



# EL DORADO COUNTY PLANNING COMMISSION

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

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

Char Tim ..... Clerk of the Commission

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## MINUTES

### **Regular Meeting September 11, 2008 – 8:30 A.M.**

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

Meeting was called to order at 8:45 a.m. Present: Commissioners Knight, MacCready, Mathews, Machado\* and Tolhurst; Paula F. Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

(\*Clerk's Note: Commissioner Machado arrived at 9:15am and took his seat on the Planning Commission. He was not present for items 2-6.)

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

Larry Appel informed the Commission that staff is recommending item #11/WAC 08-0001/Clary be continued off-calendar due to a Code Compliance investigation.

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER KNIGHT, IT WAS MOVED TO ADOPT THE AGENDA WITH THE MODIFICATION OF ITEM #11 BEING CONTINUED OFF-CALENDAR.

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

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

a. **Minutes:** August 28, 2008

#### **Resolutions of Intention**

b. **#2008-01** to set a public hearing on October 9, 2008 to consider amending the Land Use Element of the General Plan to provide parcel size exceptions of residential subdivisions in Low Density Residential, Rural Residential,

Agriculture Lands and Natural Resource land use designations; and to consider amending Section 17.14.120 of the Zoning Ordinance to conform to General Plan policies.

**Findings of Consistency**

- c. **GOV08-0007** for a finding of Consistency on the Capital Improvement Program submitted by the EL DORADO HILLS COUNTY WATER DISTRICT (El Dorado Hills Fire Department). [continued from 8/14/08]
- d. **GOV08-0009** for a finding of Consistency on the Capital Improvement Program submitted by the PIONEER FIRE PROTECTION DISTRICT.

**Motion #1:**

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), IT WAS MOVED TO APPROVE ITEMS 4.A., 4.B. AND 4.D.

Commissioner Knight recused himself from item 4.c as he is a Director for this agency.

**Motion #2:**

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (3-0), IT WAS MOVED TO APPROVE ITEM 4.C.

**END OF CONSENT CALENDAR**

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

Larry Appel distributed copies of reports that had been given to the Adhoc Committee yesterday. The reports included updated Planning statistics (i.e., number of actions taken by Planning Commission and Zoning Administrator, upcoming Planning Commission items, Aging Report). Also, at the request of the Adhoc Committee, staff is preparing to provide public access via the internet of the final set of findings/conditions, environmental document, and staff report for each project starting with this meeting's projects. It is anticipated that this will be available by the end of the month.

**6. COMMISSIONERS' REPORTS – None**

**9:00 A.M.**

**PUBLIC FORUM/PUBLIC COMMENT – None**

7. APPEAL

Request by CHERYLYN STORY appealing the issuance of a Stop Work Order and the subsequent finding of **TMA08-0007 and Building Permit #187911** as null and void. The Temporary Mobile Home Application permit and building permit would allow the placement of a temporary mobile home on the parcel. The property, identified by Assessor's Parcel Number 078-200-60, consisting of 6 acres, is located on the south side of Kasey Road, approximately 500 feet south of the intersection with Sly Park Road, in the **Placerville area**, Supervisorial District II.

Thomas Lloyd presented this appeal to the Commission with a recommendation for denial.

Pierre Rivas stated that staff had been unaware that the property was a rental and that the applicant did not live on the property.

There was discussion on what is exactly in the application packet that would ensure an applicant was aware of the requirements prior to applying.

Commissioner Machado confirmed with staff that in this instance, the two owners of the property (with 50/50 ownership at the time of the application) do not live on the property, as the rules for this type of application states is required. He also clarified that condition 3.g stated clearly about the property owner living on the property.

Cherylyn Story, applicant, stated that her family has owned the property for over 40 years and that she is trying to help out her son. Ms. Story said that she had informed staff that the house was a rental and that she didn't live on the property and had been inquiring if she could place a trailer on the property. She was told that it would be allowed since it was a hardship. Ms. Story questioned that if it wasn't a hardship, then why was she given an application for a Temporary Mobile Home application? Ms. Story also said that she had put her correct address on the application and did admit that she did not read the document prior to signing it and did not know that she was supposed to live on the property. Ms. Story felt that this was a chain of events that fell through the cracks and that they are the victims. When they received the Stop Work Order, and after reading the conditions, her son was placed on the deed as an owner and they felt that they now conformed to the requirements. She was informed by staff that they still did not meet the requirements because the property owner should live in the main house and the displaced family member or caretaker would live in the 2<sup>nd</sup> dwelling as a hardship. Ms. Story stated that she could not find this requirement in her documents.

Ms. Story requested a compromise to the situation. She requested that her appeal be approved for a maximum of 2 years to allow her son to get financially stable and to provide them time to possibly change the 2<sup>nd</sup> dwelling into a granny flat, which will cost an additional \$20,000.

Sandra Prow informed the Commission that she had filed the Code Compliance complaint in June 2008 and although she sympathizes with the amount of money Ms. Story has spent on this, she still feels that the request does not meet the hardship requirement.

Joellen Hasal, Ms. Story's mother, stated that the property was originally set aside for her children and that her daughter is just trying to help out her son.

Godfrey Hasal, Ms. Story's father, indicated that he was upset with the time period of events and that it wasn't until 5-6 months after they received the permit that a Stop Work Order was issued. By then, they had already spent a considerable amount of time and money on the project.

Paula Frantz informed the Commission that by placing the son on the title of the property it did not change the situation because it still does not meet the TMA requirement. In Zoning Ordinance section 17.52, the temporary hardship interpretation is that both units are occupied by family members or a caretaker of the other family member.

Chair Tolhurst suggested that the address wording on the TMA applications be revised to identify "primary address" instead of "mailing address" as this is a key component for this type of application.

There was no further input.

**MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE APPEAL AND DIRECT STAFF TO MODIFY THE STANDARD CONDITIONS OF APPROVAL FOR THIS PROPERTY ONLY BY REMOVING CONDITION 3.G. AND MODIFY THE PERMIT THAT TWO (2) YEARS FROM DATE OF ISSUANCE IT IS ALLOWED WITHOUT A PROPERTY OWNER LIVING IN THE OTHER UNIT BUT AT TIME OF RENEWAL IT WOULD NEED TO MEET THE STANDARD CONDITIONS OF HAVING A PROPERTY OWNER IN ONE UNIT AND A FAMILY MEMBER IN THE OTHER UNIT.**

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

## **8. SPECIAL USE PERMITS**

a. **S08-0008** submitted by THE GRACE FOUNDATION OF NORTHERN CALIFORNIA (Agent: Beth DiCaprio) to allow continued use of a portion of property (40 acres) as a non-profit organization created to serve abused and neglected horses and livestock as well as provide riding instruction and therapy programs for children, including those with special needs; Educational programs for larger groups of school aged children for specialized training up to six times per month; and Up to two fundraising events per calendar year on property to support the Grace Foundation. The property, identified by Assessor's Parcel Number 118-110-03, consisting of 387 acres, is located on the east side of Latrobe Road, at the intersection with Ryan Ranch Road, in the **El Dorado Hills area**, Supervisorial District II. (Categorically exempt pursuant to California Environmental Quality Act Section 15301)\*\*

Michael Baron presented this item to the Commission with a recommendation for approval.

Staff confirmed that the Special Use Permit would run with the land and that there is sufficient amount of parking available for what is being requested. Staff also clarified that although this is a new Special Use Permit, some uses had already been happening. The applicant had not been aware that some of the current activities required a Special Use Permit and was advised by staff to include all activities desired in the application for a Special Use Permit.

The applicant informed the Commission that “Pony Town” is just facings of plywood and not structures. She stated that they started 2 ½ years ago and had rescued 16 horses which they utilize to work with special needs children. They recently took in 45 animals that Animal Control seized from Sommerset.

Cathy Toft of Environmental Management informed the Commission that they have been working with the applicant due to a septic failure and that the new system has been installed and inspected and is adequately sized for the project demands in the requested Special Use Permit. Ms. Toft is requesting a new condition be added that the on-site septic system be a transient non-community system.

There was discussion on the type of fundraising events and the number of attendees anticipated. Concern was expressed on the number of events that would possibly exceed 500 attendees. Staff suggested adding a new condition under Planning Services that would address that issue.

There was no further input.

**MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CERTIFY THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES; AND APPROVE SPECIAL USE PERMIT S08-0008, TO INCLUDE NEW CONDITIONS PROPOSED FOR ENVIRONMENTAL MANAGEMENT AND PLANNING SERVICES, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.**

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

## **Findings**

### **1.0 CEQA FINDING**

- 1.1** Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines stating that project that consist of the operation repair, maintenance, permitting, leasing licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

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

**2.0 SPECIAL USE PERMIT FINDINGS**

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

The proposed use, as conditioned, is consistent with the 2004 El Dorado County General Plan because the project has been reviewed through the discretionary process, as required by General Plan Policy 2.2.5.2.

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

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. Adequate precautions have been taken by the Department of Transportation to ensure a safe roadway during fundraising events.

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

Section 17.30.090 of the Zoning Ordinance requires a Special Use Permit for instruction given to groups in excess of four individuals at one time and shall be subject to approval of a special use permit by the Planning Commission pursuant to Section 17.22.500 et seq. The proposed use complies with the requirements of County Code Sections 17.14 and 17.30.060 through 17.30.100. While the overall scope of the project is not specifically listed as a use permitted by Special Use Permit in the RA-40 Zone District, the County has historically found that the use is similar to other Ranch Marketing endeavors that include the general public, which in some cases would require a Special Use Permit pursuant to Section 17.30.090 of the Zoning Ordinance. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies and staff analysis, staff finds that the project would not be detrimental to the public health, safety, and welfare and would not be injurious to the neighborhood.

**Conditions of Approval**

**Planning Services**

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Planning Commission exhibits marked D and E, dated August 17, 2008, and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County

for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Grace Foundation of Northern California requests a Special Use Permit to allow the continued use of a portion of Assessors Parcel Number 118-110-03 (40 acres of 387 acres) as a non-profit organization created to serve up to 200 abused and neglected horses and livestock, through care and adoption services, as well as provide instruction and therapy programs for children, including those with special needs.

Daily operations would allow groups of up to 12 children onsite for day camps, riding lessons and therapeutic programs. Up to 20 volunteers would be present for the feeding and care of the animals and ranch property on a daily basis.

The Special Use Permit also includes a request to allow educational programs for larger groups of school aged children for specialized training up to six times per month. These training sessions would consist of up to two school buses or a maximum occupancy of up to 80 children during the hours of 8 AM to 5 PM Monday through Friday. Further, the Special Use Permit would allow up to two fundraising events per calendar year on the property to support the Grace Foundation.

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

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

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

3. The two fundraising events shall not exceed 500 people, however if any event would exceed this limit, a Temporary Use Permit shall be required and cleared by Planning Services.

### **Latrobe Fire Protection District**

- ~~3.4.~~ The applicant shall provide a "Fire Safe Plan" to the Latrobe Fire Protection District, prior to final of any building permit.

4.5 Applicant shall provide the following information to the Latrobe Fire Protection District using state and local building codes, prior to final of any building permit:

1. Fire flow requirements for buildings and wildland
2. Driveway and parking requirements
3. Emergency preparedness plan
4. Provide occupancy classification(s)
5. Provide occupant loading requirements
6. Fire apparatus access roads
7. Provide a list of all stored items and locations
8. Provide defensible space around all buildings
9. On-site water supply for fire flow requirements
10. Fire protection systems as required by building code

### **Department of Transportation**

~~5.6.~~ For the semi-annual fund raising events, the applicant shall submit a traffic control plan to DOT for review and approval. The plan shall include advance, direction and warning signing, devices, flaggers needed to control the intersection of Latrobe Road and Ryan Ranch Road. The plan shall be submitted at least one month prior to the scheduled event.

### **Environmental Management**

7. Onsite septic system shall be designed as a transient non-community system.

b. **S07-0021/Cozzi Landscaping** submitted by GUY and CYNTHIA COZZI (Agent: Robert A. Laurie) to allow a landscaping business to operate as an expanded home occupation. The property, identified by Assessor's Parcel Number 102-540-09, consisting of 5 acres, is located on the south side of Fria Springs Road, approximately 2.9 miles north of the intersection with Green Valley Road and Deer Valley Road, in the **Rescue area**, Supervisorial District IV. (Statutorily exempt pursuant to section 15270(a) of the CEQA Guidelines)\*\*

Aaron Mount presented the item to the Commission with a recommendation of denial. Staff explained that the current business license states no employees, when in fact there are, so the business is in violation. In addition, the business should be moved from the residential area into a more compatible area.

A letter from the applicants' agent, Bob Laurie, dated September 9, 2008, was distributed to the Commission. Mr. Laurie re-reiterated many of the discussion points listed in his letter (i.e. traffic and aesthetics). He explained to the Commission that the neighborhood has anxiety over the proposed use, which is a small landscaping business. Mr. Laurie stated that the applicants live at the end of the subdivision next to an accessible gate to Jurgens Road. If the employees were allowed access through this gate, there would be no traffic impact to the neighborhood. As to the aesthetics issue, the applicants would provide full and complete screening. Mr. Laurie

addressed a diagram, that was placed on the wall and had not been presented to staff, that indicated how the vehicles would be additionally screened from view.

Guy Cozzi, applicant, provided photographs of his property to the Commission.

Dianne Guynn, neighbor that lives directly across from the applicants, is in support of the Special Use Permit and feels that if anyone should be complaining about this, it should be her.

Bob Barrett, president of the Home Owner's Association, addressed a letter that he had previously sent the Commission which spoke in opposition of the project. He stated that the gate in question is a locked gate for emergency access only. The residents are not in favor of keeping the gate open as it would be used as a shortcut for motorists. Mr. Barrett informed the Commission that out of the 10 parcels in the subdivision, the owners of 8 of them are opposed to the Special Use Permit. A commercial enterprise in a residential area is not compatible and he does not want to be placed in a position to have to monitor the conditions of the Special Use Permit.

Ken Eldridge, resident, stated that the way of life is a pivotal point of this issue and the emotional factor is a part of this. Mr. Eldridge said that prior to purchasing his property and putting everything he owned into it, he did due diligence of the neighborhood. The character of the neighborhood is not commercial or light industrial and if the applicants sell the property, the Special Use Permit will stay with it. Mr. Eldridge also felt that trying to enforce the conditions of the permit would be a nightmare.

Cynthia Cozzi, applicant, expressed that it has been very emotional due to the neighbor's letters and comments and felt that the issue was much more than running a small business out of the home.

Mr. Laurie reiterated that two employees entering/exiting the neighborhood two times a day is not a significant impact and did agree that this is very emotional for both sides.

Commissioner Knight stated that he is a proponent of home-based businesses but there needs to be controls so as not to infringe on others.

Commissioner Machado said that when employees are arriving in private vehicles to switch to company vehicles, it is no longer home-based. He felt that there should be no employees, no employee vehicles, no storage of materials, and that it is the Commission's job to protect the neighborhood.

There was no further input.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MACCREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CERTIFY THAT THE PROJECT IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15270(A) OF THE CEQA GUIDELINES; AND DENY SPECIAL USE PERMIT S07-0021 AS**

THE REQUIRED FINDINGS CANNOT BE MADE BASED ON THE ANALYSIS IN THE STAFF REPORT AND AS NOTED IN ATTACHMENT 1.

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

### **Findings for Denial**

#### **1.0 CEQA Finding**

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved. The project is unapprovable due to numerous inconsistencies with General Plan policies.

#### **2.0 General Plan Findings**

- 2.1 The proposed special use permit is inconsistent with the Low-Density Residential (LDR) General Plan land use designation. The proposed home occupation is not secondary and subordinate to the primary residential use and detrimentally affects the residential character of the dwelling, premises, and the neighborhood.
- 2.2 The proposal, as conditioned, is inconsistent with the intent of Policies 2.2.5.21 and 10.1.74 because current adopted County Code directs that businesses such as the subject one, with employees, storage of equipment, and parking of employee vehicles, are not compatible with residential neighborhoods. The existing business generates vehicular traffic measurably in excess of that normally associated with single-family residential. The project has a significant visual impact on the existing residential zone district. Employees are not consistent with home occupations. The project has the potential to use and store hazardous substances which is not compatible with a residential use.

#### **3.0 Special Use Permit Findings**

- 3.1 **The issuance of the permit is consistent with the General Plan.** The special use permit is inconsistent with General Plan Policies 2.2.5.21 and 10.1.7.4 which states that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. The proposed landscape business is located within a residential subdivision and has increased traffic and created significant visual impacts. The use is an unduly intensive commercial use within a residential zone district with developed properties.
- 3.2 **The proposed use would be detrimental to the public health, safety and welfare, or injurious to the neighborhood.** Based on the conclusions contained in the staff report the proposed landscape business is located within a residential subdivision and impacts the neighborhood through increased traffic above the residential levels, significant visual impacts, and the potential to store hazardous materials. These are detrimental to the

public health, safety and welfare, of the neighborhood. The use is an unduly intensive commercial use within a residential zone district with developed properties.

- 3.3 **The proposed use is specifically permitted by special use permit pursuant to this Title.** The proposed landscape business is a commercial use and is not permitted by Special Use Permit in the RE-5 Zone District and therefore, there is no authority to approve such a use.

**9. REZONE AND TENTATIVE PARCEL MAP**

- a. **Z07-0056/P07-0050** submitted by ROBERT HARRER to rezone from Estate Residential Five-Acre/Airport Safety (RE-5/AA) to One-Acre Residential/Airport Safety (R1A/AA) and create two parcels ranging in size from 1 to 3.27 acres. The property, identified by Assessor's Parcel Number 070-040-73, consisting of 4.27 acres, is located on the south side of Meder Road, approximately 300 feet west of the intersection with Chasen Drive, in the **Shingle Springs area**, Supervisorial District IV. (Negative Declaration)\*

Jonathan Fong presented this item to the Commission with a recommendation to the Board of Supervisors for approval.

Jon Wheat, the applicant's surveyor, addressed a letter dated September 2, 2008, that identified their request to remove a portion of condition 10 that would require destroying the existing well. This well is not connected to the house and is used for irrigation purposes only. Mr. Wheat also explained that the intent of the parcel division is to give the granny flat to the applicant's daughter.

Cathy Toft of Environmental Management stated that the division of parcels under 5 acres is not compliant with General Plan Policy 5.2.3.5. She explained that each parcel would be allowed two homes on it and this could contaminate the groundwater. Ms. Toft said that there is an issue with the septic's proximity to groundwater even though both homes will be utilizing EID for domestic water. When questioned about a county monitoring program, Ms. Toft responded that Environmental Management does not have that type of program which is why the rules are in place.

Bob Harrer, applicant, explained that the smaller parcel with the granny flat has its own septic and is on EID water. The larger parcel has its own septic and has the existing well for irrigation only. Both systems are in compliance with distance requirements.

There was no further input

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION BASED ON THE INITIAL STUDY; AND APPROVE Z07-0056/P07-0050, TO INCLUDE THE MODIFICATION IN CONDITION 10 TO NOT DESTROY THE WELL,**

BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

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

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,876.75 and a \$50 El Dorado County processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 Zone Change Findings**

##### **2.1 That the proposed Rezone is consistent with applicable general and specific plans;**

The proposed rezone from Estate Residential Five-acre/ Airport Safety (RE-5/AA) to One-Acre Residential/ Airport Safety (R1AA) is consistent with the General Plan which designates the parcel as High Density Residential (HDR) which allows for the proposed parcel sizes. The proposed R1A zoning is consistent within the Cameron Park Community Region.

#### **3.0 Tentative Parcel Map Findings**

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

The proposed Parcel Map would be consistent with the density requirements of the HDR land use designation, policies regarding public water and wastewater services, and consistent within the Cameron Park Airport.

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

The proposed parcel sizes would be consistent within the HDR land use designation and comply with the Development Standards of the R1A Zone District. The project would be consistent with General Plan Policy 5.3.1.2.

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

No development would occur as part of the project. The site has been previously development with a primary and secondary residence and accessory structures. The site is not constrained with biological or topographical constraints. All future development would be required to demonstrate consistency with applicable policies and regulations.

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

The site has been previously developed. No development would occur as part of the project. The creation of one additional parcel would result in additional density that could not be supported by the site. All adequate services and utilities are available to service the project.

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

No improvements would occur as part of the project. The project would be required to connect to EID public water along Meder Road which has adequate capacity to serve the project.

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

The project would create one additional parcel. No hazardous design features or improvements would be associated with the project that would expose the public to additional hazards or unacceptable risks.

- 3.7 That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision. 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 §6, 1988: prior code §9348)**

The project parcel does not contain existing easements acquired for the public at large. The project would dedicate the right-of-way along the property frontage on Meder Road as an Irrevocable Offer of Dedication to the County.

### Conditions of Approval

#### Planning Services

1. This Parcel Map and Zone Change are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated September 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow a two lot parcel map and rezone. The rezone would change the parcel from Estate Residential Five-acre/ Airport Safety (RE-5/ AA) to Single-family One-acre Residential (R1A). The parcel sizes are as follows: Parcel 1- 1.00 acre, Parcel 2- 3.27 acres

All parcels would take access via the existing driveways onto Meder Road. No road improvements would occur as a result of this project.

The parcels would be served by EID public water and on-site septic systems. The existing well on Parcel 2 would be used for irrigation and landscaping purposes only.

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Parcel Map.
3. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County

Code. Planning Services shall verify that the fees have been paid at the time of filing the Parcel Map.

4. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
5. All Development Services fees shall be paid prior to filing of the Parcel Map. Planning Services shall verify payment of all fees prior to the filing the Parcel Map.
6. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
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, as provided in Section 66474.9(b) of the California Government Code.

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

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

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

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

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

**Environmental Management:**

10. The applicant shall connect to public water. The existing houses shall connect to EID public water ~~and the wells shall be properly destroyed under permit~~. The Department shall ~~verify the wells have been destroyed and~~ receive proof of public water service prior to filing the parcel map.

Department of Transportation

*PROJECT-SPECIFIC CONDITIONS*

11. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 35-foot wide right of way and slope easement (if necessary) along the property frontage adjoining Meder Road as determined by EDC DOT, prior to the filing of the map. This offer shall be accepted by the County prior to filing the parcel map.
12. **Gates:** Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. The location of all gates shall be verified by DOT prior to filing the parcel map.

*DOT STANDARD CONDITIONS*

13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **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.
15. **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.
16. **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.
17. **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.
18. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, he 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 or DSD (whichever department is entrusted with review) prior to occupancy clearance.

19. **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.
20. **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.
21. **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.
22. **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 parcel map or the applicant shall obtain an approved improvement agreement with security.

23. **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. 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.
24. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and on the parcel map.
25. **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.
26. **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.

27. **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.
28. **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**

29. The applicant shall submit a review fee of \$120.00 to the District. The District shall review and approve the project prior to filing of the parcel map.
30. The project shall meet the required fire flow of 1,000 gallons per minute @ 20psi for two hours. The District shall verify the required fire flow prior to filing the parcel map.

**Air Quality Management District**

31. The applicant shall make applications and pay the appropriate fees for a Fugitive Dust Plan. The District shall review and approve the plan prior to commencement of any construction.
32. The applicant shall comply with all District air quality rules during project construction.

**County Surveyor**

33. All survey monuments must be set prior to filing of the parcel map.
34. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that “all conditions placed on P07-0050 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
35. The applicant shall provide a Parcel Map Guarantee issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).

b. **Z06-0040/P06-0043** submitted by SUSAN MARCYAN to rezone from Residential Agricultural 20-Acre/Planned Development (RA-20-PD) to Estate Residential Ten-Acre (RE-10) and create four parcels ranging in size from 10 to 16.43 acres. The property, identified by Assessor’s Parcel Number 073-020-43, consisting of 46.23 acres, is located on the west side of State Route 193, approximately 3,250 feet east of the intersection with Penobscot Road, in the **Cool area**, Supervisorial District IV. (Negative Declaration)\*

Tom Dougherty presented the item to the Commission with a recommendation to the Board of Supervisors for approval.

A copy of an e-mail dated September 10, 2008, from Steven Proe was provided to the Commission for review.

Kent Baker, applicant's representative, stated that the rezone request matches the General Plan. He inquired on the timing of road improvements listed in conditions 15-17 and 19 with a request to change those conditions. Eileen Crawford of DOT responded to Mr. Baker's questions and provided explanation as to why she did not support his request to change DOT's conditions.

Cathy Toft of Environmental Management requested that a new condition be added that stated a safe and reliable water source would be available prior to the filing of the map.

Chris Flores of the Agriculture Department addressed a memo from the Agricultural Commission dated February 20, 2007, which recommended denial of this project. Ms. Flores stated that if the project was recommended for approval, they request that a 200 foot agricultural setback be added to parcels adjacent to the agricultural land.

Commissioner MacCready stated that he would be following the Agricultural Commission's recommendation and not support this project.

Commissioner Mathews indicated that he would follow the mandate of his district to protect agriculture and would vote no.

There was no further input

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY A 3-2 VOTE, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM, BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND APPROVE THE REZONE Z06-0040 AND TENTATIVE PARCEL MAP P06-0043, TO INCLUDE NEW CONDITIONS FROM ENVIRONMENTAL MANAGEMENT AND AGRICULTURE DEPARTMENT, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.**

### **Findings**

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

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated

Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.

- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

## **2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for single family residential and agricultural development in a rural setting. The proposed 10 to 16.23-acre parcels conform to the General Plan land use designation.
- 2.2 As conditioned and mitigated and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, 2.2.5.3, 2.2.5.21, 5.7.1.1, 6.2.3.2, 6.5.1.8, 7.3.3.4, 7.4.2.9, 7.4.4.4, 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.2.5 concerning adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, noise impacts, wetland impacts, retaining the character of land located designated as IBC, mitigation for the loss of indigenous oak tree canopy, and impacts to agriculturally-zoned lands. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

## **3.0 Zoning Findings**

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed 10 to 16.23-acre lots would conform to the new zoning and the development standards in Section 17.70.110 for minimum lot width of 150 feet, minimum parcel size of ten acres, building setback requirements of 30 feet from parcel boundaries and road easements as well as the parking

requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

#### **4.0 Administrative Findings**

##### **4.1 Rezone Finding**

4.1.1 **That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan** because the Estate Residential Ten-Acre (RE-10) Zone is consistent with the Rural Residential (RR) land use designation based on the Consistency Matrix, Table 2-4. The RE-10 zone allows parcels to be a minimum of ten acres in size while the RR designation allows 10.0 to 160 acres depending on the availability of infrastructure and public resources. The rezone is compatible with the surrounding pattern of development where a majority of parcels are five acres or larger within a 500-foot radius of the property. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of Policy 2.2.5.3. This project also meets applicable policies outlined by the General Plan including, but not limited to, those established for wetland buffers, preservation of oak woodland tree canopy and cultural resources, slope preservation, and adequacy of public services and utilities.

##### **4.2 Tentative Parcel Map Findings**

4.2.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential Ten-Acre (RE-10) zone district, there is adequate emergency and standard vehicular access provided, and public facilities and existing utilities to support the residential uses.

4.2.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses on site or are conditioned to provide them prior to filing the parcel map.

4.2.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadways to all parcels will require minor modifications to the existing rough-graded roadway including surfacing and width improvements. The impacts from all other potential impacts have been analyzed in the Initial Study and, as conditioned, mitigated and with strict adherence to County Code, have been found to be less than significant.

#### **Conditions for Approval**

##### **Project Description**

1. This rezone and tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-L, dated September 11, 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:

Approval of this project allows the following: rezone of the 46.23-acre parcel referenced as Assessor's Parcel Number 073-020-43 from Residential Agricultural 20-Acre - Planned Development (RA-20 – PD) to Estate Residential Ten-Acre (RE-10) and a tentative parcel map to subdivide the 46.23-acre parcel into four parcels ranging in size from 10 to 16.23 acres. None of the four parcels shall be less than ten-acres in size.

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

#### **Conditions from the Mitigated Negative Declaration**

2. Prior to disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. A total of 4.84 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. **[MM Bio 1]**.

**Monitoring:** The applicant shall provide a copy of the 404 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project.

3. A 50-foot non-building/disturbance setback line shall be recorded on the parcel map that begins at all high-water marks or the outer boundary of any adjacent wetlands along the unnamed tributary that transverses the northeast corner and is shown on the Greenwood

U.S.G.S Quadrangle and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the parcel map, Site Plan Review, grading and building plans where applicable. **[MM Bio 2]**.

**Monitoring:** Prior to filing of parcel map, Site Plan Review (SPR), grading and/or building plan approval, Planning Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable.

4. A Streambed Alteration Agreement shall be obtained from CDFG, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers. **[MM Bio 3]**.

**Monitoring:** The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

5. The applicant shall pay the in-lieu fee for 0.61 acre oak canopy removed. The fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

**Monitoring:** The applicant shall provide to Development - Planning Services proof of payment of the in-lieu fee prior to issuance of a grading permit. **[MM Bio 4]**.

6. The historic resource identified as CA – ELD - 449 in the Amended Cultural Resources Study and Limited Archeological Testing of the Marcyan Four – Way Split Project on APN 037-020-43, (Historic Resource Associates, Dana Supernowitz, January 2007) shall be preserved by the following methods **[MM Cult Res 1]**:

- a) Prior to initiation of any grading or other work on the project area, the area shown as CA – ELD - 449 must be fenced off with temporary construction fencing to ensure its protection from inadvertent impact from grading, vegetation clearance, or road construction.

**Monitoring:** Planning Services staff shall verify that the location of the historic resource is noted on any development plan prior to issuance. The applicant shall verify with a qualified archeologist that the aforementioned historic resource is accurately located on the submitted site plan. The applicant shall supply a letter from the qualified archeologist to Planning Services that the location noted on the map is accurate. The County grading permit inspector shall verify the presence of the temporary construction fencing.

- b) A non-building area must be placed over the site area, preventing any use or impact to that portion of the lot. The non-building area shall be shown on the Parcel Map with a note describing that the area is for the preservation of the historic resource identified as CA – ELD - 449 in the Amended Cultural Resources Study and Limited Archeological Testing of the Marcyan Four – Way Split Project on APN 037-020-43, (Historic Resource Associates, Dana Supernowitz, January 2007).

**Monitoring:** Planning Services shall verify that the location of the historic resource is accurately noted on the final Parcel Map. The applicant shall supply a letter from the qualified archeologist to filing of the Parcel Map.

- c) A permanent fence shall be installed to protect the site identified as CA – ELD - 449 in the Amended Cultural Resources Study and Limited Archeological Testing of the Marcyan Four – Way Split Project on APN 037-020-43, (Historic Resource Associates, Dana Supernowitz, January 2007), prior to filing the Parcel Map.

**Monitoring:** The applicant shall supply a letter from the qualified archeologist to Planning Services that the location of the permanent fence for the preservation of the historic resource identified as is accurately located and the fence is installed prior to filing the parcel Map.

7. A 225-foot non-building setback from the western parcel boundary along the full length of where it adjoins State Route 193 shall be shown on the final map. **[MM Noise-1]**.

**Monitoring:** El Dorado County Planning Services Division will be responsible for assuring that the 225-foot non-building setback is shown on the final map prior to approval. The final map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views from State Route 193, pursuant to the adopted Mitigated Negative Declaration. A note shall be made that this setback restriction would include pools as well.

### **Planning Services Site Specific and Standard Conditions**

8. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
9. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or filing of the parcel map filed until said fees are paid.
10. 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 the parcel map.

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

The 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.

#### **El Dorado County Department of Transportation**

15. Onsite Access Improvements: The applicant shall widen the on-site access roadway to a width of 18 feet with one-foot shoulders per El Dorado County Design Std Plan 101C. for its entire length onsite. This access 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. NOTE: The Fire Department has adopted the new California Fire Code 2007 which requires all access roads to be a minimum of 20 feet wide, which is greater than DOT's requirement of 18 feet. Please be advised the Fire Department may require a wider roadway.

16. **Secondary Access:** The applicant shall provide a 25-foot road easement (half of the required 50-foot easement) along the western boundary line of proposed Parcel 4 connecting the onsite access road to Secret Ravine Trail to the north. The applicant shall construct an access road within the easement per Design Standard Plan 101C. This access 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.
17. **Turnaround:** The applicant shall provide a turn around at the end of the onsite access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
18. **Road & Public Utility Easement:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map. Slope easements shall be included as necessary.
19. **Encroachment Permit:** The applicant shall obtain an encroachment permit and shall construct said encroachment from the on-site access roadway onto Highway 193 as required by Caltrans, prior to filing the map.
20. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of State Route 193, excluding the locations of the approved access encroachments.
21. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
22. **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 filing 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.
23. **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.
24. **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.
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 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 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 offsite 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, or the applicant shall obtain an approved improvement agreement with security, prior to filing the parcel map.
  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, and recommended design criteria for any retaining walls.
33. 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 map.
34. 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 map.
35. 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.

36. 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.
37. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

**El Dorado County Fire Protection District**

38. The applicant shall submit review fee of \$120.00.
39. Fire flow for this project is 1,000 gpm @ 20 psi for two hours.
40. The applicant shall provide documentation from the Fire District to show that the system will meet required fire flow for this project prior to filing the Parcel Map.
41. Additional hydrants will be required for this project. All parcels to be within 500 feet of a hydrant.
42. In place of condition #41, the applicant may choose an approved residential sprinkler system with 3,000 gallons of water storage at each parcel home site.
43. The applicant shall develop and implement a El Dorado County Fire Protection District and Cal Fire approved Fire Safe Plan for the project parcels. Said plan shall be reviewed and approved by the District prior to filing the parcel map. A Notice of Restriction (NOR) shall be recorded that ensures implementation of the Fire Safe Plan. The NOR shall be reviewed and approved by the El Dorado County Fire Protection District prior to filing the Parcel Map.
44. Any gates that are not shown shall require Fire District approval and/or approval of a special use permit through El Dorado County.

**Georgetown Divide Public Utility District (GDPUD)**

45. The existing seasonal irrigation water account with GDPUD is required to be assigned to one of the new parcels prior to filing the parcel map. If the account is assigned to one of four parcels that is not adjacent to the existing facilities, an easement must be reserved for the private service line from the existing ditch connection facilities to the account holder's parcel. The easement shall be between five and ten feet wide, to the discretion of the subject tentative parcel map applicant. The location of the easement on the parcel map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.
46. A 50-foot wide easement that equally straddles GDPUD's Main Ditch #2 which traverses the property in the northwest portion of proposed Parcel 4 as shown in Exhibit F shall be

dedicated to GDPUD and recorded on the parcel map for access purposes to maintain and repair the facilities within the easement. The location of the easement on the parcel map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.

**California Department of Transportation (Caltrans)**

47. The locations of the two encroachments from the subject parcel onto State Route 193, and all associated easements within the State right-of-way shall be accurately shown and described on the parcel map and shall be reviewed and approved by Caltrans through the encroachment permit process. The improvements identified in the encroachment permit project plans shall be constructed prior to filing the Parcel Map.
48. An encroachment permit shall be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right-of-way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. To secure an application the applicant shall contact Encroachment Permits Central Office at (530) 741-4403 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right-of-way. The previous westernmost encroachment located at approximately PM 4.8 shall be abandoned by removing the asphalt concrete and building a berm or fence across the access at the right-of-way line. The width of the proposed relocated driveway at approximately 200 feet east of PM 4.8 shall be 24 feet wide measured at the end of the returns. The width of the existing easternmost encroachment located at approximately PM 5.2 shall be 12 feet wide measured at the end of the returns.
49. The applicant shall request a "Notice of Completion" from the Encroachment Permit Office once all work related to the encroachment permit application has been completed as shown on the approved plans.
50. A Drainage Report shall be prepared and submitted to Mr. Gurdeep Bhattal, Caltrans District 3 Hydraulics Branch, at (530) 741-4056, at the time of the request for an encroachment permit, for review and approval. The Report shall address the following concerns:
  - a) Within the project area, a 24-inch culvert at Post Mile 4.9, and a 48-inch culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project shall not be directed towards these culverts.
  - b) Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project shall be provided.

**El Dorado County Office of the County Surveyor**

51. All survey monuments must be set prior to filing the Parcel Map.

52. 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 their office prior to filing the Parcel Map.
53. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

**Environmental Management Department – Environmental Health Division**

54. Prior to the recordation of the final map, each lot shall have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02.

**El Dorado County Agriculture Department**

55. A 200-foot non-building setback line shall be shown on the parcel map along the south border of parcels 1, 3, and 4. The line shall also be shown along the west boundary of Parcel 4.

**10. TENTATIVE SUBDIVISION MAP**

**Tentative Subdivision Map TM08-1468/Carlson Woods** submitted by JOHN and GAIL ELDRIDGE to create four parcels ranging in size from 5 to 5.81 acres, with the following design waivers: Allow the existing shoulder width of one to five feet to be sufficient along Carlson Drive in lieu of 5-foot shoulders throughout; Allow the existing 50-foot right of way for Carlson Drive to be sufficient in lieu of 60 feet; and Allow a 12-foot width driveway easement to access Lot 2 in lieu of a 20-foot road. The property, identified by Assessor's Parcel Number 070-210-37, consisting of 21.70 acres, is located on the north side of Carlson Drive approximately 0.6 mile north of the intersection with Meder Road, in the **Shingle Springs area**, Supervisorial District IV. (Mitigated Negative Declaration)\*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He also provided a memo dated September 11, 2008, from staff, requesting to delete condition 10 and modify condition 17.

Elizabeth Zangari of DOT (Zone of Benefit Administration) explained that each of the new parcels would be a part of the Zone of Benefit since the original parcel is part of it.

Gene Thorne, applicant's representative, concurred with staff's request for conditions 10 and 17.

John Eldridge, applicant and long-time resident, stated that the application was submitted due to financial and health reasons which were making it necessary to split the property in order to sell part of it. He is requesting the five acre splits as it is called out in the General Plan.

There was no further input

**MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO 1. ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, BASED ON THE INITIAL STUDY PREPARED BY STAFF; 2. APPROVE TENTATIVE MAP TM08-1468, TO INCLUDE THE REMOVAL OF CONDITION 10 AND MODIFICATION OF CONDITION 17, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND 3. APPROVE THE FOLLOWING DESIGN WAIVERS SINCE APPROPRIATE FINDINGS HAVE BEEN MADE AS NOTED IN SECTION 5 IN ATTACHMENT 2: (A) ALLOW THE EXISTING ONE TO FIVE-FOOT SHOULDER WIDTH TO BE SUFFICIENT ALONG CARLSON DRIVE, (B) ALLOW THE EXISTING 50-FOOT RIGHT OF WAY FOR CARLSON DRIVE TO BE SUFFICIENT, AND (C) ALLOW A 12-FOOT WIDE DRIVEWAY TO ACCESS LOT 2.**

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

### **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 pursuant to *Section 66472.1 of the California Government Code*:

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

project. The monitoring program is designed to ensure compliance during project implementation.

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

## **2.0 General Plan Consistency Findings**

- 2.1 The proposed tentative map, as conditioned and mitigated, is consistent with the Low-Density Residential General Plan land use designation for the maximum allowable density of one dwelling unit per five acres and permissible residential use.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.1.1 and 7.4.4.4, concerning character of development within Rural Regions, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, mitigations for the impacts to rare plants and oak tree canopy. Mitigation 2, [MM Bio Res 1], satisfies the County's requirements for mitigation of the impacts to the rare plants in Mitigation Area 1 and Mitigation 3, [MM Bio Res 2], satisfies the County's requirements for mitigation of the impacts to oak tree canopy. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

## **3.0 Zoning Findings**

- 3.1 The project, as proposed and conditioned, along with the zone change, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots each can meet the development standards of the RE-5 zone district pursuant to Section 17.28.210 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

## **4.0 Tentative Subdivision Map Findings**

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because the parcels are of adequate size for the Estate Residential Five-Acre (RE-5) zone district, there is adequate emergency, regular vehicular access, public facilities and existing utilities to support the residential uses on each parcel. Further, the project was subject to review by the Rescue Fire Protection District who conditioned the project such that the final map cannot be finaled without implementation of the approved Fire Safe Plan.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the final map is conditioned to have facilities and utilities to support the residential uses prior to recordation.

- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access to all lots will be driveways, not roads, and the impacts from all other required improvements have been analyzed in the Initial Study and, as conditioned and mitigated and with strict adherence to County Code, have been found to be less than significant.

### 5.0 Design Waiver Findings

- 5.1.0 **Allow the existing one to five-foot wide shoulder width to be sufficient along Carlson Drive (instead of requiring five-foot shoulders).**

- 5.1.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the existing paved roadway averages 20 plus feet in width. Given that the roadway width meets minimum Fire Code standards, and Carlson Drive traffic is not anticipated to increase significantly as most of the parcels accessing Carlson Drive are developed, DOT has stated they can support this design waiver request.

- 5.1.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for the road to meet the *El Dorado County Design and Improvement Standards* for five-foot shoulders would cause the removal of fixed obstacles along the roadway (i.e. culverts, utility poles, fences, etc) in the ownership of others.

- 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** because the Rescue Fire Protection District did not raise any objections to this design waiver request and allowing an existing road that meets the minimum Fire Code standards to remain as is will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- 5.1.4 **This waiver 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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

- 5.2.0 **Allow the existing 50-foot right-of-way for Carlson Drive to be sufficient (instead of requiring 60-feet).**

- 5.2.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the traffic on Carlson Drive is not anticipated to increase significantly nor is it anticipated to provide access to additional parcels in the future. Additionally, Carlson Drive is a paved roadway with varying widths of 20+ feet and is not included in the General Plan as a roadway identified

for future widening. Therefore, the existing 50-foot right-of-way is sufficient and the El Dorado County Department of Transportation (DOT) has stated they can support this design waiver request.

- 5.2.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* would create excessive unnecessary impacts to the existing man-made features and natural environment.
- 5.2.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing the existing roadbeds to be used will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare and the Rescue Fire Protection District has not raised any objections to this design waiver request.
- 5.2.4 **This waiver 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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.
- 5.3.0 **Allow a 12-foot wide driveway standard for access to Lot 2.**
- 5.3.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because providing a road access to Lot 2 would involve introducing an 18-foot wide road through both of the parcels which would allow unwanted public access and create excessive impacts to the site's natural features. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create the need for excessive road improvements not compatible with a rural environment and would require the creation of a flag lot.
- 5.3.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would require widening that would create excessive unnecessary impacts to the natural environment.
- 5.3.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for exclusive access to Lot 2 through Lot 1 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

- 5.3.4 **This waiver 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** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

### Condition of Approval

#### Planning Services

1. This tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit F (tentative parcel map) dated September 11, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative Map creating four lots ranging in size from ranging in size from 5.0 to 5.81 acres (Exhibit F).

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 (i.e.: Wildfire Safe Plan) must be submitted for review and approval and shall be implemented as approved by the County.

#### Conditions from the Mitigated Negative Declaration

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

2. The Rare Plant Mitigation fee, in lieu of on-site mitigation, shall be paid to El Dorado County at the time of issuance of any building permit for any of the four lots subject to this permit. **[MM Biological Resources-1]**.

**Monitoring:** The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of any development permit on any of the four lots.

3. The applicant shall choose to mitigate for oak canopy loss with either Option A or Option B, pursuant to General Plan Policy 7.4.4.4.

If Option A is chosen, the applicant shall be required to replant 100 one-gallon sized black oak (*Quercus kelloggii*) and interior live oaks (*Quercus wislizenii*) trees (200 trees x 0.50 acre = 100). Alternatively, the applicant may plant 600 acorns [(200 trees x 0.50 acre) x 3 acorns = 300 acorns]. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits K1, K2 and K3. Prior to finaling the map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

If Option B is chosen, in lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. [MM Bio-2].

**Monitoring:** Should the application choose Option A, replanting, prior to recording the Final Map, the applicant is required to enter into a County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees and Oak Tree Replacement Plantings through Planning Services. Applicant shall adhere to the Revegetation and Restoration Plan in Exhibit K2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement for planting trees and for fifteen years for planting acorns. Should the applicant choose Option B, a receipt showing payment of the oak conservation in-lieu fee shall be received by Planning Services prior to issuance of any development permit.

#### **Planning Services Site Specific and Standard Conditions**

4. 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.
5. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

6. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Airports, Parks and Grounds Division, and shall submit the receipt to Planning Services prior to filing of the final map.
7. All Development Services fees shall be paid prior to recording of the Final Map. Planning Services shall verify payment of all fees prior to recording the Final Map.
8. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
9. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
- ~~10. A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants Codes and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
  - a. Implementation of all provisions of the *Wildland Fire Safe Plan* dated September 13, 2007, approved by Rescue Fire Protection District and Calfire on February 20, 2008.
  - b. Ongoing maintenance and monitoring of the shared roads.
  - c. Open space management of those areas subject to Mitigation 2 above, **[MM Bio 1]**, the Revegetation and Restoration Plan included in Exhibits L1, L2 and L3 above.~~

~~The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Planning Services Division for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.~~

- 11.10 Prior to filing the final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
- 12.11. 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 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.

### Rescue Fire Protection District

- 13.12. Each lot shall have a District approved 2,500 gallons of water storage prior to issuance of any future building permit.
- 14.13. The District will review each building permit for the potential requirement to include sprinkler systems.
- 15.14. Each of the four lots shall be required to adhere to the requirements of the *Wildfire Fire Safe Plan* for the *John Eldridge Tentative Map APN 070-210-37* dated January 2006.
- 16.15. The project shall meet the requirements of the California SRA Fire Safe Regulations and the 2007 California Fire Code.
- 17.16. The applicant shall record a Notice of Restriction (NOR) that states that all four lots shall adhere to ~~Conditions 11 to 14 above~~ the *Wildfire Fire Safe Plan* for the *John Eldridge Tentative Map APN 070-210-37* dated January 2006. Said Notice of Restriction shall ~~include those conditions and~~ have a copy of the approved Wildfire Fire Safe Plan attached to it. The NOR shall be reviewed and approved by the Rescue Fire Protection District and Planning Services prior to recordation. The approved NOR shall then be recorded and a copy of the recorded document shall be received by Planning Services and the Rescue Fire Protection District prior to recordation of the final map.

### El Dorado County Department of Transportation

- 18.17. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing 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   |
| Carlson Drive<br><i>(onsite and offsite to Meder Road)</i> | Modified Std Plan 101C<br><br>Driveway encroachments Std Plan 103B-1 | 20ft / 1ft                   | 50ft           | No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP |

\* 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

**19.18. Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Carlson Drive, from the project boundary to Meder Road, meets the requirements of El Dorado County Standard Plan 101C and the California Fire Code 2007, a 20-foot roadway width with a minimum 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows Carlson Drive complies with the DISM and Fire Safe Regulations as well as a secondary access road or acceptable alternative. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.

**20.19. Turnaround / Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the turnaround encroachment onto Carlson Drive to the provisions of Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.

**21.20. Offer of Dedication:** Because the project lies fully within an existing road maintenance Zone of Benefit, upon completion and County approval of the on-site road construction, the road right-of-way of Carlson Drive shall be Irrevocably Offered to the County of El Dorado prior to the filing of the map. This offer will be rejected.

**22.21 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.

- ~~23.~~22. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to the recordation of the final map.
- ~~24.~~23. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
- ~~25.~~24. **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 recording the Final 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.
- ~~26.~~25. **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).
- ~~27.~~26. **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.
- ~~28.~~27. **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.
- ~~29.~~28. **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 the recordation of the final map.
- ~~30.~~29. **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 the recordation of the final map.
- ~~31.~~30. **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.
- ~~32.~~31. **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.

**33.32. 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.

**34.33. 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.

**35.34. 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.

**36.35. 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.

37.36 **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. 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 recordation of the final map.

38.37 **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.

39.38 **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.

40.39 **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.

41.40. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

42.41. **Off-site Improvements Agreement:** Site improvements to existing roads within the boundaries Carlson Drive Zone of Benefit shall be completed under a contract with the County of El Dorado through a funding agreement between the property owner(s) and the County on behalf of the Zone. Where such improvements are required, the owner(s) shall place on deposit with the County adequate funds to cover the cost of the project, including necessary inspections and all associated administrative costs.

43.42. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or 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.

44.43. The County of El Dorado will not acquire interest through possession of fee title of any right-of-way that lies within the boundaries of the Carlson Drive Zone of Benefit.

45.44. **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.

~~46.45.~~ **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

**Environmental Management Department – Environmental Health Division**

~~47.46.~~ Prior to the recordation of the final map, each lot shall have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02.

**El Dorado County Office of the County Surveyor**

~~48.47.~~ All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

**11. WILLIAMSON ACT CONTRACT**

**Williamson Act Contract WAC08-0001** submitted by PAUL and ALICE CLARY to create a new Agricultural Preserve for parcel currently part of Agricultural Preserve #11. The property, identified by Assessor's Parcel Number 093-032-86, consisting of 50.38 acres, is located on the north side of Perry Creek Road, approximately 0.5 mile east of the intersection with Fairplay Road, in the **Fairplay area**, Supervisorial District II. (Categorically exempt pursuant to section 15317 of the CEQA Guidelines)\*\*

Per the request of staff, this item was continued off calendar when the agenda was approved.

**12. ZONING ORDINANCE**

**Comprehensive Zoning Ordinance Update:** Staff will present and discuss the following portions of the Draft Zoning Ordinance: Draft Article 2 (portions) – Chapters 17.23, 17.26, 17.27, and 17.29

Lillian MacLeod presented the item to the Commission as an update and identified areas that required minor typographical changes. She also distributed the Appendix to the Commission for their review. Ms. MacLeod informed the Commission that this draft document was also available on-line.

The Commission provided individual comments of suggested changes which were incorporated into the draft document (see attached revised update).

Roger Trout explained that staff is still on schedule with an anticipated review date for early next year.

Kim Beal stated that there should be architectural review of projects and the County should not be put in the situation of enforcing CC&Rs.

Staff was requesting no action to be taken today as this was for discussion purposes only.

No action taken.

13. **GENERAL PLAN UPDATE** – None
14. **ZONING ORDINANCE UPDATE** – None
15. **DEPARTMENT OF TRANSPORTATION** – None
16. **COUNTY COUNSEL’S REPORTS** – None
17. **DIRECTOR’S REPORTS** – None
18. **ADJOURNMENT**

Meeting adjourned at 3:18 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Alan Tolhurst, Chair