 ratio.

3. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
4. 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.
5. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
6. At time of final map filing, open space lots (Lot A) shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
7. At time of final map filing, CC & R's shall be submitted and reviewed by Planning Services.
8. ~~The map shall be recorded and constructed in phases consistent with the phasing plan included within the Tentative Subdivision Map, Exhibit E. Open Space (Lots A) shall be~~

~~dedicated prior to the time of filing of the first phase of the map.~~ At time of map recording, open space (Lot A) shall be dedicated to a Homeowner's Association or similar entity as Open Space with an appropriate maintenance program.

9. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
10. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
11. 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 shall cooperate fully in the defense.

12. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on weekends and federally recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
13. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
14. The Final Map shall be amended to show a 100' foot perennial stream setback from the high water mark of New York Creek
- ~~14. Conditions of Approval numbers 28 through 39 shall not be applicable to the project if the Special Use Permit for entry gates is denied.~~

Environmental Management-Air Quality

15. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
16. The applicant shall obtain and comply with all necessary permits from the Air Quality Management District prior to issuance of a grading permit.

Surveyor's Office

17. 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.
18. 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.

El Dorado Hills Fire Department

19. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 1,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. The Fire Department shall verify that adequate fire flow is available prior to filing the final map.
20. The developer shall install Mueller Dry Barrel fire hydrants consistent with El Dorado Irrigation District specifications for fire protection. The spacing between fire hydrants shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the El Dorado Hills Fire Department, prior to filing the final map.
21. All access roadways and fire hydrants shall be installed prior to issuance of any building permit, as specified by the El Dorado Hills Fire Department Standard 103.
22. Driveways shall not exceed 20% grade. Any driveway exceeding this requirement shall require the installation of fire sprinklers per NRPA 13D.
23. The applicant shall provide a Wildland Fire Safe Plan that is approved by the Fire Department, prior to filing the Final Map.
24. No traffic calming devices shall be installed that utilize a raised bump section of roadway, as determined by the Fire Department.
25. All lots within the subdivision that are one acre or greater shall provide a minimum 30 foot building setback, as required by the California Fire Safe Regulations. Any reductions in setbacks would require approval by the El Dorado Hills Fire Department.

26. Minimum widths for all driveways shall be 12 feet with a vertical clearance of 15 feet. All medium to heavy vegetation within 10 feet of either side of driveways shall be thinned or removed, as determined by the Fire Department.
27. Entrance roads (at the gate) shall have a minimum unobstructed width of fifteen (15) feet each lane if divided, or twenty (20) feet total width if not divided. In all cases, unobstructed vertical clearance shall not be less than thirteen (13) feet six (6) inches.
28. All automatic gates shall be equipped with a “Knox” emergency access override system that consists of a low security key activated switch located in accordance with Fire Department requirements.
29. All automatic gates shall also be equipped with both 3M Opticom Control device. The device shall be placed in a location allowing operation from 75 feet away.
30. Linear receiver device (approved by the Fire Department) to allow remote activation by emergency vehicles shall be programmed to operate with the Fire Department’s current transmitters.
31. Automatic gates shall be equipped with a mechanical release, as determined by the Fire Department.
32. A loop system located on the inside portion of the access roadway shall permit vehicular traffic within the gated area the ability to open the gate and exit without any special knowledge, action or codes. The loop system shall also keep the gate open as long as vehicular traffic is passing through it.
33. All automatic gates shall be designed to automatically open and remain in a fully opened position during power failures.
34. Gates creating a dead-end road in excess of one hundred fifty (150) feet in length shall be provided with approved provisions for the turning around of fire apparatus.
35. The gradient for the fire apparatus access road shall not exceed the maximum approved by the Fire Department. The intent is to provide a level landing area on either side of the gate to allow emergency apparatus to be parked in a safe manner when it is necessary to exit the vehicle for manual gate activation.
36. In order to ensure that the gate/access control devices are properly maintained, a copy of the maintenance contract for the control device or system is required to be supplied to the El Dorado Hills Fire Department. This maintenance contract shall include a monthly testing of the control devices, an annual preventative maintenance inspection and emergency repairs as required to maintain the gate and control devices in operative condition. If at any time this maintenance contract is voided for any reason, the access gates shall be locked in the open position and will remain locked until such time as the maintenance contract is restored.

37. Prohibited Devices: All required vehicle access openings shall provide both ingress and egress. Direction limiting devices, such as fixed tire spikes, are prohibited. No device may be used which will delay the ingress or egress of emergency responders. The total number of vehicle access control gates or systems, through which emergency equipment must pass to reach any address, shall not exceed one.
38. Plans for the installation of automatic gates on fire apparatus shall be submitted to the El Dorado Hills Fire Department for approval prior to installation.
39. Gates and access control equipment shall not be placed into service prior to being inspected and tested by the Fire Department.
40. The number of plans required to be submitted per the direction of the Fire Department.
41. Prior to filing the Final Map, a Notice of Restriction shall be recorded on Lots 1-11 that second dwellings, including Granny flats, guest houses and hardship residences shall not be permitted.
42. A single road easement shall be placed on the Final Map located near Lots 5, 6, and 7. The location of the easement shall be from the new road extension off the end of Uplands Drive to the easterly property boundary line. The easement shall be a minimum of 20 feet wide.
43. A note shall be placed on the Final map that all new dwellings within the subdivision shall require fire sprinklers designed to NFPA 13D Standards.

Department of Transportation

Project Specific Conditions

414. 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:

Table 1			
ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
Off Site extension of Uplands Drive & Court 'A'	Std Plan 101B (3"AC over 8"AB Min.)	28ft(50ft R/W)	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP

425. **Turn around:** The applicant shall provide a turn around at the end of the on-site access roadway to the provisions of County Standard Plan 114. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
436. **Sight Distance:** The applicant shall improve the corner sight distance at the driveway for Lot 12 that intersects Salmon Falls 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 DOT for this sight distance improvement work, prior to the filing of the map.
447. **Guardrail:** The applicant shall place guardrail along both sides of Court 'A' adjoining the proposed retaining wall and conspan according to the provisions of the Caltrans Standard Plans and Specifications or verify that guardrail is not warranted all to the satisfaction of the EDC DOT. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
458. **Driveway Cuts:** 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. Attention should be given to the minimum required sight distance at all driveway encroachments. 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.
469. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate, in fee,(or verify) a minimum of 30 feet of right of way, and slope easements as necessary, along the entire frontage of the on-site portion of Salmon Falls Road, prior to the filing of the final map. This offer will be accepted by the County.
4750. **Road & Public Utilities Easements:** The applicant shall provide a 50 foot wide road and public utility easement for the on -site roadway to access this site, with the appropriate slope easements, prior to the filing of the final map.

4851. **Maintenance Entity:** Prior to the filing 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 Uplands Drive.

DEPARTMENT OF TRANSPORTATION STANDARD CONDITIONS

4952. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
503. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
514. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
525. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
536. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
547. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
558. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
569. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
5760. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review

and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

5861. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
5962. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
603. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
614. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

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

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

625. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
636. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
647. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
658. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the

circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

669. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
670. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the 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, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

6871. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
6972. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete. The proposed project is located in Fee Zone Area 8.

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703. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the final map.

~~71. The applicant shall process a request for annexation into the El Dorado Hills Fire Protection District for service, prior to filing the final map.~~

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 3:42 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Dave Machado, Chair Pro Tem