



EL DORADO COUNTY PLANNING COMMISSION

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

Char Tim Clerk of the Commission

MINUTES

**Regular Meeting
August 28, 2008 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:50 a.m. Present: Commissioners Knight, MacCready, Machado, Mathews, and Tolhurst; Paula F. Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Larry Appel informed the Commission that staff is recommending some changes to the agenda. A portion of Item 7b requires more additional information from the applicant; therefore, staff will be requesting that the tentative map application be continued off-calendar. Item 8 is being requested to be continued off-calendar due to additional information being required from the applicant. Staff also informed the Commission that Item 9b may be continued due to non-payment of fees. Applicant is being given the opportunity to pay the fees prior to the meeting.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS, IT WAS MOVED TO ADOPT THE AGENDA, AS MODIFIED.

3. PLEDGE OF ALLEGIANCE

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

- a. **Minutes:** August 14, 2008
ACTION:

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS, WITH COMMISSIONERS MACCREADY AND TOLHURST ABSTAINING, IT WAS MOVED TO APPROVE THE MINUTES OF AUGUST 14, 2008.

END OF CONSENT CALENDAR

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

Larry Appel reported to the Commission on the following items:

- The Adhoc Committee is continuing to meet weekly and for the past couple of weeks they have been meeting without staff. They are scheduled to provide recommendations to the Board of Supervisors at the September 23, 2008, meeting. Staff will forward the recommendations to the Commission once they are received.
- Mr. Appel summarized the document that was distributed at the last meeting which listed projects tentatively scheduled for the Planning Commission.
- The INRMP meeting was held on August 27, 2008, and was attended by PAWTAC and ISAC members in addition to staff and public. The purpose was to review the Scope of Work and provide recommendations. There is \$250,000 in the Department's budget in order to begin the Scope of Work process.
- The Department is scheduled to report to the Board of Supervisors on September 16, 2008, to provide an update on the General Plan implementation process, which will include estimated costs. A copy of this report will be forwarded to the Commission.
- The Board of Supervisors interviewed applicants on August 26, 2008, for the vacant Development Services Director position.

6. COMMISSIONERS' REPORTS – none

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

Ken Greenwood with Straight Shot Consulting wanted to ensure that the Commission had received his letters dated August 11, 2008, and August 26, 2008, regarding the concrete plant which is still operating at night. Mr. Greenwood stated that there are no building permits or Special Use Permits for this operation and that the sub-division pre-dates the concrete plant. In response to the necessity of a Special Use Permit, Paula Frantz responded that the use is allowed by right unless certain factors of the operation trigger a requirement for a Special Use Permit (i.e., dust, excessive noise, etc.). Staff had reviewed this and determined that there were no triggers present to require a Special Use Permit. Art Marinachio stated that the area is industrial, it is industrial use and it was there well before any houses in the area.

7. **GENERAL PLAN AMENDMENTS**

a. **A07-0008/Z07-0022/P07-0023/Michigan Bar Subdivison** submitted by DAVID and KIMBERLY CORT (Agent: Carlton Engineering/Ted Woessner) to amend land use designation from High Density Residential (HDR) [approximately six acres] to Rural Residential (RR) in the Latrobe Rural Center and re-designate that portion Rural Region; Rezone from Estate Residential Ten-Acres (RE-10) designated as HDR to One Family Residential (R1), and change a portion zoned Residential Agricultural 40-acre (RA-40) to Estate Residential Ten-Acres (RE-10); and divide a 37.28-acre parcel into 4 parcels ranging in size from 5.43 to 10 acres. The property, identified by Assessor's Parcel Number 087-121-01, consisting of 37.28 acres, is located on the west side of Latrobe Road approximately 550 feet north of intersection with South Shingle Road, in the **Latrobe area**, Supervisorial District II (Mitigated negative declaration prepared)*

Gordon Bell presented the item to the Commission with recommended approval to the Board of Supervisors. Mr. Bell stated that the Agricultural Commission had reviewed the project and felt that this was an appropriate transition zone.

Cathy Toft of Environmental Management stated that the project has a condition which would require each parcel to have a viable water source.

Ted Woessner of Carlton Engineering responded to Commissioner Machado's inquiries on the reasoning for the project's configuration in regards to the wetlands and mixed zoning.

Eileen Crawford of DOT concurred with the applicant's request to remove conditions #13 and #27 from DOT's conditions of approval.

Chair Tolhurst stated that he supports the Rural Regions and will vote against the project in support of the General Plan. Commissioner Machado indicated that he wanted to start following the General Plan and hold fast on General Plan amendments and therefore would not support the project.

Commissioner Mathews supported the project as some areas would be going to higher density.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACCREADY, CARRIED WITH A 3-2 VOTE, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY REVIEWED BY STAFF; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(D), AS INCORPORATED IN THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES IN ATTACHMENT 1; AND APPROVE GENERAL PLAN AMENDMENT A07-0008, REZONE Z07-0022 AND TENTATIVE PARCEL MAP APPLICATION P07-0023, REMOVING CONDITIONS #13 AND #27, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Finding

- 1.1** El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2** The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1** The land use amendment which relocates the Rural Center boundary, thus decreasing the area of the rural center and increasing land designated as rural residential is consistent with Objectives 2.1.2 and 2.1.3 in that the land use designation changes actually reflect the existing character and lotting pattern of the area. The proposed project creates a more appropriate transition from higher density residential uses within the Latrobe Rural Center to lower density rural residential and agricultural uses outside the Rural Center. The proposed tentative parcel map, as conditioned, is consistent with the Rural Residential General Plan land use designation for parcel size, density and land use.
- 2.2** The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.2, 2.2.5.3, 2.5.2.21, TC-Xb, 5.7.2.1, 5.8.1.1, 6.2.3.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, 8.1.3.1, 8.1.3.2, 8.2.2.5, 8.2.2.6 and because, upon completion of the conditions, there will be adequate roadways, utilities, and other public service infrastructure available. The project presents a logical transition from High Density Residential land use designations within the Rural Center to larger Agricultural land use designations located outside the Rural Center.

3.0 Zoning Findings

3.1 The project is proposed to be zoned Estate Residential Ten-Acre (RE-10) and One Family Residential (R1), which establishes a minimum parcel size of 10 acres and 20,000 square feet respectively. The project would create four parcels ranging in size from 5.43 to 10 acres in size which is consistent. All parcels would meet the minimum parcel sizes of their respective zone districts. All four parcels have the size and natural conditions to allow single-family development to meet the development standards in Section 17.70.110 and 17.28.040.

4.0 Tentative Map Findings

4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they meet or exceed the minimum parcel size required for the RE10 and R1 zone districts and, as conditioned, there will be adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses required by the parcels.

4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have the capability to provide private facilities (water and wastewater disposal) to support the residential uses. Other utilities currently exist on and adjacent to the proposed parcels.

4.3.1 **The proposed tentative map is not likely to cause substantial environmental damage** because the project site has limited resources, and those that do exist onsite will be avoided to the maximum extent possible with adherence to mitigation measures and conditions of approval.

Conditions of Approval

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

This General Plan land use designation amendment, rezone, and tentative parcel map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits A-G (General Plan Amendment/Rezone/Tentative Parcel Map) dated August 28, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Project Description: Approval of this project allows the following: amendment to the General Plan land use designation from HDR (High Density Residential) [approx. 6 acres] to RR (Rural Residential) in the Latrobe Rural Center and re-designate that portion Rural Region on the 37.28-acre lot referenced as Assessor's Parcel Number 087-121-01; a rezone to amend the zoning designation from RE-10 (Estate Residential Ten-Acres)

designated as HDR to One Family Residential (R1), and change the portion zoned RA-40 (Residential Agricultural 40-acre minimum) to RE-10 (Estate Residential Ten-Acres), and a tentative parcel map to subdivide the existing 37.28-acre parcel into four parcels ranging in size from 5.43 to 10-acres. Access for all parcels shall be provided via a private roadway from Latrobe Road to be improved to DOT standards.

2. All site improvements shall conform to Exhibit D and E.

Environmental Review (Mitigation Measures)

3. **MM Bio-1:** The applicant shall delineate all wetland areas on the parcel map. A 50-foot structural setback line shall also be delineated on the parcel map, and a note stating that no structural improvements are to be allowed within that structural setback area shall filed with the parcel map.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-2:** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. Prior to issuance of grading and building permits the applicant shall receive all necessary permits from California Department of Fish and Game.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

5. **MM Bio-3:** Prior to approval of permits for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity within the south stream drainage area. A copy of the 404 Permit or waiver shall be submitted to El Dorado County Planning prior to issuance of grading and building permits.

Timing/Implementation: Prior to filing of the parcel map

Enforcement/Monitoring: El Dorado County Planning

6. **MM Geo-1:** All development shall be excluded on slopes of 30% or greater as shown on Exhibit E (Tentative Parcel Map). This requirement shall be shown as a note on the Parcel Map and all building and grading plans.

Timing/Implementation: Prior to filing of the parcel map, Planning Services shall verify compliance with this condition.

Enforcement/Monitoring: El Dorado County Planning

Planning Services Site Specific and Standard Conditions

7. A note shall be recorded on the final map stating the following, "A buffer area of two hundred feet will be required on the inside of a boundary where land zoned estate residential ten acres abuts planned agricultural zone lands which are currently not in horticultural and timber production."
8. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
9. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the final parcel map.
10. The applicant shall make the actual and full payment of planning processing fees for the general plan amendment, rezone and the tentative parcel map application prior to filing the parcel map.
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 California Government Code.

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

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

12. The applicant shall meet all requirements of the Latrobe Fire Protection District.

El Dorado County Department of Transportation

Project Specific DOT Conditions

13. ~~**Offer of Dedication:** The applicant shall irrevocably offer to dedicate the 30 foot wide road and public utility easement for the on-site portion of Michigan Bar Road, prior to the filing of the parcel map. This offer will be rejected by the County.~~
143. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the parcel map. Slope easements shall be included as necessary.
154. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed private roadway onto Latrobe Road to the provisions of County Design Std **103D**. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
165. **Access Roadways:** The roadway shall be constructed per El Dorado County Design and Improvements Manual (DISM) **101C** with a minimum road width of 18-ft with 1-foot shoulders on both sides and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
176. **Roadway Slopes:** Pursuant to Design Std Plan 101C, Note 4: Roads with Average Daily Trips (ADT) of less than 601 may have slopes exceeding 12% not to exceed 15% for lengths up to 600 ft if they are paved with a minimum of 2.5" AC on 6" AB. The roadway slopes exceeding 12% shall be indicated as proposed to be paved on the improvement plans and/or proposed map prior to filing.
187. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the parcel map
198. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
2019. **Intersections:** Per the DISM Section 3.B.1, intersections shall be at least 150 feet apart at street centerline on local roads and 300 feet apart on collector roads. Latrobe Road is a collector road. The proposed road shall therefore be a minimum of 300 feet from existing road on the north side of Latrobe.
240. **Turnarounds:** Turnarounds shall be provided at the end of the roadways per DISM 114 or approved equivalent to the satisfaction of DOT and the fire department.
221. **Intersection Angles:** Pursuant to the DISM Section 3.B.2, roadways shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other

street at less than 70 degrees. The bearings on the centerline of proposed roadway shall be shown on the map prior to filing the parcel map.

232. **Centerline Gradients:** Pursuant to DISM Section 3.B.3, the centerline gradient of a roadway terminating at an intersection shall not exceed 5% at any point within the intersection for a distance of 50 feet from the point of intersection. The gradient within turnarounds shall not exceed 8%. Centerline gradients shall be shown on the map prior to filing the parcel map.
243. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Latrobe Road, excluding the location of the approved access encroachments.

DOT STANDARD CONDITIONS

254. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
265. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
- ~~27. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).~~
286. **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.
297. **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.
3028. **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 parcel map.
3129. **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 parcel map.

320. **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.
331. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
342. **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.
353. **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.
364. **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.
375. **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 map or the applicant shall obtain an approved improvement agreement with security.

386. **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 parcel map.
397. **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 parcel map.
4038. **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.

4439. **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.
4420. **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.
4431. **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 7, and at current rates, a fee of \$17,410 per single-family dwelling is required.

El Dorado County Office of County Surveyor

442. All survey monuments must be set prior to filing the Parcel Map.
443. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
444. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that **“all conditions placed on P 07-0023 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

Environmental Management

Air Quality

4475. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

Hazardous Materials

486. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must 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 workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

b. **A07-0014/Z07-0045/PD07-0031/TM07-1459/Red Robin Subdivison** submitted by JUST TWO GUYS, INC. (Agent: Matt Rodgers) for a General Plan amendment to include the subject site within the existing Pollock Pines Community Region planning concept area to the west and to amend the land use designation from Low Density Residential (LDR) to Medium Density Residential (MDR); rezone from Single-family Two-Acre Residential (R2A) to Single-family Two-Acre Residential-Planned Development (R2A-PD); development plan to allow clustering of lots and a reduction in the minimum parcel size of two acres in the R2A zone district; and phased tentative subdivision map to create 20 residential lots ranging in size from 0.58 to 2.94 acres and three lettered lots as open space (totaling 13.9 acres) with Phase I encompassing Lots 1 and 2, Phase II encompassing Lots 3-12, and Phase III encompassing Lots 13-20. The properties, identified by Assessor's Parcel Numbers 079-010-49 and 079-151-27, totaling 45 acres, are located on the west side of Sly Park Road at the intersection with Terbekah Way, in the **Pollock Pines area**, Supervisorial District II. (Mitigated negative declaration prepared)*

Larry Appel informed the Commission that some issues have been raised by Environmental Management on this project and as a result, staff is recommending to move forward with the request for a General Plan Amendment and Rezone, but to continue the Development Plan and the Tentative Subdivision Map at this time.

Fred Sanford of Environmental Management stated that at the initial TAC meeting, it was indicated that a community sewage system was to be used. However, after meeting, the project changed to a on-site sewage system. Mr. Sanford stated that there is not enough information at this time and, therefore, is requesting a continuance on the tentative map application.

Gordon Bell presented the item to the Commission providing revisions to the background and project description of the submitted staff report, as summarized in a memo dated August 25, 2008. Staff's revised recommendation is to approve the General Plan Amendment and Rezone and continue the development plan and tentative subdivision map applications off-calendar.

Mark Dilly, co-applicant, stated that they were requesting the Planned Development in order to protect resources and the biological corridor.

Matt Rogers, co-applicant, distributed constraint maps to the Commission. He stated that the project meets all of the County's standards and that the request for the zoning change was to make the land use consistent with the zoning and to facilitate infrastructure. Mr. Rogers also indicated that they would be providing a new access road so there would be no impact to the existing roads; have performed fire flow tests and meet the requirements with the condition of sprinklered houses; and they meet the Option A requirements for trees.

Cari DeWolf, a long-time resident, feels that the project is not consistent with the General Plan and is not appropriate with the overall scheme. Ms. DeWolf stated that there are major infrastructure issues, such as the water distribution infrastructure which is 30 years old. She feels that the entire system needs to be analyzed for capacity. She also is concerned that the emergency gate would prevent neighbors from exiting in crisis situations.

Karen Luis requested the Commission deny this project due to fire hazard issues (i.e., access and water flow). She felt that rules are there for a reason and shouldn't be changed for a developer.

Ken Greenwood, representing a group of neighbors, requested the Commission deny this project as there is inadequate water supply, fire flow issues, access concerns and that the neighbors do not want to be a part of the Pollock Pines Community Region.

Cheryl Goss voiced concerns regarding water supply, fire danger, safety on Sly Park Road, and also stated that she does not want to be a part of the Pollock Pines Community Region.

Beverly Harvey said that Red Robin Road is a one car road.

John Gordon informed the Commission that he as already been denied insurance due to the fire hazard in the area and requests that they deny this project.

Marvin Bukema, property owner, disagreed with Mr. Greenwood's comments and also feels that the General Plan amendment would make it more consistent. Mr. Bukema informed the Commission that the property had been logged a long time ago, but trees had not been re-planted, so he has planted ponderosa trees over the years. He also stated that he has removed manzanita from the property for fire control measures but that other neighbors have not done the same.

Kimberly Beal, an Adhoc Committee member, felt that Environmental Management should just condition the project instead of requesting a continuance as there is a General Plan window that the applicant is trying to meet.

Donna Hayman voiced concerns regarding roads, water issues, fire danger, blind curves, and that her fire insurance has already been cancelled twice.

Mr. Rogers responded to the public's concerns with the following: existing residences will be better off if the sub-division is built because it will provide emergency access with the road also providing a fire break; the existing fire access road is being utilized for the emergency gate and will not be for secondary access; and the site distance at the Sly Park Road intersection meets the County's requirements. Mr. Rogers also stated that he was unaware of Environmental

Management's testing requirements until recently and felt that it should be conditioned to the project instead of being continued.

Eileen Crawford of DOT said that secondary access was not required as they met the other requirements.

Commissioner Machado stated he had the most concerns with the map and that the General Plan amendment was the biggest issue. He also stated that he was reluctant to move the boundary line for the Pollock Pines Community Region.

Paula Frantz informed the Commission that it is in the General Plan that every 5 years an amendment to the Community Regions can be done. However, the Planning Commission has been making these types of changes more on a case-by-case basis.

There was no further input.

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER MACHADO AND CARRIED WITH A 4-1 VOTE, IT WAS MOVED TO RECOMMEND DENIAL OF GENERAL PLAN AMENDMENT A07-0014 AND REZONE Z07-0045, BASED ON THE FINDING IN GENERAL PLAN POLICY 2.2.1.2 THAT LOW-DENSITY RESIDENTIAL (LDR) IS MORE CONSISTENT WITH THE LAND USE THAN MEDIUM-DENSITY RESIDENTIAL (MDR).

8. REZONE/PLANNED DEVELOPMENT/PARCEL MAP

Z07-0017/PD08-0001/P08-0001/GGV Walgreens submitted by GRANITE GRADO VENTURES LLC (Agent: Lebeck Young Engineering/Bobbie Lebeck) to rezone property from One-Acre Residential (R1A) to General Commercial – Planned Development (CG-PD); and creation of four parcels ranging in size from 0.67 to 1.72 acres, with planned development to create a commercial center with four retail buildings of 6,000, 7,132, 8,285 and 14,820 square feet in size respectively. The properties, identified by Assessor's Parcel Numbers 327-213-10, -11, and -12, totaling 4.08 acres, are located on the northwest corner of the intersection of Missouri Flat Road and Forni Road, in the **Placerville area**, Supervisorial District III. (Mitigated negative declaration prepared)*

Larry Appel informed the Commission that staff is recommending a continuance on action being taken by the Commission on this item due to issues with the traffic study. Eileen Crawford of DOT stated that in April, despite due diligence, the contract for the County's third party reviewer expired. Unfortunately, the applicant had submitted their traffic study two days after the contract expired. The final report of the traffic study has not been completed at this time.

The applicant expressed frustration over that fact that he had submitted his traffic study six months ago and is now being told that his project is being held up.

Paula Frantz explained that the Commission could either hear staff's presentation and public comment and then conceptually approve the item today or they could continue the item to another meeting. The applicant requested that the item be heard today.

Gordon Bell made a presentation to the Commission with a recommendation for approval to the Board of Supervisors. Mr. Bell explained that staff is recommending conditions #4 and #5 be merged into one and a modification to #7.

Bobbie Lebeck, applicant's representative, requested that changes be made to condition #30 and to remove #39 as it appears to be a duplicate of #35. She also stated that she just heard about the issue of the traffic study.

Robert Campbell had no objections to the project but had serious concerns regarding the right turn lane due to safety issues. He had offered ingress/egress to all of his neighbors from Hwy 50 to Forni Road so that there would be only one driveway onto Missouri Flat instead of multiple driveways. There was no interest shown by the neighbors.

Art Marinachio agreed with Mr. Campbell that it is a very fast road and it would be difficult to put multiple curb cuts on it.

Eileen Crawford explained that it is a right-in/right-out only turn lane and that was how it was designed. Full access is available on Forni Road.

There was no further input.

1st Motion

MOTION: COMMISSIONER MATTHEWS, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONCEPTUALLY APPROVE THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY REVIEWED BY STAFF; CONCEPTUALLY APPROVE THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(D), AS INCORPORATED IN THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES IN ATTACHMENT 1; CONCEPTUALLY RECOMMEND TO BOARD OF SUPERVISORS TO APPROVE REZONE Z07-0017 BASED ON THE FINDINGS IN ATTACHMENT 2; AND CONCEPTUALLY APPROVE PLANNED DEVELOPMENT PD08-0001 ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN AND TENTATIVE PARCEL MAP P08-0001 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED AND TO CONTINUE THE ITEM TO THE SEPTEMBER 25, 2008 MEETING FOR APPROVAL.

The applicant and applicant's representative returned later in the meeting and requested to be placed as a consent item, if there are no changes, on the September 11, 2008 agenda instead of the September 25, 2008 agenda if the traffic study was ready by the earlier date. They voiced concerns over timing as the weather will be changing soon and may cause delays.

2nd Motion

MOTION: COMMISSIONER MATTHEWS, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CHANGE THE CONTINUANCE DATE TO SEPTEMBER 11, 2008, AND PLACE IT ON THE CONSENT CALENDAR, PENDING DEPARTMENT OF TRANSPORTATION'S APPROVAL OF THE TRAFFIC STUDY.

[Clerk's Note: Commissioner Machado was not present for the 2nd motion as he had left the meeting prior to the applicant and applicant's representative returning to submit their request for a date change.]

Findings

1.0 CEQA FINDING

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, significant impacts on the environment relating to Biological Resources, Cultural Resources, Noise, and Transportation/Circulation have been eliminated or reduced to less than significant.
- 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 ADMINISTRATIVE FINDINGS

2.1 General Plan

The proposed commercial development is in conformance with the commercial land use designation of the site as specified on the General Plan Land Use Map. The project has been designed in compliance with land use policies of the General Plan including

Biological Resources, Commercial Development Standards, Circulation /Transportation, Air Quality, Noise, and Public Utilities, and the Draft Missouri Flat Design Guidelines.

2.2 Zoning Code

The project would conform to the underlying Commercial Zone District. The proposed retail facilities meet the applicable development standards including, building setbacks, parking, and lighting requirements. A condition of approval has been added to ensure compliance with signage standards.

2.3 Development Plan

The proposed commercial retail facility has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development) and verified conformance to applicable standards of the zoning code and General Plan policies. In accordance with Section 17.04.030 of the County Code, a Development Plan cannot be approved unless the Planning Commission and Board of Supervisors can make the following findings:

2.3.1 The Planned Development request is consistent with the General Plan.

The proposed project conforms to the standards of the El Dorado County Zoning Code regarding use, parking, building setbacks, landscaping, and, as discussed in the staff report, is consistent with applicable General Plan policies including the Draft Missouri Flat Guidelines.

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

The proposed commercial facility has been designed to provide adequate parking, landscaping, accessibility, circulation, and on-site utilities. The proposed development has been reviewed by staff for conformance with the Draft Missouri Flat Design Guidelines and been found to be in conformance with said guidelines.

2.3.3 The exceptions to the standard requirements of the zone regulations are justified by the design and existing topography.

The proposed development has been reviewed and verified for conformance with applicable standards in the El Dorado County Zoning Code. The applicant has requested an exception to the signage requirement to allow for additional signage and increased sign size. Justification is as follows based on the design of the project and circulation patterns:

- a) It is appropriate to maintain a directory sign on Missouri Flat Road to allow eastbound traffic on Missouri Flat Road to identify the shopping center.

- b) It is appropriate to allow for two directory signs on Forni Road, one at each entrance, as traffic traveling northbound on Forni Road, particularly from the Walmart, will be able to identify the shopping center in time to utilize the southerly entrance, preventing longer queues at the intersection. Traffic traveling southbound on Forni Road will be able to identify the northerly entrance, thus potentially avoiding congestion and queues at the southerly entrance.
- c) It is appropriate to allow for the monument sign at the corner of the project site to identify the anchor tenant and establish the presence of the shopping center and give it some identity as an individual retail center.
- d) The additional size would not be out of character with the scale of the shopping center, especially given the fact that the signs will be multi-tenant signs and are setback from the edge of the street. Grade changes and landscaping will partially screen these signs, and thus they will not be obtrusive in nature.

2.3.4 The site is physically suited for the proposed uses.

The proposed retail facility conforms to the commercial land use designation for the site. It has been designed in conformance to with the applicable standards of the zoning designation and General Plan policies.

Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities. Water and sewer services would be provided by the El Dorado Irrigation District, subject to utility upgrades and connections to the existing lines. The project has been designed to construct and connect to the existing drainage system provided by the County. Roads contiguous to the site would be improved in order to accommodate the project generated traffic and minimize impacts.

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

The proposed retail facilities would conform to the existing commercial nature of the immediate commercial corridor of Missouri Flat Road and Forni Road. There is no natural land and scenic values on-site that would be affected.

2.4 Subdivision Ordinance (Parcel Map)

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

The amendment to the approved commercial tentative Parcel Map would merge the subject parcels in order to create lots that would accommodate the proposed commercial development and is consistent with the General Plan.

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

The existing legal lots subject to the merger would result in a commercial project site consistent with the General Plan.

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

The project site is physically suitable for the type of commercial retail development. The size of site would accommodate the necessary amenities (i.e. off-street parking, drive-through, landscaping) serving the project. The site is relatively flat (the development is terraced to essentially create two separate building pads), which would accommodate the pads for the proposed facilities.

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

The project site is relatively level and has been developed in the past with residential development. Initial grading has occurred on the northernmost parcels. The project will require oak tree canopy removal, but will mitigate this impact through payment of fees to the County's INMRP. The site is physically suitable for the proposed commercial development.

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

As evaluated, the proposed development poses less than significant environmental effects with incorporation of specific mitigation measures.

2.4.6 That the design of the division or the type of improvements is not likely to cause serious public health hazards;

The proposed development has been reviewed for conformance with the specific development standards and is subject to applicable project conditions of approval that would ensure safe and orderly development.

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

Given its urbanized location, the project site is not susceptible to wild brush fire. Nevertheless, the proposed commercial development shall be constructed and served by an on-site fire suppression system in accordance to the Diamond Springs/El Dorado County Fire Protection District standards.

2.4.8 That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within

the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

The requisite easements have been, or will be acquired in order to accommodate the required facilities serving the project site.

Conditions of Approval

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

Rezone

The proposed rezone would change the existing Residential One-Acre (R1A) zoning to a General Commercial – Planned Development (CG-PD) zoning. This zoning is consistent with the underlying General Plan Commercial land use designation.

Planned Development

The planned development project includes the construction and operation of a 14,820 square foot drugstore with drive-thru pharmacy, a 6,000 square foot bank with drive-thru capability, and specialty retail comprising about 15,400 square feet in two buildings (6,800 square feet and 8,225 square feet). Exhibits F-R. The development plan includes on-site landscaping, lighting, loading, drainage, signs, parking, retaining walls, and a private lift station. The facility would have three points of access: a right-in, right-out on Missouri Flat Road, a right-in, right-out on Forni Road near the intersection, and a full access driveway on Forni Road. A monument sign is proposed at the corner of Missouri Flat Road and Forni Road, and two directory signs at the Forni Road access driveways, and one directory sign at the Missouri Flat access driveway.

Parcel Map

The parcel map consists of the merging of three existing Assessor's Parcels (327-213-10, -11, and -12) and the creation of four new parcels ranging in size from 0.67 acres to 1.72 acres. Existing parcel sizes are 1.244, 1.0, and 1.834 acres. The parcel map would result in four commercial parcels of 1.72 acres (Parcel 1), 0.86 acres (Parcel 2), 0.83 acres (Parcel 3), and 0.67 acres (Parcel 4). Total project site size is 4.08 acres.

2. All site improvements shall conform to Exhibits F-R.

Incorporated as Conditions of Approval, the following are specific Mitigation Measures as identified in the Initial Study/Mitigated Negative Declaration for the project

3. **MM BIO-1:** If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services.

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

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

- ~~4. **MM BIO-2:** Any oak trees removed from the site shall be mitigated as specified in the Oak Woodland Management Plan for El Dorado County as adopted by the County on May 6, 2008. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. As it is infeasible to implement Option A of the Oak Woodland Management Plan (as described below), the applicant shall be required to implement Option B (as described below):~~
 - ~~a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on site or off site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Management Plan shall be provided to Planning Services prior to issuance of a grading permit.~~
 - ~~b. The project applicant shall provide sufficient funding to the County's INRMP conservation fund, described in General Plan Policy 7.4.2.8 to fully compensate for the impact to oak woodland habitat. To compensate for fragmentation as well as habitat loss, the preservation ratio shall be 2:1 and based on the total woodland~~

~~acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in General Plan Policy 7.4.2.8.~~

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

~~*Enforcement/Monitoring: El Dorado County Planning Services*~~

- ~~5. **MM BIO-3:** The applicant shall prepare a Biological Resources Study and Important Habitat Mitigation Plan to determine impacts on woodland habitat and determine appropriate mitigation fees to be submitted consistent with Option B described above.~~

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

~~*Enforcement/Monitoring: El Dorado County Planning Services*~~

4. The applicant shall submit an oak canopy survey consistent with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan. The survey shall be prepared by a qualified professional utilizing an onsite survey, aerial photography, or other means acceptable to the County to determine total oak canopy area and the area proposed to be removed as part of the project. The applicant shall mitigate the loss of oak canopy consistent with mitigation strategies contained in the Oak Woodland Management Plan.

Timing: Prior to the issuance of grading permits, the applicant shall submit the survey to Planning Services for review and approval. Mitigation recommended as a result of that survey, shall be implemented prior to the issuance of grading permits.

Enforcement: El Dorado County Planning Services

65. **MM CUL-1:** During preliminary site grading, a cultural resources specialist shall be present on site in the event that subsurface artifacts are uncovered. Work in the area of the discovery shall be halted until artifacts can be evaluated in accordance with state and federal regulations regarding cultural resources. If a deposit is found to be significant, data shall be collected and consultation shall be initiated with appropriate agencies. The cultural resource specialist, in coordination with appropriate agencies, shall provide recommendations on the disposition of the resource that retains its cultural value. Recommendations may include, but are not limited to, excavation of the resource or covering of the resource by pavement. These recommendations shall be implemented by the contractor working at the project site. A contract demonstrating that a cultural resources specialist has been retained for site grading activity shall be submitted to Planning Services for review prior to issuance of a grading permit.

Timing/Implementation: During grading, building services representative shall ensure that a cultural resource specialist is on site.

Enforcement/Monitoring: El Dorado County Planning Services

76. **MM TRANS-1:** The project should contribute its fair share to the cost of regional circulation improvements via the existing countywide traffic impact mitigation (TIM) fee program.

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

Enforcement/Monitoring: El Dorado County Planning Services and El Dorado County DOT

87. **MM TRANS-2:** The sight distance at the projected driveway locations should be reviewed once engineered plans have been prepared for submittal approval to the County. The sight distances at each of the project driveway locations should meet the stopping sight distance standards contained in the Caltrans Highway Design Manual based on the speed along Missouri Flat Road and Forni Road, and as required by the County Department of Transportation. A clear zone should be maintained along the line of sight to provide adequate sight lines. On-site landscaping along Forni Road should be limited to plants lower than 2 feet and tree canopies no lower than 10 feet.

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

Enforcement/Monitoring: El Dorado County Planning Services and El Dorado County DOT shall review final plans for conformance with this measure.

98. **MM TRANS-3:** In order to improve the level of service to acceptable LOS conditions at the South driveway, a continuous left turn lane (CLTL) should be constructed along Forni Road to provide a queue/storage location for vehicles entering or leaving the site. The CLTL should extend along the project frontage and tie into the northbound left turn lanes at the Missouri Flat Road intersection.

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

Enforcement/Monitoring: El Dorado County Planning Services and El Dorado County DOT shall review final improvement plans for conformance with this measure.

109. **MM TRANS-4:** Driveway locations shall be based on County Standard 109; this standard plan will set the minimum distances between the driveways and the Missouri Flat Road/Forni Road intersection.

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

Enforcement/Monitoring: El Dorado County Planning Services and El Dorado County DOT shall review final improvement plans for conformance with this measure.

- ~~1410~~. **MM TRANS-5:** Curb and driveway radii should be verified on and off-site using Autoturn truck templates. This will define the radii required to avoid trucks from overtopping driveways and curbs.

Timing/Implementation: Prior to issuance of grading and building permits the applicant shall provide El Dorado DOT with evidence that all curb and driveway radii have been verified on and off-site.

Enforcement/Monitoring: El Dorado County DOT shall review final improvement plans for conformance with this measure.

Planning Services

- ~~14211~~. Prior to issuance of grading permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.

- ~~14312~~. The following shall be incorporated as note on grading/improvement plans: *In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.* Planning Services shall verify this notation on the grading plans prior to issuance of a grading permit.

- ~~14413~~. Prior to issuance building permit, the applicant shall pay the required in-lieu fee for mitigation of impacts on rare plant species in accordance with El Dorado County Zoning Ordinance Chapter 17.71.

- ~~14514~~. The development plan shall expire within two (2) years from the approval by the El Dorado County Planning Commission. Minor changes in the adopted planned development may be approved by the Planning Services provided that the changes:

- a) Do not change the boundaries of the subject project property;
- b) Do not change any use as shown on the official development plan; and
- c) Do not change the intent of the official development plan

Major changes in the official development plan after it has been adopted may be approved by the Planning Commission and shall be made in accordance with the requirements of Section 17.04 of the County Code.

- ~~16~~15. 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.
- ~~17~~16. The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.
- ~~18~~17. All employee break areas shall be sheltered from adjacent noise and traffic generation sources.
- ~~19~~18. All outdoor furniture and fixtures shall be consistent with project architecture.
- ~~20~~19. Exterior vending machines shall be prohibited throughout the project.
20. No signs with LED readerboard shall be allowed.

El Dorado County Department of Transportation (DOT)

Project Specific Conditions

21. Missouri Flat Road has been designated to receive a raised median in this area. Therefore, the proposed driveway on Missouri Flat Road shall be signed and striped as “Right in, Right-Out” turns only. A “pork chop” directional striping pattern shall be included at the driveway entrance.
22. The northerly driveway on Forni Road shall be signed and striped as “Right-In, Right-Out” turns only.
23. The engineer shall demonstrate that the location of the proposed southerly driveway does not conflict with the turning movements with the Wal-Mart driveway.
24. The applicant shall construct a continuous left turn lane (CLTL) along Forni Road to provide a queue/storage location for vehicles entering or leaving the site. The CLTL should extend along the project frontage and tie into the westbound left turn lanes at the Missouri Flat intersection. A striping plan, prepared by a California Registered Civil Engineer in conformance with Caltrans Manual of Uniform Traffic Control Devices (MUTCD) standards shall be submitted to DOT for review and approval.

25. Curb returns, on-site isle widths and traffic patterns and driveway radii shall be verified on and off site using *Autoturn* or Caltrans truck turning templates for compliance of turning movements.
26. All curb returns, at pedestrian crossings, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A.
27. The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in and annex into the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.
28. Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.
29. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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 "*Storm Water Management Plan*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. Commercial permits are required for both the on-site and off-site improvements.
30. The applicant shall construct type 2 curb and gutter in conformance with standard plan 104 of the Design and Improvement Standards Manual (DISM) and 6 foot wide concrete sidewalk along the project's westerly frontage of Forni Road ~~and southwesterly frontage of Missouri Flat 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.
31. The applicant shall construct a six foot wide concrete sidewalk along Missouri Flat Road from the project boundary and extending to the northwest. The improvements shall be substantially complete 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.
32. Handicapped access from the county maintained roadway to the proposed project shall be provided. All pedestrian ramps, landings, signing, handrails, etc., must be consistent with Caltrans, ADA and Cal UBC requirements.

33. The applicant shall construct the driveway encroachments onto Forni Road and Missouri Flat road to the provisions of DISM Standard Plan 103G (modified). The improvements shall be substantially complete 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. An encroachment permit must be obtained from DOT prior to any work within County R/W.
34. The applicant shall provide a reciprocal access agreement, guaranteeing access to the adjoining parcels for the purpose of providing full access for all parcels within this project prior to the filing of the map.
35. 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.
36. The applicant shall construct a transit stop/unloading area adjacent to the Walgreens building as close as practical to the entrance outside of the parking lot travel way.
37. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a twenty-percent (20%) contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements
38. 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.

DOT Standard Conditions

39. 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.
40. 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.
41. 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.
42. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
43. 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.
44. Projects that disturb more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, 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 State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
45. 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.
46. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Environmental Management

Air Quality

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

Hazardous Materials

48. If this facility will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste (such as waste photographic solutions), prior to commencing operations the owner/operator must:
- Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.
49. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must 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 workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

Diamond Springs/El Dorado Fire Protection District

50. Building and Fire Codes shall be adhered to.
51. Sprinkler systems may be installed as per Fire District requirements. Set of sprinkler plans shall be approved by the Fire District.
52. Minimum fire flow is 1500 GPM for a duration of 2 hours @ 20 psi and may be higher based on future development plans.
53. Knox Box shall be installed per District Requirements.
54. Fire hydrant placement shall be approved by the Fire District.

55. A fire apparatus access road shall be provided within 150 feet to all portions of the project.
56. Additional requirements may be necessary once a full set of plans are submitted to this District for review.
57. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (“CFD”) established under the Mello-Roos Community Facilities Act of 1982 (Government Code Sections 53311 et. Seq.) established by the Diamond Springs/El Dorado Fire Protection District (“District”) for the provision of public services permitted under Government Code Section 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively “Public Services”), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract’s inclusion or annexation into the CFD.

County of El Dorado Office of County Surveyor

58. All survey monuments must be set prior to filing the Parcel Map.
59. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that **“all conditions placed on P 08-0001 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
60. Situs addressing for the project shall be coordinated with the Diamond Springs - El Dorado Fire Department and the County Surveyors Office prior to filling the Final Map.

El Dorado Transit

61. The project should include a designated, on-site transit stop as close to the front entrance of the Walgreens building as possible. The transit stop should be located adjacent to the building, outside of the parking lot travel way. On-site traffic should not be impeded during the loading and off-loading of mobility-impaired passengers.

9. SPECIAL USE PERMITS

- a. **S08-0011 (formerly S73-142)** submitted by HERITAGE SINGERS USA (Agent: George Mace) to revise existing special use permit to allow for the expansion of the lodge facility to include a 5,000 square foot (50’ x 100’) steel storage building. The storage building would include a restroom with sink and toilet. The property, identified by Assessor’s Parcel Number 096-040-54, consisting of 34.93 acres, is located on the north side of Newtown Road,

approximately 2 miles east of the intersection with Broadway and Highway 50 in the **Placerville area**, Supervisorial District III. (Mitigated negative declaration prepared)*

Gordon Bell presented the item with a recommendation for approval.

Pierre Rivas stated that concerns had been brought to staff's attention on the type of activities occurring on the property. As a result, there were several site visits and communications with the applicant. Due to this very detailed investigation, staff is recommending changes to Condition #1. These changes would add additional language to the project description and address what the permit would also authorize.

The applicant stated that the reason for the application was that he needed the storage space.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY REVIEWED BY STAFF; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(D), AS INCORPORATED IN THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES IN ATTACHMENT 1; AND APPROVE SPECIAL USE PERMIT REVISION S08-0011, SUPERCEDING S73-142 WHICH IS HEREBY NULL AND VOID, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Finding

- 1.1** El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2** The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

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

2.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan Consistency), 2.2.5.20 (General Plan Consistency Compliance), 7.4.2.9 (Important Biological Corridor), and 7.4.4.4 (Oak Canopy Retention) and has been found to be consistent with these policies with incorporation of mitigation measures requiring tree replacement. The proposed project is also consistent with the General Plan Land Use Designation of LDR which allows for agricultural outbuildings.

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

The proposed storage building will comply with the Development Standards of the RE-10 and R3A zoned districts. 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 not specifically permitted by special use permit in the R3A zone district pursuant to 17.28.420, but is allowed by right in the RE-10 zone district pursuant to 17.70.090(B). In order to determine the suitability of the proposed use in this mixed zone district, a special use permit is required. Special use permit findings may be made by the Zoning Administrator specific to this project as outlined above. The proposed SUP revision (S 08-0011) will supercede and authorize all uses and development previously authorized under Special Use Permit S 73-142.

3.0 ADMINISTRATIVE FINDINGS

- 3.1** The proposed use conforms to the Zoning Ordinance because the project meets all development standards for a storage building within the R3A and RE-10 Zone Districts. The approval of this special use permit will not nullify any of the conditions of approval or objectives of the previously approved Special Use Permit.

Conditions of Approval

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

This special use permit revision is based upon and limited to compliance with the project description, the ~~Zoning Administrator~~ Planning Commission hearing exhibits marked Exhibits A-G (Special Use Permit Revision) dated August 28, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Project Description: Approval of this special use permit revision allows for the construction of a 5,000 square foot (50' x 100') steel storage building. The building may include a restroom facility consisting of a sink and toilet with wastewater to be disposed of in a County-approved septic system. The storage building is intended for the storage of property/landscaping maintenance equipment, personal belongings of the residents, vehicles, recording media, and stage equipment (stage, lighting, sound, and electrical equipment in support of the musical tour group).

The permit also authorizes ~~existing development and uses which includes the following: a lodge that consists of a dormitory with 9 bedrooms, 7 bathrooms, and 3 kitchens; a swimming pool; an approximately 1625 square foot garage; and a septic system to serve the lodge.~~ the continuation of the existing private lodge which serves as permanent and temporary living quarters for a musical tour group. The lodge also serves as the musical group's headquarters and associated business, administrative, and logistical functions. The existing facility and associated uses include:

- a. An approximately 8,750 square foot private lodge consisting of nine (9) bedrooms, three (3) kitchens, office space, sound and mixing room, and storage.
 - b. A 1,625 square foot garage/storage building.
 - c. Storage sheds.
 - d. Swimming pool.
2. All site improvements shall conform to Exhibits A-G.

Mitigation Measures:

3. **MM Bio-1:** If tree removal occurs during the nesting/fledging period (February 15-September 15), the site shall be re-surveyed by a qualified biologist. If nesting raptors or other protected birds are identified, then the property owner will notify the California Department of Fish & Game (CDFG) to establish an appropriate construction avoidance buffer around the tree (typically 500 feet for raptors and 200 feet for other birds) until the nesting season has ended.

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

Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-2:** Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of anyone of the following options will reduce impacts to a less than significant level:
 - a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit (see Appendix C in the *Biological Resources Study and Important Habitat Mitigation Program* prepared by Sierra Ecosystem Associates, April 3, 2008). A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.
 - b. Payment of all fees required under Option B of General Plan Policy 7.4.4.4 to the county's Integrated Natural Resources Management Plan (INRMP). Payment of fees shall be at a migration ratio of 2:1 and based on all impacted oak woodland acreage. Payment of fees and successful completion of this alternative is dependent upon county adoption and implementation of the INRMP by the County and approval of Planning Services.

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

Enforcement/Monitoring: El Dorado County Planning

5. **MM Bio-3:** If option a. above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the re-planted oak saplings and/or oak acorns for this project.

Timing/Implementation: Prior to issuance of occupancy permits

Enforcement/Monitoring: El Dorado County Planning

6. **MM-Hyd-1:** The applicant shall install rain gutters designed to collect and direct drainage from the roof to discharge points around the building. Appropriate energy dissipators shall be installed at downspouts to reduce downslope erosion. Development

services shall review building plans and/or grading and drainage plans to ensure that measures to collect runoff have been incorporated into the project design.

Timing/Implementation: Prior to issuance of building permit

Enforcement/Monitoring: El Dorado County Development Services

Planning Services

7. 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.

8. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
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.
10. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.
11. The applicant shall sprinkler the proposed structure if so recommended by the El Dorado County Fire Protection District.
12. The project is located within Rare Plant Mitigation Area 2. Appropriate fees shall be paid to Development Services.

b. **S07-0002/Randal's Cabinet Shop** submitted by RANDY RAINS to allow the operation of a cabinet shop as a home occupation. The property, identified by Assessor's Parcel Number 319-040-03, consisting of 8.11 acres, is located on the west side of Mulberry Lane, at the intersection with Green Valley Road, in the **Greenstone area**, Supervisorial District IV. (Statutorily Exempt pursuant to Section 15270(b) of the CEQA Guidelines)**

Aaron Mount presented the item to the Commission with a recommendation to deny the project.

Anders Hauge, applicant's representative, submitted a letter to the Commission explaining that this request is compatible and does qualify for a Special Use Permit due to the following: One delivery truck per week, which is less than the County guidelines; Letters of support from neighbors that are on file but were not included in the packet; Noise levels are within County guidelines; Work is contained in the barn; and various County agencies, which include DOT and Air Quality, have spoke with the applicant and did not identify any issues.

It was stated that this is also a Code Enforcement issue in regards to no business license or building permit on file with the County.

Randy Rains explained that he meets clients at their location and builds the items on his property and that he currently has one employee. Mr. Rains went into detail on the events that led up to the Code Enforcement issues.

Paula Frantz informed the Commission that if they were inclined to approve this application, it would have to be done conceptually as CEQA and the findings provided by staff were based on denial. In addition, the applicant had prepared their own Mitigated Negative Declaration, which doesn't incorporate County requirements.

Mr. Rivas explained that staff recommended denial of the project as it falls outside of the scope of a home occupation and it has grown to now need employees. Mr. Rivas also stated that staff will have a difficult time making consistency findings of the General Plan.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS, WITH COMMISSIONER MACHADO ABSTAINING, AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONCEPTUALLY APPROVE SPECIAL USE PERMIT APPLICATION S07-0002 AND DIRECT STAFF TO BRING FORWARD ADEQUATE FINDINGS FOR APPROVAL.

[Clerk's Note: Commissioner Machado did not return after a break and was not present for the rest of the meeting.]

1:30 P.M.

10. REZONES

a. **Z07-0036** submitted by DANIELLE BUDA (Agent: Robert Offenbecker) to rezone property from One-acre Residential (R1A) to Multifamily Residential-Design Community (RM-DC) for General Plan consistency. The property, identified by Assessor's Parcel Number 325-220-36, consisting of 1.6 acres, is located on the north side of Missouri Flat Road, approximately 500 feet east of the intersection with El Dorado Road, in the **Placerville area**, Supervisorial District III. (Negative declaration prepared)*

Aaron Mount presented the item to the Commission with a recommendation for approval to the Board of Supervisors.

Robert Offenbecker, applicant's representative, agreed with the Staff Report and stated that the application for the rezone is strictly for conformance with the General Plan and that it is an estate planning move only.

Wendy Smith stated that a petition opposing this project had been submitted.

Sonya Luijan, Mary Garecht, Carol MacIntyre, and Sally Raanes voiced concerns over the multi-family zoning.

Commissioner Mathews stated that he would be more comfortable if there was an actual project attached to the rezone application.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION; AND APPROVE ZONE CHANGE Z07-0036, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

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

1.2 The proposed project could not have a significant effect on the environment.

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

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.2.1.2, Consistency with Multifamily Land Use Designation; 2.2.5.3, evaluation of zone changes; 5.1.2.1 and 5.1.2.3, Adequacy of Public Services and Utilities; 5.3.1.1; access to public sewer and water, 5.8.1.1; affect on school districts; 5.1.2.2, adequacy of emergency response; Goal TC-X, Traffic Impacts; 7.3.2.2, erosion control; and 7.4.4.4, Protection of Oak Woodlands. Amending the land use designation to Multifamily Residential is found to be in the public interest.

3.0 ZONING FINDINGS

- 3.1 The rezone is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.
- 3.2 A rezone to Multifamily Residential will allow the property to be consistent with the parcels Multifamily Residential General Plan land use designation.
- 3.3 The site is physically suitable for multifamily residential development based on availability of public water and sewer, access onto a County road, lack of significant site constraints within the developable areas of the site, and is consistent with the development standards of the Multifamily (RM) zone district.
- 3.4 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Multifamily Residential-Design Control (RM-DC) and the ensuing uses it allows is consistent with the allowed uses intended by the Multifamily Residential (MFR) land use designation.

- b. **Z07-0035/TM07-1449/Cordero Ranch** submitted by DONALD and RUTH GILMAN (Agent: Ken Purcell) to rezone property from Residential Agricultural-20 Acre (RA-20) to Estate Residential Ten Acre (RE-10) and create eight single-family ten- acre lots. A design waiver has been requested to allow a maximum road grade of up to 15% for the proposed Cordero Ranch Road. The properties, identified by Assessor's Parcel Numbers 087-190-22 and -18, totaling 80.27 acres, are located on the north side of South Shingle Road, approximately two miles west of the intersection with Latrobe Road, in the **Latrobe area**, Supervisorial District II. (Mitigated negative declaration prepared)*

Pat Kelly presented the item to the Commission with a recommendation for approval to the Board of Supervisors. Ms. Kelly informed the Commission that staff was recommending modifying the submitted findings to include new findings for the proposed design waiver and to also amend staff recommendation to include the recommendation of approval of the design waiver to the Board of Supervisors as appropriate findings have been met, as summarized in a memo dated August 27, 2008, which was distributed to the Commission.

Ken Purcell, applicant's representative, made a presentation to the Commission.

Ruth Gilman, applicant, stated that they had purchased the property over 20 years ago and the request is to make it consistent with the General Plan. She also stated that the majority of the neighbors are in support of this application.

Marianne Soldano said that you can't control other people's property and that she had reviewed the application and is in support of the project.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND CARRIED WITH A 3-1 VOTE, 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) INCORPORATED AS CONDITIONS OF APPROVAL IN ATTACHMENT 1; AND APPROVE Z07-0035/TM07-1449 WITH DESIGN WAIVER, BASED ON THE FINDINGS PROPOSED BY STAFF, TO INCLUDE NEW FINDINGS 5.0, 5.1.1, 5.1.2, 5.1.3, AND 5.1.4, 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 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.

- 1.3 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.

2.0 General Plan Findings

- 2.1 The proposed use and design conforms to the General Plan in that the parcel is located outside a community region, the proposed use and developmental density are consistent with both land use designation and the natural resources on-site will be protected pursuant to related policies in the General Plan.

- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that will support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change 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 2.1.3.1 regarding lands not contained within the boundaries of a Community Region or a Rural Center are classified as Rural Regions; 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.7.1.1 regarding adequate water for fire protection, and 7.3.3.4 regarding buffers and setbacks for wetlands and streams.

3.0 Zoning Change Findings

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

The amendment of the parcel zoning from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Acre Zone Districts (RE-10) will be consistent within the Rural Residential (RR) Land Use Designation. The proposed zone change has been evaluated with respect to the specific criteria established by General Plan Policy 2.2.5.3 and will result in residential development consistent with the General Plan, Zoning Ordinance and County Design manual.

4.0 Tentative Map Findings

- 4.1 **The proposed Tentative Map is consistent with the General Plan policies and land use map after rezone.**

As proposed, the Tentative Map conforms to the Rural Residential (RR) General Plan land use designation and applicable General Plan policies including access, water service, wetland setbacks, grading, fire protection and wastewater disposal.

4.2 The design or improvements of the proposed Tentative Map is consistent with the applicable general plan.

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

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

The proposed Tentative Map will not impact slopes exceeding thirty percent (30%). The proposed development will not impact riparian area and cultural resources. Setbacks and easements are shown on the tentative map for protection of wetland areas and cultural resources.

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

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

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

The proposed subdivision is not likely to cause substantial damage with the implementation of the mitigation measures identified as Conditions in Attachment 1 and setbacks and easements as shown on the tentative map to protect biological and cultural resources.

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

The proposed road improvements to the project site will not cause significant public health or safety hazards. A two hundred foot (200') agricultural setback from the boundary of the adjacent agriculturally zoned lands is provided on the tentative map.

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

The Latrobe Fire Protection District has reviewed the subdivision and determined that the installation of water storage; fire hydrants; sprinklers; and required driveway and road width design will be acceptable for fire protection.

4.8 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 division.

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

5.0 DESIGN WAIVER FINDINGS

The Design Waiver would be approved to allow the following:

a. To allow a maximum road grade of up to 15 percent for the proposed Cordero Ranch road.

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

The proposed maximum road grade up to 15 percent will minimize the impacts to the site to the greatest extent possible by reducing grading requirements.

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

The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of road grades will increase the landform disturbance and create unnecessary hardship.

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

The road grade to exceed 12 percent to a maximum of 15 percent is supported by DOT with the condition that Cordero Ranch Road will be paved with a section of 2.5-inch AC over 6-inch AB. This DOT requirement has been included in the Conditions of Approval, Attachment 1 of the Staff report. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

5.1.4 The waiver will not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

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

Conditions of Approval

1. This Tentative Subdivision Map and Zone Change approval is based upon and limited to compliance with the project description, dated July 10, 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.

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.

The project description is as follows:

The project will allow for a Tentative Subdivision Map to create eight single family residential 10-acre parcels and a Rezone change from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Ten Acre District (RE-10). A Design Waiver has been requested to allow a maximum road grade of up to fifteen percent (15%) for Cordero Ranch Road.

Tentative Map: A Tentative Map to create eight residential lots less all non-buildable areas resulting from excluding road right-of-way, thirty percent (30%) slope areas and agricultural, riparian and potential jurisdictional setbacks as shown on the Tentative Parcel Map. The rural residential lots would be 10-acres in size. The proposed lots would conform to the table listed below.

Lot Number	Gross Area (acres)	Net Area (acres)
1	10	2.18
2	10	2.35
3	10	5.42
4	10	2.23
5	10	4.15
6	10	5.24
7	10	4.58
8	10	4.65

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions

thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DELECRATION

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:
 - a. Halt all 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.
 - b. 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.
 - c. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project will not result in a "take". (MM BIO-1).

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

3. An environmental sensitive area easement, prepared by the applicant, measured five feet from the edge of P-9-3670 as noted in the cultural resource study dated April 2007, shall be recorded with the Final Map. A qualified archaeologist shall accurately locate P-9-3670 so as to precisely represent the easement. The easement shall be shown on the subdivision map, or recorded as a separate instrument. (MM CULT-1)

MONITORING: Planning Services shall verify that the easement is shown on the subdivision map prior to filing the Final Map.

4. The developer shall protect Site P-9-3670 from all construction activities by installing temporary fencing to installation of construction activities on the property and permanent fencing shall be installed prior to completion and final approval of the proposed residence on the project site. Access to this portion of the project site shall be limited in the deed

and the owner of the property shall be responsible for maintaining the fence surrounding the midden site. The fence material shall be a high visibility fabric and shall be machine produced, orange colored mesh manufactured from polypropylene or polyethylene. The fencing materials shall not contain biodegradable filler material that can degrade the physical or chemical characteristics of the finished fabric. The high visibility fabric shall be fully stabilized ultraviolet resistant, and shall be a minimum of four feet (4') in width with a maximum mesh opening of two inch by two inch. (MM CULT-2)

MONITORING: Planning Services shall verify that the temporary fencing has been installed prior to issuance of a grading permit and permanent fencing has been installed prior to completion and final approval of the proposed residence on the project site. The project Archaeologist shall provide Planning Services with a letter pre and post construction verifying that all fencing has been installed as required.

CONDITONS OF APPROVAL:

Planning Services:

5. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50-feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
6. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
7. Prior to filing of the Final Map Planning Services shall verify that all Development Services fees have been paid.
8. 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. Planning Services shall verify that required fees have been paid prior to filing the Final Map.

9. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County Assessor’s Office and calculated in accordance with Section 16.12.090 of the County Code. Planning Services shall verify that fees have been paid prior to filing the Final Map.
10. 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.

Department of Transportation:

PROJECT SPECIFIC CONDITIONS

11. The applicant shall construct all roads in conformance with the El Dorado County 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	DISM REFERENCE	ROAD WIDTH	ROAD RIGHT OF WAY	COMMENTS/NOTES
Cordero Ranch Road (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft	6” Class II AB minimum
South Shingle Road (on-site)	Design Std Plan 101B	20ft / 5 ft shoulder	60ft existing	Paved 4” AC over 7” Class II AB. Shoulder to be provided on project frontage only.
South Shingle Road (off-site from project site to Settlers Trail)	Design Std Plan 101B	Minimum fire safe 20 ft / 2ft shoulders	60ft existing	Paved 3” AC over 8” Class II AB

'A' Court (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft existing	6" Class II AB minimum
Settlers Trail (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft existing	6" Class II AB minimum
Settlers Trail (off-site from project site to South Shingle Road)	Design Std Plan 101C (adopted 2/12/08)	Minimum fire safe 18 ft / 1ft shoulders	50ft existing	2" Double Chip Seal over 4" Class II AB

12. **South Shingle Springs Road Improvements:** The applicant shall improve South Shingle Road to a paved 20-foot road width with two shoulders per DISM Standard Plan 101B from the westerly boundary of the development to Settlers Trail. The applicant shall verify or improve South Shingle Road to a paved 20-foot road width with two shoulders per modified DISM Standard Plan 101B from Settlers Trail to Latrobe Road. Additional paving shall be to a structural section of 3" AC over 8" AB minimum. The improvements shall be substantially completed to the approval of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
13. **Encroachment Permits:** The applicant shall obtain an encroachment permit from the DOT and shall construct the roadway encroachments from Settlers Trail, Cordero Ranch Road, and "A" Court onto South Shingle Road to the provisions of County Design Standard 103C. The improvements shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
14. **Settlers Trail IOD:** The applicant shall irrevocably offer to dedicate 25-feet of right of way along the entire frontage portion of Settlers Trail with the filing of the Final Map. This offer will be rejected by the County.
15. **South Shingle Road IOD:** The applicant shall verify or provide an irrevocable offer of dedication for 30-feet of right of way along the entire frontage portion of South Shingle Road, in fee, with the filing of the Final Map. This offer will be accepted by the County.
16. **Cordero Ranch Road IOD:** The applicant shall irrevocable offer to dedicate 50-feet of right of way along Cordero Ranch Road with the filing of the Final Map. This offer will be rejected by the County.
17. **Turnaround:** The applicant shall provide a turn around at the end of 'A' Court to the provisions of County Standard Plan 114 or as approved by the fire department. 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. **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 DISM 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 six feet which allows structural driveway access only.

STANDARD DOT CONDTIONS

19. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
20. **Road and Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for Cordero Ranch Road prior to the filing of the Final Map. Slope easements shall be included as necessary.
21. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. 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.
22. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of South Shingle Road, excluding the locations of the approved access encroachments.
23. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: on-site private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
24. **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).
25. **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.
26. **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.

27. **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 Final Map.
28. **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 off-site grading.
29. **Grading Permit / Plan:** If more than 50-cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
30. **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.
31. **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.
32. **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 (structural sections found in Table 1 above are minimums), and recommended design criteria for any retaining walls.

33. **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.

34. **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.
35. **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.

36. **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.
37. **Off-site Improvements (Security):** Prior to the filing of a Final Map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
38. **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 parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% 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.

39. **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.

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

Department of Environmental Management– Air Quality Management District:

41. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.
42. The applicant shall provide proof that each parcel shall have a safe and reliable water source prior to filing the Final Map. Individual wells shall meet the requirements necessary for construction permits.

Latrobe Fire Protection District:

43. The applicant shall be required to comply with the Fire District requirements prior to filing of the Final Map, which shall include but may be limited to the following:
- a. Each parcel shall provide 3,000 gallons of water storage for fire protection with a Fire Department connection and pumping system approved by the Fire District prior any construction or until such time as the above fire flow requirements are met.
 - b. Fire flow requirements and hydrant spacing shall be determined by the Fire District at such time four or more single family residence construction permits are applied for or until such time as the Fire District has determined that the necessary fire flow requirements for the project site are met.
 - c. Driveway design for each parcel shall comply with Driveway Standard 1273.10 of the County Fire Safe Regulations.
 - d. To promote the use of residential sprinklers (supplied by the individual property owners) the Fire District requires that the developer provide a gated manifold or tap into the fire protection water system for each parcel. This connection shall be used solely for domestic residential sprinkler systems for the primary residence and any outbuildings so designated by the parcel owner.
 - e. Resurface Settlers Trail Road to 20-foot wide with an all weather surface roadway from South Single Springs Road to Lot 7 and Lot 8 as shown on the Tentative Subdivision Map TM07-1449.

County Surveyor:

44. Applicant shall provide evidence that the 50-foot road and Utility Easement running through what will be Lots 6, 7, and 8 as shown on the Parcel Map PM 27-76 have been

abandoned. If it has not been abandoned than the Tentative Map process shall include a request for it to be abandoned with the filling of the Final Map.

45. All survey monuments must be set prior to the presentation of the Final Map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
46. The roads serving the development shall be named by filling a completed Road Name Petition with the County Surveyors Office prior to filling the Final Map.

11. TENTATIVE SUBDIVISION MAP

TM07-1460/Monte Vista Subdivision submitted by GAEL and JOAN BARSOTTI (Agent: Carlton Engineering/Jim Willson) to create three lots ranging in size from 0.64 to 2.57 acres with the following design waiver: Permit project to proceed without a secondary means of access as required by Section 3.A.9. and 12 of the El Dorado County Design and Improvement Standards Manual (DISM). The property, identified by Assessor's Parcel Number 048-620-08, consisting of 3.90 acres, is located on the south side of Monte Vista Drive, approximately 100 feet east of the intersection with Verde Robles Road, in the **Camino area**, Supervisorial District III. (Negative declaration prepared)*

Commissioner Mathews recused himself from this item. The applicant was advised that if the item was heard today, it would need a unanimous vote to be approved.

Jason Hade presented the item to the Commission with a recommendation for approval and stated that no public comments had been received for this project.

Eileen Crawford stated that the project had been conditioned for secondary access but if the Fire Protection District did not have any issues with the site, then those conditions (#15, #17, #21) could be removed and condition #16 modified if the Fire Protection District concurred.

Ted Woessner of Carlton Engineering made a presentation on behalf of the applicants.

There was no further input.

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND APPROVE TM07-1460 WITH DESIGN WAIVER, 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 Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services located at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one to five dwelling units per acre. The proposed project density conforms to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, 2.2.2.3, 2.2.5.21, 5.2.1.4, 5.3.1.1, 5.7.1.1, 6.2.3.2, 7.3.3.4, and 7.4.4.4, concerning, adequate roadways, utilities and other public services, platted lands, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, sufficient wetland setbacks, and oak tree canopy retention. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above. Pursuant to Policy 7.3.3.4, a reduced wetland setback of 25-foot is shown on the tentative subdivision map (Exhibit E) based on adequate documentation submitted by a consulting biologist which determined that a 25-foot setback is sufficient to protect the wetlands, catchment basin and surrounding hydrophytic vegetation.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots meet the development standards of the R1 zone district pursuant to section 17.28.040 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the HDR General Plan land use designation and applicable General Plan policies including adequate roadways, utilities and other public services, platted lands, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, sufficient wetland setbacks, and oak tree canopy retention.
- 4.1.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1 unit per acre.
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A negative declaration was prepared for the proposed tentative subdivision map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.* The project has been conditioned to comply with El Dorado County Department of Transportation and El Dorado County Fire Protection District requirements to assure adequate access.
- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Permit the project to proceed without a secondary means of access as required by Section 3.A.9. & 12 of the El Dorado County Design and Improvement Standards Manual (DISM).

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed subdivision will only create two additional lots within a large existing subdivision. Additionally, the un-looped portion of Camino Heights Drive from the intersection with Sierra Blanca Drive to the intersection with Camino Hills Drive is only 275 feet long and is a paved 36 foot wide road with rolled curb, providing for sufficient access. The El Dorado County Fire Protection District has reviewed the project and confirmed that the proposed access is adequate. As such, the El Dorado County Fire Protection District is in support of the design waiver request.

- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements will preclude approval of the tentative subdivision map application although fire safe issues have been addressed to the satisfaction of the El Dorado County Fire Protection District. The only feasible secondary access option would require connecting Camino Hills Drive to Sierra Blanca Drive which will cause an unnecessary hardship for the property owner to create two additional lots.
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the Fire District has determined that the existing roads within the project area are sufficient to accommodate two additional lots. Additional traffic trips generated from the two lots will be minimal.
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-I, approved August 28, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative subdivision map creating three lots, comprising 0.64, 0.70, and 2.57 acres, on a 3.90-acre site. Public water will be provided by the El Dorado Irrigation District and each lot will utilize individual septic facilities. Primary site access will be provided via Monte Vista Drive.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project

description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. Prior to filing the final map, an oak tree canopy replacement plan shall be submitted by the applicant to meet the requirements of General Plan Policy 7.4.4.4, Option A. Should identified on-site replacement area not be sufficient, applicant shall comply with Option B prior to filing the final map.
3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
5. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
6. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

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

7. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.

8. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

Air Quality Management District

11. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
12. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
13. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
14. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

Department of Transportation

15. ~~**Secondary Access:** The nearest County roadway having two means of access for this site is over 2,640 ft away. The DISM [Section 3 A. 9. & 12] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site. Both the primary and secondary off site accesses shall meet the requirements of El Dorado County Standard Plan 101C with an 18 foot road width with 1 foot shoulders on each side of the roadway, as required in Section 3 A. 2. c. ii, of the DISM. These off site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.~~
165. **Road Design Standards:** The applicant shall construct or verify all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map: (the requirements outlined in Table 1 are minimums)

Table 1				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS /NOTES
Monte Vista Road (onsite)	Std Plan 101C (to match existing)	24ft / 1ft	50ft	Match existing

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

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

17. ~~**Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct new driveway encroachments onto Monte Vista Drive to the provisions of County Design Std 103A-1. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.~~
186. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain

- system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities.
197. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to filing of the map.
2018. **Easements:** All applicable existing and proposed easements shall be shown on the project plans prior to filing of the map.
- ~~21. **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, Conditions, and Restrictions (CC&Rs).~~
2219. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
230. **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.
241. **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.
252. **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.
263. **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.
274. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, a grading permit will be required. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility

Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

285. **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.
296. **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.
3027. **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.
3128. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation. The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:
- The site can be adequately drained;
 - The development of the site will not cause problems to nearby properties, particularly downstream sites;
 - The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or

cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.

- The ultimate drainage outfall of the project.

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

329. **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.
330. **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.
341. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

352. A plan check fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District (EDC FPD) prior to improvement plan approval.
- ~~36. All additional required fire hydrants shall be shown on the improvement plans and installed throughout the project subject to EDC FPD approval.~~
373. Prior to ~~improvement plan approval~~, final map filing, documentation from EID shall be submitted to the EDC FPD demonstrating that the ~~project~~ two existing fire hydrants serving the project site will meet the required fire flow of 1,000 gpm at 20 psi for two hours.
384. A fire safe management plan, acceptable to the EDC FPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
- ~~39. Any gates that are not shown will require EDC FPD review and approval.~~

Surveyor's Office

4035. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

12. FINDING OF CONSISTENCY

TM95-1298R submitted by KIRK BONE/MARBLE VALLEY COMPANY, LLC for a finding of consistency for a modified phasing plan pursuant to Section 1.F.1 of the Development Agreement and concurrence to determine the boundaries of the development envelopes at building permit stage. The properties, identified by Assessor's Parcel Numbers 087-200-74, 119-330-01, 119-020-53, -55, -56, and 119-030-13, -14, -15, -16, -17, -18, -19, totaling 2,341 acres, are located on the south side of U.S. Highway 50, approximately 1,000 feet east of the intersection with Bass Lake Interchange, in the **El Dorado Hills area**, Supervisorial District II. (Environmental Impact Report was previously prepared and adopted)

Shawna Purvines presented the item to the Commission.

Kirk Bone responded to a letter that was received addressing some concerns.

A member of the public voiced concern that the building envelope would affect his property.

Robert Bethell stated that this project will affect two sides of his property.

Wayne Graham and Dennis ? voiced concerns regarding the fire access road.

Lily Gonzales, on behalf of her son, stated that their issue was with the closeness of the road to his parcel.

Michael Cook, applicant's representative, explained that the fire access road would show up when the tentative map is brought to the Planning Commission. He also stated that these are gated fire access points for emergencies.

Jim O'Camb, El Dorado Hills Fire Department, said that he was present just to observe today's proceedings, but did state that the emergency access would not only be for them, but also for the Latrobe Fire Department.

Mr. Bone explained that the tentative map application will work out many of these details and that he will discuss the issues with the neighbors.

It was stated that Ryan Ranch, adjacent to the project, is a Zone of Benefit and cannot be gated. Although this is not an issue before the Commission today, Gina Hunter said that it would be addressed in the tentative map application when it is brought before the Planning Commission.

There was no further input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACCREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THAT THE PROPOSED AMENDMENT TO THE PHASING PLAN AND SCHEMATIC PLAN DOES NOT CREATE ANY NEW OR CHANGED IMPACT FROM THAT ANALYZED IN THE 1997 MARBLE VALLEY PROJECT EIR (SCH#95032018) AND THAT NO ADDITIONAL ENVIRONMENTAL REVIEW IS NECESSARY PURSUANT TO §15162 OF THE STATE CEQA GUIDELINES.; FIND, PURSUANT TO SECTION 1.F.1 OF THE DEVELOPMENT AGREEMENT, THAT THE MODIFICATIONS TO THE SCHEMATIC PLAN ARE NON-SUBSTANTIAL; DIRECT THE APPLICANT TO FILE A REVISED TENTATIVE MAP THAT WOULD BE FULLY CONSISTENT WITH THE SCHEMATIC PLAN AND DEVELOPMENT AGREEMENT INCLUDING REQUESTED MODIFICATIONS PRESENTED TODAY; SHOULD THE APPLICANT SUBMIT FOR REVISIONS WITHIN SUFFICIENT TIME SO THAT THE TENTATIVE MAP CAN BE HEARD BY THE PLANNING COMMISSION ON OR BEFORE THE FINAL MEETING IN 2008, THE REVISIONS MAY BE SUBMITTED ON CONSENT CALENDAR, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA Findings

- 1.1. The proposed amendment to the approved Schematic Plan as part of the Marble Valley Development Agreement will not create any new or changed environmental impacts from those identified in the 1997 Project Environmental Impact Report (SCH#95032018).
- 1.2. No subsequent EIR is required for the amendment pursuant to §15162 of the State CEQA Guidelines because the proposed amendment is not a substantial change that would cause new significant effects or increase the severity of previously identified effects; substantial changes in the circumstances under which the plan was adopted have not occurred; and there is no new information regarding potential impacts that were not identified during the preparation of the previous EIR.

2.0 General Plan Finding

- 2.1. The proposed amendment to the Marble Valley Development Agreement Phasing and Schematic Plan is consistent with the 1996 General Plan goals and objectives in that it will not reduce the County's ability to encourage clustering for the protection of cultural resources and opens space; Policy 2.2.2.6(F), minimize the development of parcels with greater than 40 percent slope; Policy 7.1.2.1, and preserve the protection of oak canopy; Policy 7.4.4.4.

1.0 Marble Valley Development Agreement Finding

1.1 Pursuant to Section 1.F.1 of the Marble Valley Development Agreement the amendment to the Phasing and Schematic Plan can be found to be not substantial and consistent with the 1996 General Plan.

13. GENERAL PLAN UPDATE – none

14. ZONING ORDINANCE UPDATE – none

15. DEPARTMENT OF TRANSPORTATION

Eileen Crawford presented to the Commission maps for the Alto project. She announced that there would be a public meeting on September 11, 2008 to discuss this map.

Craig McKibbin informed the Commission that DOT would be agendizing the Land Development Manual and Standards Plans for Road Cross-sections at the October 23, 2008, Planning Commission meeting.

16. COUNTY COUNSEL’S REPORTS – none

17. DIRECTOR’S REPORTS – none

18. ADJOURNMENT

Meeting adjourned at 5:05 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair