



EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.co.el-dorado.ca.us/planning>
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Alan Tolhurst, Chair, District V
John MacCready, First Vice Chair, District II
Dave Machado, Second Vice Chair, District III
John Knight, District I
Walter Mathews, District IV

Char Tim Clerk of the Commission

MINUTES

Regular Meeting November 13, 2008 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:40a.m. Present: Commissioners Knight, MacCready, Mathews, Machado and Tolhurst; Paula Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (5-0), IT WAS MOVED TO ADOPT THE AGENDA AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

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

a. **Minutes:** October 23, 2008

END OF CONSENT CALENDAR

It was noted that the agenda erroneously stated the minutes as October 25, 2008, instead of October 23, 2008, which was what was presented for approval.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (5-0), TO APPROVE THE CONSENT CALENDAR.

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**

None presented.

6. **COMMISSIONERS' REPORTS**

None presented.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

None presented.

7. **SPECIAL USE PERMIT**

S06-0017-R/Bella Vista Bed & Breakfast submitted by ROBERT and KATHLEEN ASH to revise a special use permit to allow daytime events with acoustic music, including weddings of 75 people or less, at an existing bed and breakfast facility. A maximum of 20 such events would be allowed per year. No commercial kitchen is proposed. This revision would modify existing Condition #6 which prohibits special events. The property, identified by Assessor's Parcel Number 006-480-31, consisting of 5.0 acres, is located on the east side of Cold Springs Road, southwest of the intersection with Kane Hill Road in the **Coloma** area, Supervisorial District IV. (Categorical Exemption pursuant to Section 15061(b)3 of the CEQA Guidelines)

Thomas Lloyd presented the item to the Commission with a recommendation for conditional approval. Mr. Lloyd indicated that one letter of opposition was received and is identified as Exhibit H in the Staff Report.

Robert Ash, applicant, stated that they have been approached by the public to lease the grounds. He also answered questions from the Commission on the various proposed wedding sites. Mr. Ash explained that during the permitting process for the Bed and Breakfast Inn, the septic system had been upgraded to a commercial system and would be able to accommodate the proposed wedding events.

Charles Treason, resident, stated that he was supportive of the Bed & Breakfast Inn when originally issued the Special Use Permit, but he is opposed to the revisions to the Special Use Permit that would allow weddings due to the following concerns: numerous established wedding locations are already in the area (Gold Hill Winery, David Girard Winery, Coloma State Park, Henningsen Park); parking issues; traffic impacts; and music noise.

Chair Tolhurst stated that he felt that wedding locations do not need to be everywhere and supported the objections brought forth by the neighbor.

Commissioner Mathews indicated that this is a very busy area and acoustic does not mean “quiet”. He would support the project if there was mitigation on wedding locations and better definitions for “acoustic” and hours of operation.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (5-0), TO CONTINUE THE ITEM OFF-CALENDAR TO ALLOW STAFF TO WORK WITH APPLICANT TO BETTER DEFINE THE REQUESTED MUSIC AND TO OBTAIN A SITE PLAN THAT WILL BETTER IDENTIFY THE WEDDING LOCATIONS AND PARKING INGRESS/EGRESS.

8. WILLIAMSON ACT CONTRACT

a. WAC08-0001 submitted by PAUL and ALICE CLARY to create a new Agricultural Preserve for a 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 one half mile east of the intersection with Fairplay Road in the **Fairplay** area, Supervisorial District II. (Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines)

Aaron Mount presented this item to the Commission with a recommendation of approval to the Board of Supervisors. He informed the Commission that the Code Compliance issues have been resolved.

Alice Clary, applicant, provided a brief summary of the events that led up to the application.

No further discussion was presented.

MOTION: COMMISSIONER MACHADO MOVED, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (5-0), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. CERTIFY THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15317; AND 2. APPROVE WILLIAMSON ACT CONTRACT WAC08-0001 BASED ON THE FINDINGS PROPOSED BY STAFF.

Finding

1.0 CEQA FINDING

1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, “class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.”

2.0 ADMINISTRATIVE FINDINGS

- 2.1 The subject parcel satisfies the County's criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commission. Therefore, the creation of the new contract from the original can be approved.

b. WAC08-0002/WAC08-0003/WAC08-0006/BLA07-0070 submitted by GAEL BARSOTTI and ANNA LEIGH (Agent: Bill Snodgrass) to amend existing Agricultural Preserve Numbers 66 and 229 through a Boundary Line Adjustment and to establish three new Agricultural Preserves. The property, identified by Assessor's Parcel Numbers 085-030-14, 085-030-52, 085-540-70, and 085-510-02, totaling 100 acres, is located on the west and east sides of Hidden Valley Lane, approximately 0.25 miles north of the intersection with North Canyon Road in the **Camino** area, Supervisorial District III. (Categorical Exemption pursuant to Sections 15305 and 15317 of the CEQA Guidelines)

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

Bill Snodgrass, applicant's agent, summarized the applicant's current agricultural operations.

Paula Frantz, County Counsel, stated that the applicant's juice plant qualifies under Ranch Marketing and the Williamson Act Contract.

No further discussion was presented.

MOTION: COMMISSIONER MACHADO MOVED, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (5-0), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. CERTIFY THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTIONS 15305 AND 15317; AND 2. APPROVE BOUNDARY LINE ADJUSTMENT BLA07-0070 AND WILLIAMSON ACT CONTRACTS WAC08-0002, WAC08-0003, AND WAC08-0006 BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."

2.0 ADMINISTRATIVE FINDINGS

2.1 Williamson Act Contract

2.1.1 The subject parcels satisfy the County's criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commission. Therefore, the creation of the three new contracts from the original contract can be approved.

2.2 Boundary Line Adjustment

2.2.1 The Boundary Line Adjustment conforms to the General Plan and Zoning Ordinance.

2.3 California Government Code Section 51257

2.3.1 As new contracts are required, the new contracts will enforceably restrict the adjusted boundaries of the parcel for an initial term not less than 10 years.

2.3.2 There is no net decrease in the amount of acreage being restricted; in fact, there will be more acreage under the new contracts.

2.3.3 At least 90 percent of the land under the former contract will remain under the new contracts; 100 percent of the land under the former contract will be included in the new contracts.

2.3.4 After the Boundary Line Adjustment, the parcels of land subject to contract will be large enough to sustain agricultural use as defined in Section 51222.

2.3.5 The Boundary Line Adjustment will not compromise the long term agricultural productivity of the parcel or other agricultural lands subject to a contract.

2.3.6 The Boundary Line Adjustment will not result in the removal of adjacent land from agricultural use.

2.3.7 The Boundary Line Adjustment will not result in a greater number of developable parcels, or an adjusted lot that is inconsistent with the General Plan.

9. REZONE/PLANNED DEVELOPMENT/PARCEL MAP

Z08-0009/PD08-0009/P08-0012/Quest Court Commercial Condos submitted by PEARSON & BRIGGS LP (Agent: Carlton Engineering, Inc.) to rezone from General Commercial – Design Control (CG-DC) to General Commercial – Planned Development (CG-PD); create 15 air space condominium units ranging in size from 1,634 square feet to 1,770 square feet from two existing commercial buildings; and create 16 lots ranging in size from 1,634 square feet to 1.25 acres

(common area). The property, identified by Assessor's Parcel Number 109-402-03, consisting of 1.85 acres, is located on the north side of Quest Court approximately 400 feet east of the intersection with Product Drive, in the Barnett Business Park, in the **Shingle Springs** area, Supervisorial District II. (Categorical Exemption pursuant to Section 15301 (k) of the CEQA Guidelines)

Robert Peters presented this item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Peters informed the Commission that one public comment letter was received from the east adjacent property owner that identified the following concerns: light glare; noise; and request for a chain link fence with privacy slats to be placed between the two parcels.

Jim Wilson of Carlton Engineering, applicant's agent, stated that they had looked at the parking issues for the project and felt that since each unit has a roll-up door the potential uses would be more industrial-related, which does not generate a large amount of public parking. There was extensive discussion between the applicant's agent and the Planning Commission on the parking concerns.

Chair Tolhurst referred to the public comment letter received and wanted to condition the project to address the concerns listed.

Commissioner Mathews stated he was comfortable with the project and although he didn't agree with adding the condition of a fence, he wanted to move the project forward.

No further discussion was presented.

MOTION: COMMISSIONER MACCREADY MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (5-0), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15301(K); AND 2. APPROVE REZONE Z08-0009, PLANNED DEVELOPMENT PD08-0009 ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, AND TENTATIVE PARCEL MAP P08-0012, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, TO INCLUDE COMPLIANCE WITH COUNTY ORDINANCES FOR LIGHTING AND NOISE AND TO BUILD A 6 FOOT FENCE WITH PRIVACY SLATS ALONG THE LENGTH OF ASSESSOR'S PARCEL NUMBER 109-402-03.

After the motion, staff explained to the Commission that the lighting issue was already addressed in the conditions and that the noise levels would be to General Plan standards.

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(k) that allows subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt. The project proposes to create 15 air space condominium units and one common area where no physical changes would occur.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the Commercial land use designation allows for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The project site is located within the Shingle Springs Community Region. The Commercial land use designation is considered appropriate within Community Regions such as Shingle Springs.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.1.5 (Floor Area Ratio), 2.2.3.1 (Planned Development Combining Zone District), and 2.2.5.3 (Future Rezoning). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate floor area ratio, providing innovative planning and development techniques through the use of the Planned Development Combining Zone District, consistency with criteria for evaluation future rezoning, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 ZONING CHANGE FINDINGS

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of General Commercial because the proposed project allows for warehouse, light industrial, office and retail uses pursuant to Section 17.32.180 of the Zoning Ordinance.
- 3.2 The project, as proposed and conditioned, along with the zone change adding the Planned Development overlay to the General Commercial zone district to create the General Commercial – Planned Development (CG-PD) zoned district, is consistent with the El Dorado County Zoning Ordinance because the application has been processed in accordance with Section 17.02 (Planned Developments - General Provisions), Section 17.04 (Planned Developments - Procedure), Section 17.18 (Off-Street Parking and Loading), and Sections 17.32.170 through 17.32.220 (General Commercial Districts).

4.0 PLANNED DEVELOPMENT FINDINGS

- 4.1 *The Planned Development zone request is consistent with the General Plan.*

The planned development will allow for a range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County consistent with the General Plan Commercial Land Use Designation.

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

The project was originally reviewed and approved under a design review application DR 01-0015 and has been constructed in accordance with that approval. No modifications to the aesthetics of the site have been proposed.

- 4.3 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.*

Except for minimum parcel sizes and lot widths for the individual units, the project complies with development standards of the General Commercial zoning district and applicable regulations of the El Dorado County Zoning Ordinance. A planned development application is required to facilitate the conversion of an existing commercial structure into air space condominium units and individual ownership.

- 4.4 *The site is physically suited for the proposed uses.*

The project would not create any additional development on a previously permitted and constructed commercial development containing existing structures, landscaping, signage, parking and access improvements. The site currently has 15 suites which will be converted to condominium suites for individual ownership so no change in density would occur.

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

The project is located within the Barnett Business Park and has adequate utilities and infrastructure to service the project.

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

The proposed uses do not significantly detract from the natural land and scenic values of the site since the site is previously developed and no additional development is proposed.

5.0 PARCEL MAP FINDINGS

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

The proposed warehousing, light industrial, office, and retail land uses are consistent with the Commercial General Plan land use designation, and is consistent with applicable policies as outlined in Finding 2.2 above.

- 5.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

As proposed and conditioned, the tentative parcel map conforms to the development standards within the General Commercial zone district, with the exception of minimum parcel size and lot width for proposed condominium units, and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development as discussed in Finding 4.4 above.

- 5.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

The proposed parcel map is not likely to cause substantial environmental damage as determined in the categorical exemption pursuant to CEQA guidelines 15301 (k) as discussed in Finding 1.1 above.

- 5.5 *The design of the parcel map is not likely to cause serious public health hazards.*

The proposed parcel map is not likely to cause serious public health hazards as the site is already approved and constructed pursuant to an approved design review DR01-0015, and adequate utilities and infrastructure exist to service the project.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This rezone, planned development, and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit A through K dated November 13, 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 would constitute a violation of permit approval.

The project description is as follows:

Rezone the 1.85-acre parcel identified as Assessor's Parcel Number 109-402-03 from General Commercial – Design Control (CG-DC) zone district to General Commercial – Planned Development (CG-PD) zone district; a planned development to create 15 air space condominium units ranging in size from 1,634 square feet to 1,770 square feet from two (2) existing commercial buildings; and a tentative parcel map creating 16 lots ranging in size from 1,634 square feet to 1.25 acres (common area)(see Exhibit I). The common area, illustrated as all areas outside of the 15 proposed units, is approximately 1.25 acres and includes two (2) 106.87 square-foot service rooms, previously developed parking, access, signage, and landscaping improvements as approved by design review application DR01-0015. No new development is to be conducted on the subject parcel. The project parcel is currently serviced for domestic water and wastewater by the El Dorado Irrigation District (EID). The proposed lots shall continue to utilize EID services.

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.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
3. All Development Services fees shall be paid prior to filing the Parcel Map.
4. The applicant shall submit to Planning Services a \$50.00 recording fee. No permits shall be issued or final map filed until said fees are paid.
5. All outdoor lighting shall conform to County Code Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
6. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs

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

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

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

7. Prior to filing the parcel map, project CC&R's shall be submitted for review by Planning Services for the subject site that provide for the maintenance of the private and common roads, access, parking facilities, utilities, landscaping, signs, and drainage facilities, and a joint access and shared parking agreement.
8. Prior to issuance of a tenant improvement/building permit, the applicant shall provide a parking tally of all existing and proposed parking which shall be kept by Planning Services Permit Center staff to ensure the proposed use combinations will not result in a change that requires more parking than the 45 allowed spaces under the planned development approval.
9. Prior to issuance of a building permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
10. All lots/units shall be served by individual water meters. Use of master meters/sub meters may be used subject to the approval of EID. Master meters shall be located on a common lot. Owner/tenant agreements for billing and maintenance purposes shall be required subject to approval of EID.
11. The project shall conform to the noise level performance protection standards for noise sensitive land uses affected by non-transportation sources outlined in General Plan Table 6-2.
12. Prior to filing the parcel map, the applicant shall install a six (6) foot high chain link fence with privacy slats along the entire eastern property line of the project parcel identified as Assessor's Parcel Number 109-402-03.

County Surveyor's Office

- ~~413.~~ All survey monuments shall be set prior to filing the Parcel Map.
- ~~424.~~ 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 P08-0012 by

(that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant

El Dorado County Fire Protection District

- 1315. Applicant shall submit a review fee of \$120.00
- 1416. Fire systems, sprinklers and alarms, shall be the responsibility of all owners and shall be recorded as a deed restriction on each created parcel.
- 1517. Property as rezoned shall remain within the El Dorado County Fire Protection District boundaries.
- 1618. The property is subject to all Federal, CA state and local Fire District regulations.
- 1719. Future development of the property for residential, commercial, or special use permit, will require Fire District Approval

10. REZONE/ PARCEL MAP

a. **Z07-0055/P07-0049** submitted by DONALD and SUZANNE MCNEILL (Agent: C.J. Smith, III) to rezone from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5); and create two (2) parcels of 5.0 acres and 5.11 acres in size. The property, identified by Assessor’s Parcel Number 070-131-08, consisting of 10.11 acres, is located on the north side of Sierra Vista Road approximately 1.0 miles south of the intersection with Green Valley Road, in the **Rescue** area, Supervisorial District IV. (Negative Declaration prepared)

Robert Peters presented this item to the Commission with a recommendation of approval to the Board of Supervisors.

Applicant was not present.

Rick Smith, adjacent neighbor, had no objections to the rezone application and felt it was a compatible use.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (5-0), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. ADOPT THE NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND 2. APPROVE REZONE Z07-0055 AND TENTATIVE PARCEL MAP P07-0049, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS PRESENTED.

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 should be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Low-Density Residential (LDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the LDR land use designation allows a maximum density of one (1) dwelling unit per five (5) acres and parcel sizes that range from 5.00 to 10.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 7.1.2.1(disturbance of slopes in excess of 30 percent), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 REZONE FINDINGS

- 3.1 That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.

The Estate Residential Five-Acre (RE-5) zone district is consistent with the General Plan Low-Density Residential (LDR) designation which allows a density of one dwelling unit per five acres on parcels ranging in size from 5.0 to 10.0 acres. As illustrated on the General Plan Land Use Designation and Zoning District Consistency Matrix, Table 2-4,

which defines compatible zone districts with the correct land use designation, the proposed RE-5 zone districts is consistent with the LDR designation, given that the proper infrastructure and services are available to support the proposed density. The project would provide the required infrastructure consistent with the rezone and tentative parcel map request. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of General Plan Policy 2.2.5.3.

The rezone is compatible with the existing pattern of development in the project vicinity which is equally representative of five-acre parcels as it is for ten-acre parcels (see Exhibits A and B). Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5. All surrounding properties share the LDR General Plan land use designation.

4.0 ZONING FINDINGS

- 4.1 The subject site is to be zoned Estate Residential Five-Acre (RE-5) which permits the proposed parcel sizes of 5.0 to 5.11 acres under Section 17.28.210(A).
- 4.2 The existing residential use at the subject site is permitted by right under Section 17.28.190(A). As proposed, the project meets all applicable development standards contained within Section 17.28.210 of the *El Dorado County Zoning Ordinance*.
- 4.3 The project vicinity is equally representative of five (5) acre zoning (RE-5) as it is for ten (10) acre zoning (RE-10), and all of the zoning in the area is consistent with the areas LDR General Plan land use designation. Of the 15 properties located within a 500-foot radius of the subject property, seven (7) properties are approximately ten (10) acres in size and are zoned RE-10, and eight (8) properties are approximately five (5) acres in size and are zoned RE-5.
- 4.4 The property contains an existing temporary mobile home which is in violation of Section 17.52; however, the temporary mobile home has been conditioned to be removed (see Condition of Approval No. 11, Attachment 1).

5.0 PARCEL MAP FINDINGS

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

The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Low-Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, traffic, emergency water supply, high wildland fire hazard, fire safe access, disturbance of slopes in excess of 30 percent, and tree canopy removal.

- 5.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

As proposed and conditioned, the tentative parcel map conforms to the development standards within the Estate Residential Five-Acre (RE-5) Zone District and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant grading, disturbance on slopes in excess of 30 percent, and addresses high wildland fire hazards; and has adequate emergency water supply and access, and meets the requirements for tree canopy removal. The proposed development meets the density and minimum parcel size allowed in the LDR General Plan land use designation, and the minimum parcel size and development standards of the RE-5 zone district.

- 5.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

The proposed parcel map is not likely to cause substantial environmental damage as determined in the prepared environmental document.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This rezone and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit A through J dated November 13, 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 would constitute a violation of permit approval.

The project description is as follows:

Rezone the 10.11-acre parcel identified as Assessor's Parcel Number 070-131-08 from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5) and to process a tentative parcel map to create two (2) parcels of 5.0 acres and 5.11 acres in size

(see Exhibit E). The proposed lots will utilize existing wells and septic systems. Access improvements will include improving the existing encroachment of Sierra Vista Road onto Green Valley Road to increase sight distance, on-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement width with two (2) foot shoulders, and the off-site portions of Sierra Vista Road being widened, repaired, and/or verified to 18-foot pavement with one (1) foot shoulders.

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. Wildand Fire Safe Plan) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. 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 Planning Services prior to filing of the parcel map.
3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited

(CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

6. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
7. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.
8. The existing round pen shown on the tentative parcel map which is currently bisected by proposed property line shall be removed prior to filing the parcel map. If relocated, the round pen shall be a minimum of 50 feet from any property line.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *Government Code*.

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

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

11. Prior to filing the parcel map, the property owner shall remove the existing temporary mobile home from proposed parcel 1.

Air Quality Management District

12. Prior to grading permit issuance, a Fugitive Dust Mitigation Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
13. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
14. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.

15. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
16. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
 - Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.
 - Retard diesel engine injection timing by two to four degrees.
 - Use electricity from power poles rather than temporary gasoline or diesel generators.
 - Use reformulated low-emission diesel fuel.
 - Use catalytic converters on gasoline-powered equipment.
 - Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - Configure construction parking to minimize traffic interference.
 - Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Department of Transportation (Specific Conditions)

17. **Road Construction:** Sierra Vista Road is currently an 18-foot wide chip seal Road in poor surface condition and in some areas, appears to be less than 18 feet in width. Construct, widen, and verify Sierra Vista Road along the project frontage (on-site) to a Design and Improvement Standard Manual (DISM) standard plan 101C standard, 18-foot paved width with 2-foot shoulders and a minimum structural section of 6-inch AB. Construction, if required, to be approved by DOT prior to the filing of the parcel map.
18. The applicant shall construct, widen, and verify the off-site portion of Sierra Vista Road to a DISM standard plan 101C standard, 18-foot paved width with 1-foot shoulders and a minimum structural section of 6-inch AB. from the project's frontage to Green Valley Road prior to the filing of the parcel map. Per section 3(A)(2)(c)(i) of the DISM, the dollar value of the off-site portion of the roadway improvements shall not exceed the cost of the on-site portion.
19. **Encroachment:** The encroachment of Sierra Vista onto Green Valley Road shall be improved to a DISM standard 103D. Bank shaving and/or vegetation removal will be required to increase sight distance.

20. **Grading Plan:** A grading and erosion control plan may be required for this project. At the time that an application is submitted for improvement plans or a grading permit, the applicant must 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) for grading disturbances greater than 1 acre.
21. **Grading Permit / Plan:** A grading permit may be required for the project. The applicant may be required to 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. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
22. **TIM Fees:** Payment of Traffic Impact Mitigation Fees will be required at time at building permit application.

Rescue Fire Protection District

23. The applicant shall provide a fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and shall be reviewed and approved by Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to project approval.
24. The project shall meet the requirements of the California SRA Fire Safe Regulations, The California Fire Code 2001 Edition for access and water supply

County Surveyor's Office

25. All survey monuments shall be set prior to filing the Parcel Map.
26. 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).
27. 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 P07-0049 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant

b. **Z07-0034/P07-0033** submitted by CEMO FAMILY PROPERTIES, LLC (Agent: RSC Engineering) to rezone from Two-acre Residential (R2A) to Commercial-Planned Development (C-PD); and create three parcels ranging in size from 1.43-acres to 4.27-acres. The property,

identified by Assessor's Parcel Number 124-300-98, consisting of 8.10 acres, is located on the south side of Green Valley Road at the intersection with Sophia Parkway in the El Dorado Hills area, Supervisorial District I. (Negative Declaration prepared)

Jonathan Fong presented this item to the Commission with a recommendation of approval to the Board of Supervisors. He informed the Commission that the 1st page of the Staff Report had listed the acreage for the requested three parcels was a previous iteration of the parcel map as shown in Exhibit I. The correct requested acres, 2.12 acres to 3.59 acres, is listed accurately in the rest of the Staff Report. Mr. Fong distributed a memo dated November 12, 2008 to the Commission providing revised DOT conditions and requested that they be included.

Richard Chavez of RSC Engineering, applicant's agent, was available for any questions.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MACHADO, AND UNANIMOUSLY CARRIED (5-0), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. ADOPT THE NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND 2. APPROVE REZONE Z07-0034 AND TENTATIVE PARCEL MAP P07-0033, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, TO INCLUDE THE DEPARTMENT OF TRANSPORTATION'S REVISED CONDITIONS AS IDENTIFIED IN THE MEMORANDUM DATED NOVEMBER 12, 2008.

Findings

1.0 CEQA FINDINGS

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project would not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with the General Plan.

The proposed Rezone from Residential Two-Acre (R2A) to Commercial- Planned Development (C-PD) will bring the parcel zoning into conformance with the Commercial (C) General Plan Land Use Designation.

No development is proposed as part of the application. All future development will be reviewed through the Planned Development application process will review potential impacts and ensure compliance with applicable General Plan policies.

3.0 ZONING FINDINGS

3.1 The proposed project is consistent with the Zoning Ordinance.

The proposed Rezone will bring the parcel zoning into conformance with the General Plan. The proposed Parcel Map will create three parcels which meet the minimum lot size requirement of the C Zone District.

All future development of the site will be approved through the Planned Development application process which will require conformance with the Development Standards of the C Zone District and subject to the required Planned Development Findings of Approval.

4.0 TENTATIVE PARCEL MAP FINDINGS

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

The proposed Parcel Map will create three parcels suitable for development consistent with the Commercial Land Use Designation.

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

The proposed parcel sizes will be consistent within the C land use designation and comply with the Development Standards of the C Zone District. Future development of the site will be reviewed through the Planned Development which will evaluate the future improvements for consistency with applicable policies of the General Plan.

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

No development will occur as part of the project. All future development will be reviewed through the Planned Development process to ensure the proposed uses are consistent within the C Zone District and compatible within the project area.

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

No development will occur as part of the project. The proposed parcels sizes will conform to the C Zone District Development Standards. All future development will be reviewed through the Planned Development process to ensure proposed densities will be suitable on the site.

- 4.5 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 will occur as part of the project. All future development will be reviewed through the Planned Development process which will analyze potential environmental impacts as a result of development. Any potential impacts will require conditions of approval or mitigation measures

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

The project will create three commercially-zoned parcels. No development will occur as part of this application. All future development will be reviewed through the Planned Development process. Prior to approval of any Development Plan, the project will be required to demonstrate that the proposed development will not result in public, health, and safety risks.

- 4.7 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 will be required to perform road improvements along the project frontage on Green Valley Road and Sophia Parkway. The required road improvements will be consistent with the County Design Manual. No development is proposed as part of the project. All future development will be reviewed through the Planned Development process to ensure that adequate circulation will be provided through project site.

Conditions of Approval

Project Description:

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 25, 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 three lot Parcel Map and Rezone. The Rezone would change the parcel from Two-Acre Residential (R2A) to Commercial- Planned Development (C-PD). The parcel sizes are as follows: Parcel 1- 2.39-acres, Parcel 2- 2.12-acres, Parcel 3- 3.59 acres. Each parcel would be served by EID public water wastewater services.

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

Planning Services:

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Parcel Map.
3. 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.
4. 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.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, 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.

6. Prior to any filing the parcel map, 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.
7. 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.

Department of Transportation:

Project Specific Conditions:

8. The applicant shall construct frontage improvements on Green Valley Road along the entire on-site portion of Parcel 1 which shall include the following:
 - Lengthening the existing right turn pocket and taper to the required geometrics for access to this site.
 - Extending the Class 2 bike lane from the west to the Sophia Parkway intersection. To accommodate the Class 2 bike lane, the existing right turn pocket shall be re-striped to a width of 12 feet, with the Class 2 bike lane being placed between the number 2 through lane and the right turn pocket. The number 2 through lane shall be re-striped to a width of 11 feet.
 - ~~Place a 4 foot wide paved shoulder.~~
 - Place a Type 2 vertical curb and gutter and a six (6) foot wide sidewalk per the Design and Improvement Standards Manual (DISM), Standard Plan 104 and 110.

The signing and striping for these roadway improvements shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The existing pavement surface along Green Valley Road is a 1 inch pavement overlay of an open graded friction course (OGFC) as specified in the Caltrans Standard Specification and Standard Special Provisions. All additional pavement widening required for this project shall be constructed to this OGFC specification or reasonable alternative as approved by the DOT. The applicant shall provide any additional right of way/slope easements for said improvements, as required by the DOT. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.

9. ~~The applicant shall obtain an encroachment permit from DOT and shall construct said encroachments onto Green Valley Road and Sophia Parkway per DISM, Standard Plan 103G (modified). Both of these encroachments shall be designed as right in/ right out traffic movements only. The design for the Green Valley Road encroachment shall include a raised traffic island with curbing and striping to prevent left turn movements at~~

- ~~this intersection. The signing and striping for the Green Valley Road encroachment access shall be designed and constructed per the latest version of the MUTCD and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.~~
- ~~10.9.~~ In lieu of placing right turn pocket channelization and acceleration/deceleration lanes at the Sophia Parkway encroachment access, the applicant shall restripe both directions of Sophia Parkway to include 2 through lanes in each direction and a Class 2 Bike lane, from the intersection of Green Valley Road to the Elmores Way intersection. This required signing and striping shall be designed and placed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.
11. ~~All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.~~
- ~~12.10.~~ The applicant shall enter into a road improvement agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The executed agreement and subsequent improvements shall be completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.
- ~~13.11.~~ The applicant shall irrevocably offer to dedicate, in fee, any additional right of way ~~and slope easements~~ as required for the approved improvements along the entire project frontage of Green Valley Road and Sophia Parkway, prior to the recordation of the map. This offer will be accepted by the County.
14. ~~Prior to recordation of the map, the applicant shall record a vehicular access restriction along the entire frontage of Green Valley Road and Sophia Parkway for Parcel 1, excluding the locations of the approved access encroachments.~~
- ~~15.12.~~ A commercial grading permit is required for on-site improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Development Services Department for review and approval. On-site detention and storm water treatment is required for this site. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. The improvements and grading shall be substantially completed, to the approval of the Development Services Department, prior to ~~occupancy.~~ issuance of a building permit.

Standard Conditions

- ~~16.~~13. 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.
- ~~17.~~14. 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.
- ~~18.~~15. 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.
- ~~19.~~16. Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
- ~~20.~~ 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).
- ~~21.~~17. 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.
- 22.18. 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.
- 23.19. 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.
- 24.20. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
- 25.21. 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~~ issuance of a building permit.
- 26.22. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to ~~filing the final map~~ issuance of a building permit.
- 27.23. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
- 28.24. 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.
- 29.25. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado Hills Fire Department:

- 30.26. The proposed project shall have and maintain two points of egress. The Department shall review and approve the egress prior to filing the Parcel Map.
- 31.27. This development shall install Mueller Dry Barrel Fire Hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants shall not exceed 300 feet. The exact location

- of each hydrant and all fire protection system devices shall be determined by the Fire Department.
- ~~32.28.~~ To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.
- 33.29. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard 103.
- 34.30. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
- 35.31. Each building shall be addressed in accordance with the Fire Department requirements.
- 36.32. The applicant shall provide the Fire Department with a CD that contains all the CAD files for this project.
- 37.33. All buildings shall be sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.
- 38.34. This development shall provide a minimum of two unobstructed access roadways during construction of any building.
- 39.35. All trash enclosures shall be located a minimum of 5 feet from a building wall.
- 40.36. The minimum ingress and egress for emergency vehicles is 20 feet.
- 41.37. A KNOX box shall be installed on each building to contain the master key to open all exterior doors.
- 42.38. The street addressing shall conform to the El Dorado Hills Fire Department standard.
- 43.39. The required fire flow for the fire protection of the proposed referenced project is 1,625 gallons per minute with a 20psi residual for a two hour duration. This flow rated is in addition to the highest maximum daily consumption and is based on the premise that a fire sprinklered commercial building is to be of type V-N rated construction and shall not exceed 14, 280 square feet in size. The flow calculation was based upon current information. Any changes in this information may change the fire flow requirements.

Air Quality Management District

- 44.40. 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.
- 45.41. The applicant shall comply with all District air quality rules during project construction.

County Surveyor

- 46.42. All survey monuments shall be set prior to filing of the parcel map.
- 47.43. 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 P07-0033 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
- 48.44. 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).

11. GENERAL PLAN AMENDMENT

A08-0001/OR08-0001/Mixed Use Development initiated by EL DORADO COUNTY. The purpose of the Mixed Use Development section of the County Zoning Ordinance is to further development that incorporates a range and variety of uses within a single development site while encouraging residents to work, shop and recreate close to where they live, and in some instances, take advantage of non-automobile oriented transportation methods, minimizing vehicle miles traveled. The following sections are included: A. Amendments to section 17.32 (Section I), B. Amendments to section 17.32 (Section II), C. Amendments to section 17.32 (Section IV) allowing for Mixed Use Development in these designated areas, and D. Addition of Design Guidelines in Section 17.14, providing standards to be analyzed by application of a Design Review, and shall be approved based on design standards outlined in the ordinance. (Negative Declaration prepared/SCH#2001082030)* [continued from October 9, 2008, hearing)

Shawna Purvines addressed the following concerns that were identified at the previous hearing: horizontal mixed use; and Camino/Pollock Pines Community Region. Ms. Purvines also summarized additional requested changes to Policies 2.2.1.2 and 17.14.220 which were identified in a memo dated October 15, 2008 and included in the agenda packet.

At the request of Sue Taylor, the Commission directed Ms. Purvines to present her PowerPoint presentation that was shown at the last hearing.

Sue Taylor provided a PowerPoint presentation which provided an option to change the current Community Region into three Rural Centers (Camino, Cedar Grove, Pollock Pines).

Paula Frantz, County Counsel, indicated that in the past there was significant public debate on Community Region vs. Rural Center for the Camino area, with the majority requesting the Community Region identification.

Valerie Zentner, Farm Bureau, summarized her comments that were listed in a handout distributed to the Commission at the hearing. These comments included: Camino, Pollock Pines and El Dorado areas should be reclassified to Rural Centers as these areas are agricultural in nature and inconsistent with the definition of a Community Region; Environmental checklist does not identify impact to agriculture; Increasing dwelling units on land adjacent to agricultural lands located in an Agricultural District is incompatible; and Environmental checklist does not include impacts to visual resources.

Laurel Stroud voiced concern that a Negative Declaration was prepared and that no studies were done on traffic impacts and on plants/animals.

Dave Pratt stated that Mixed Use Development is a great concept, but is concerned about vertical growth and the interface points with development and agriculture. He requested a workshop be conducted to look at the overall picture.

Art Marinaccio stated that a significant amount of discussion needs to take place on how these policies relate to agriculture.

There was extensive discussion with the Commission on whether 24 units per acre was realistic for various locations in the county. Staff explained that the limit is consistent with multi-family densities and with required densities under the State housing law.

Tom Heflin reminded the Commission that one size does not fit all, particularly with the 24 units per acre.

No further discussion was presented.

MOTION: COMMISSIONER TOLHURST MOVED, SECONDED BY COMMISSIONER KNIGHT, AND CARRIED BY A VOTE OF 4-1 (MACCREADY), TO RECOMMEND TO THE BOARD OF SUPERVISORS TO: 1. ADOPT THE NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; 2. APPROVE RESOLUTION AMENDING GENERAL PLAN (A08-0001) POLICY 2.1.1.3, 2.1.2.5, 2.2.1.2, AND 2.2.1.3 TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES, AS SHOWN IN ATTACHMENT 2, BASED ON THE FINDINGS CONTAINED IN ATTACHMENT 1; 3. APPROVE OR08-0001 AMENDING ZONING ORDINANCE CHAPTER 17.32 TO INCLUDED MIXED-USE DEVELOPMENT AS A PERMITTED USE IN COMMERCIAL DISTRICTS (C), PROFESSIONAL OFFICE COMMERCIAL DISTRICTS (CPO), AND PLANNED COMMERCIAL DISTRICTS (CP) WITH A MAXIMUM RESIDENTIAL DENSITY OF 24 DWELLING UNITS PER ACRE WITHIN COMMUNITY REGIONS AND A MAXIMUM RESIDENTIAL DENSITY OF 4 UNITS PER ACRE IN RURAL CENTERS AS SHOWN IN ATTACHMENTS 3 THRU 5; AND 4. APPROVE REGULATIONS FOR MIXED-USE DEVELOPMENT AS SET FORTH IN 17.14 WITH THE

ADDITION OF SECTION .220 SHOWN IN ATTACHMENT 6; AND TO REQUIRE A PLANNED DEVELOPMENT (PD) OVERLAY FOR HORIZONTAL DEVELOPMENT AND REQUIRE A SPECIAL USE PERMIT FOR MIXED USE DEVELOPMENT REQUESTS EXCEEDING FOUR (4) UNITS PER ACRE IN THE COMMUNITY REGIONS OF CAMINO/POLLOCK PINES AND DIAMOND SPRINGS/EL DORADO.

Findings

1.0 CEQA FINDINGS

- 1.1 Pursuant to Public Resources Code 21083.3 and State CEQA Guidelines Section 15177, the County has determined that the project is within the scope of the General Plan EIR, adopted July 2004 and the Supplemental EIR adopted July 10, 2007. Therefore, the initial study that was prepared only looked at issues specific and unique to the General Plan and Zoning Ordinance Mixed-Use Amendment and current setting conditions, and did not re-evaluate issues adequately addressed in the previous General Plan EIR or Supplemental EIR completed for the Floor Area Ratio Amendment adopted on July 10, 2007.
- 1.1.1 The policy amendment would not degrade the quality of the environment, reduce habitat, threaten plant or animal communities or eliminate important examples of California history or prehistory; and
- 1.1.2 The policy amendment would not have a significant impact related to aesthetics, air quality, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, population/housing, public services, traffic/transportation, or utilities/service systems beyond what was analyzed in the General Plan EIR and subsequent FAR Supplemental EIR; and
- 1.1.3 The policy amendment would not have environmental effects that would cause substantial adverse impacts on people either directly or indirectly.
- 1.2 The proposed amendment does not create any new or changed impacts from that analyzed in the 2004 General Plan EIR and Supplemental EIR (A06-0002); and in the County's judgment the County's General Plan EIR and the Negative Declaration is adequate for approval of this project.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN AND ZONING ORDINANCE FINDINGS

- 2.1 The proposed amendments will provide greater opportunity for development of affordable housing, encourage infill development within Community Regions and Rural Centers, and assist in meeting State Housing Element Law requirements, thereby meeting the provisions of General Plan policies HO-1.2, adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate

public services; HO-1.5, direct higher density residential development to Community Regions and Rural Centers; HO-1.8, encourage mixed-use projects where housing is provided in conjunction with compatible nonresidential uses; HO-1.16, minimize discretionary review for affordable housing; and 6.7.4.1, reduce automobile dependency by permitting mixed land use patterns.

- 2.2 All other policies relating to new development requiring adequate transportation improvements, infrastructure, public services, and protection of natural resource still apply.

Proposed General Plan Policy Amendments

The text of the proposed amendments to Policies 2.1.1.3, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 of the Land Use Element of the General Plan (deletions in ~~striketrough~~, new text in underline):

The General Plan shall provide for the following:

Policy 2.1.1.3:

Mixed-use developments, which combine commercial, research, and development, and residential uses on a single parcel are permissible and encouraged within Community Regions ~~provided the commercial use is the primary and dominant use of the land~~. Within Community Regions, the mixed-uses may occur vertically and/or horizontally. In mixed-use projects, the maximum residential density shall be ~~10~~ 24 dwelling units per acre within Community Regions;

Policy 2.1.2.5

Mixed use developments which combine commercial and residential uses on a single parcel are permissible and encouraged within Rural Centers ~~provided the commercial use is the primary and dominant use of the land~~. Within Rural Centers, the mixed uses may occur either vertically and/or horizontally. The maximum residential density shall be four dwelling units per acre in Rural Centers in mixed use areas.

Policy 2.2.1.2:

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed-use development of commercial lands within Community Regions and Rural Centers, which combine commercial and residential uses, shall be permitted ~~provided the commercial activity is the primary and dominant use of the parcel~~. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole ~~or primary~~ use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Policy 2.2.1.3

The General Plan shall provide for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in Table 2-2 below.

TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES			
Land Use Designation	Units Per Acre	Persons Per Housing Unit¹	Persons Per Acre
Multifamily Residential	5 – 24	2.3	11.5 - 55.2
High-Density Residential	1 – 5	2.8	2.8 - 19.6
Medium-Density Residential	1 – 0.2	2.8	2.8
Low-Density Residential	0.20 - 0.1	2.8	0.56 - 0.28
Rural Residential	0.1 – 0.025	2.8	0.28 - 0.07
Agricultural Lands	0.05	2.8	0.14
Natural Resource	0.025 – 0.00625	2.8	0.07 - 0.0175
Commercial	10/4² <u>24/4²</u>	<u>2.3/2.8</u>	28-55.2/11.2
Research & Development	10/4²	2.8	28/11.2
Industrial	–	–	–
Open Space	–	–	–
Public Facilities	–	–	–
Tourist Recreational	–	–	–
Notes:			
¹ 1990 U.S. Census			
² Maximum of 10 24 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers			

Chapter 17.32
(Section I)

COMMERCIAL (C) DISTRICTS

Sections:

- 17.32.010 Applicability.
- 17.32.020 Uses permitted by right.
- 17.32.030 Uses requiring special use permit.
- 17.32.040 Development standards.

17.32.010 Applicability. The regulations set forth in Sections 17.32.020 through 17.32.040 shall apply to all C districts (commercial districts) and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9413(part))

17.32.020 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. Any use, except one-family and multiple-family dwellings and mobile home parks, allowed by right or special use permit in RT tourist residential zones;
- B. Office, bank, studio, eating and drinking establishment and used retail sale other than those enumerated in subsection E of this section, retail repair and service exclusive of automobile service, service station, parking lot;
- C. Accessory use and structure;
- D. Two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises;
- E. Places of entertainment, appliance store and repair (new and used), antique store and furniture store, second-hand store, when they are fully enclosed in a building;
- F. Reserved;
- G. Health facility;
- H. Community care facility. (Ord. 3992 §1(part), 1988: Ord. 3606 §41, 1986: Ord. 3419 §12, 1984: prior code §9413(a))

17.32.025 Uses requiring Design Review approval.

- A. Mixed-use development, provided land does not adjoin an industrial zoned parcel (subject to provision in 17.14.220).

17.32.030 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. New and used automobile sale and repair, bulk petroleum sale and storage; provided, however, that used automobile sale and repair shall not be deemed to include automobile dismantling, junking or wrecking operation;
- B. Animal clinic or shelter;
- C. Mobile home park;

- D. All uses enumerated in subsection E of Section 17.32.020 when they are not fully enclosed in a building;
- E. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- F. Airports, heliports and their accessory uses and structures;
- G. Reserved;
- H. Recreational vehicle parks, campgrounds and their accessory uses and structures;
- I. Multiple-family dwellings. (Ord. 3992 §1(part), 1988: Ord. 3606 §42, 1986: prior code §9413(b))
- J. Mixed-use development that adjoins an industrial zoned parcel (subject to provisions under 17.14.220).

17.32.040 Development standards. The following provisions shall apply to all C districts, except for Mixed-use projects (subject to provisions under 17.14.220), and unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, five thousand square feet, but not less than one thousand square feet for each dwelling or rental unit located on the first and second story; and seven hundred fifty square feet for each dwelling or rental unit located on the third story and above;
- B. Maximum building coverage, sixty percent of the lot;
- C. Minimum lot width, fifty feet;
- D. Minimum yard: front, ten feet; sides and rear, five feet, or zero feet and fireproof wall without opening; provided, however, that all hotels, motels or multifamily dwellings shall have at least five feet side and rear yards;
- E. Maximum building height, fifty feet. (Prior code §9413(c))

Chapter 17.32
(Section IV)

PLANNED COMMERCIAL (CP) DISTRICTS

- 17.32.130 Applicability.
- 17.32.140 Uses requiring site plan approval.
- 17.32.150 Uses requiring special use permit.
- 17.32.160 Development standards.

17.32.130 Applicability. The regulations set forth in Sections 17.32.130 through 17.32.160 shall apply in all CP districts and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9418(part))

17.32.140 Uses requiring site plan approval. The following uses are allowed without special use permit or variance, but only after obtaining approval of the site plan therefore from the planning director, who shall act thereon within fifteen days after submittal of the site plan. If the applicant

is not satisfied with the action of the planning director, the applicant may request the review of the action by the planning commission:

- A. Any use, except one-family and multiple-family dwellings and mobile home parks, allowed by right or special use permit in RT tourist residential zones;
- B. Office, bank, studio, eating and drinking establishment and used retail sale other than those enumerated in subsection E of this section, retail repair and service exclusive of automobile service, service station, parking lot;
- C. Accessory use and structure;
- D. Two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises;
- E. Places of entertainment, appliance store and repair (new and used), antique store and furniture store, second-hand store, when they are fully enclosed in a building;
- F. Reserved;
- G. Health facility;
- H. Community care facility. (Ord. 3992 §3(part), 1988: Ord. 3606 §43, 1986: Ord. 3419 §13, 1984: prior code §9418(a))

17.32.145 Uses requiring Design Review approval.

- A. Mixed-use development, provided land does not adjoin an industrial zoned parcel (subject to provisions under 17.14.220),

17.32.150 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefore from the planning commission:

- A. New and used automobile sale and repair, bulk petroleum sale and storage; provided, however, that used automobile sale and repair shall not be deemed to include automobile dismantling, junking or wrecking operations;
- B. Animal clinic or shelter;
- C. Mobile home park;
- D. All uses enumerated in subsection E of Section 17.32.140 when they are not fully enclosed in a building;
- E. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- F. Airports, heliports and their accessory uses and structures;
- G. Recreational vehicle parks, campgrounds and their accessory uses and structures;
- H. Multiple-family dwellings. (Ord. 3992 §3(part), 1988: prior code §9418(b))
- J. Mixed-use development that adjoins an industrial zoned parcel (subject to provisions under 17.14.220),

17.32.160 Development standards. The following provisions shall apply in all CP districts, except for Mixed-use projects (subject to provisions under 17.14.220), and unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, five thousand square feet;
- B. Maximum building coverage, sixty percent of the lot;
- C. Minimum lot width, fifty feet;

- D. Minimum yards: front, ten feet; sides and rear, five feet, or zero feet and fireproof wall without opening; provided, however, that all hotels, motels or multifamily dwelling structures shall have at least five-foot side and rear yards;
- E. Maximum building height, fifty feet;
- F. Density: no less than one thousand square feet for each dwelling or rental unit located on first and second story; and seven hundred fifty square feet for each dwelling or rental unit located on the third story and above; however, the maximum density shall be no greater than the highest density established by the adopted general plan land use element. (Ord. 3237 §6, 1982; prior code §9418(c))

Chapter 17.32
(Section II)

PROFESSIONAL OFFICE COMMERCIAL (CPO) DISTRICTS

Sections:

- 17.32.050 Purpose.
- 17.32.060 Uses requiring site plan approval.
- 17.32.070 Uses requiring special use permit.
- 17.32.080 Development standards.

17.32.050 Purpose. The purpose of the CPO districts is to provide land use areas for the development and use of professional, administrative and business offices and related uses located in proximity to residential uses. It is intended that Sections 17.32.050 through 17.32.080 shall provide for an environment which will be in harmony with adjacent existing and proposed developments and shall provide a transition or buffer zone between residential and more intensive land uses. (Prior code §9413.2(A))

17.32.060 Uses requiring site plan approval.

- A. The following uses are permitted without special use permit, but only after obtaining approval of the site plan therefore, from the planning director who shall act thereon within fifteen days after submittal. The planning director shall find that the proposed uses, architectural design, building siting, landscaping, parking and signs will be compatible and harmonious with existing and proposed adjacent developments and any contiguous like uses. If the applicant is not satisfied with the requirements or actions of the planning director, the applicant may request a review by the planning commission which shall hear the site plan review within thirty days of the request. Decisions of the planning commission may be appealed pursuant to the provisions of Chapter 17.08.
- B. The provisions of Chapters 17.14, 17.16 and 17.18 shall apply to such uses as listed below:
 - 1. Dental clinics;
 - 2. Professional offices for the use of accountants, architects, attorneys, banks, dentists, doctors, engineers, insurance, investment companies, real estate

- companies, savings and loan companies, surveyors and general business offices of an administrative or service nature to the exclusion of on-site retail or wholesale trade;
3. Coffee shops, newsstands, similar service accessory use to be located totally within an office building with no entrance directly from the street nor a sign visible from the street and of such a scope and nature as may be expected to generate patronage substantially from tenants of the office complex or building;
 4. Drug and prescription sales accessory to a medical office or clinic to be located totally within an office building with no entrances directly from the street nor any sign visible from the street;
 5. Reserved;
 6. The following sign regulations shall apply in all professional office commercial zones:
 - a. No sign shall face any adjacent residential zoning district,
 - b. One freestanding sign, not exceeding fifty square feet on any display area, not exceeding the maximum elevation of the roof line of the building or complex advertised,
 - c. Wall signs when designed as an integral part of the building or complex and relating only the name and use of the building or complex. Such wall signs may also contain the names and specialties of the occupants when no freestanding sign is utilized,
 - d. Total sign area of paragraphs c and d combined shall not exceed fifty square feet, and
 - e. One nameplate not exceeding three square feet with letters and symbols not exceeding twelve square inches each and signifying the name and specialty of the occupant;
 7. Health facility;
 8. Community care facility. (Ord. 3992 §2(part), 1988: Ord. 3419 §14, 1984: prior code §9413.2(B))
 9. Mixed-use development, provided land does not adjoin an industrial zoned parcel.

17.32.070 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefore from the planning commission or zoning administrator:

- A. Veterinary office or clinic when totally enclosed within a building;
- B. Business and professional schools and schools of the arts;
- C. Veterans or fraternal organizations of a nonprofit nature; or
- D. Public buildings and public utilities buildings of a type and nature deemed compatible by the planning commission or planning director with the intent of this article;
- E. Multiple-family dwellings up to a maximum of four dwelling units per structure. (Ord. 3992 §2(part), 1988: prior code §9413.2(C))
- F. Mixed-use development that adjoins an industrial zoned parcel.

17.32.080 Development standards. The following provisions shall apply in all CPO districts, except for mixed-use projects (subject to provisions under 17.14.220), and unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, six thousand square feet;

- B. Maximum building coverage, fifty percent of the lot;
- C. Minimum lot width, six feet;
- D. Minimum landscaping area, ten percent of the gross lot area;
- E. Minimum yards: front, twenty feet; five feet sides; and fifteen feet rear; multifamily dwelling structures shall have at least fifteen feet side and rear yards; and
- F. Maximum building height, thirty-five feet;
- G. Density: no less than two thousand square feet for each dwelling unit; however, the maximum density shall be no greater than the highest density established by the adopted general plan land use element. (Ord. 3237 §5, 1982; prior code §9413.2(D))

CHAPTER 17.14

17.14.220 Mixed-Use Development

- A. Purpose and Intent. The purpose of this chapter is to provide housing and employment opportunities in close proximity in order to more fully and efficiently utilize available land in rural centers and planned communities. It is further the intent of this section to encourage the development of affordable housing and pedestrian-oriented communities, to maintain access to commercial businesses, to enhance the core areas of existing community and rural centers, and to provide incentives for such development.
- B. Applicability. On lands zoned C, CP, or CPO located in a Community Region or Rural Center as designated in the El Dorado County General Plan, residential development may occur with permitted commercial development as provided in Chapter 17.32 where the standards established in §17.14.220 are met.
- C. Mixed Use Development Limitations. The following criteria shall apply to all mixed use development projects:
 - 1. Single-structure Mixed Use Projects. Where a mixed-use project consists of a single structure on a parcel of land, the following criteria shall apply:
 - a. A minimum of 30 percent (30%) of the gross first floor area shall be devoted to commercial uses for any structure;
 - b. If a structure is single-storied, the front portion of the structure (that facing the street) shall be devoted to commercial uses;
 - 2. Multi-structure Mixed Use Projects. Where a mixed use project consists of two or more complementary and connected structures that are mutually supportive, and on a single parcel of land, the following criteria shall apply:
 - a. A minimum of 30 percent (30%) of the combined gross first floor area of all structures shall be devoted to commercial uses;

- b. The front portion of each structure that is facing a street shall be devoted to commercial uses;
- c. Construction of the residential development and issuance of a certificate of occupancy shall occur following or concurrently with the construction of the commercial development of the site.

D. Development Standards.

1. Mixed use developments shall conform to the development standards set forth in this Title for the zone district in which the development is located except as provided below:
 - a. Minimum lot area shall not be less than five thousand square feet;
 - b. Minimum lot width, fifty feet;
 - c. The maximum density for residential units in mixed-use developments shall be twenty-four dwelling units per acre in Community Regions, four dwelling units per acre in Rural Centers and prohibited on Plotted Lands designated commercial in Rural Regions;
 - d. Minimum dwelling unit area shall comply with California Building Code;
 - e. Minimum yard: may be built to property lines (back of sidewalk) or other publicly accessible area;
 - f. Maximum building height not to exceed fifty feet;
 - g. Mixed-use development may combine up to 20 percent (20%) of the required residential parking spaces with the commercial spaces as required pursuant to Chapter 17.18 except where the proposed commercial use will operate during evening or nighttime hours;
 - h. A minimum of one dedicated parking space per dwelling units must be provided;
 - i. Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.
2. All mixed-use development shall provide pedestrian walkways or sidewalks connecting the residential and commercial uses to each other as well as to adjacent commercial, residential, and civic uses, providing for pedestrian safety.
3. All mixed-use projects shall contain complementary and connected uses that are

mutually supportive of each use and are integrated into the community or neighborhood it is located.

E. Processing

1. All vertical Mixed-use development projects require, at minimum, a staff level Design Review. Other provisions of this Title may require additional review and approval.
2. The -PD, Planned Development, combining zone district shall not be required to accommodate mixed-use development except for projects proposing a horizontal mix, or where required by other provisions of this Title, or if a site is zoned with the -PD, Planned Development or combining zone district.
3. The -PD Planned Development, combining zone district shall only apply to horizontal mixed-use developments until such time as horizontal mixed-use development guidelines or standards are adopted by the Board of Supervisors.

F. Findings: To assure the proposed development meets the intent of this section for mixed-use development, the following findings shall be made prior to approving a mixed-use project.

1. Community integration: Development integrates into the existing community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.
2. Building and site layout: Building and site layout are adaptable and would permit future changes in land use over time. Each use is designed and positioned to achieve its maximum potential so that they perform as a whole and benefit from one another. Efficiently functioning infrastructure (i.e., parking, services, utilities, and effective mechanical, electrical, and structural systems) is incorporated in the design of the development capable of servicing each component of the development's differing demands.
3. Land uses: Land uses provided by the development are compatible with one another. The commercial uses are those which would serve the residents of the development and the neighborhood. In addition, the project includes amenities and attractions that cannot be provided in single-purpose projects, such as people-oriented spaces and diverse uses.
4. Pedestrian-orientation: The development provides a safe and well-organized pedestrian access within the site and to relevant adjacent areas. All portions of the development are accessible by a direct, convenient, attractive, and comfortable system of pedestrian facilities.

5. Open and Public Spaces: The development provides usable public and private open space, enhances the vitality of existing commercial activity, and recognizes and responds appropriately to adjacent existing or planned public spaces (e.g., parks, civic buildings, transit stops, sidewalks, plazas, and similar spaces).
6. Parking: The development provides for adequate levels of parking, but minimizes the amount of land developed as surface parking. The plan includes implementing measures to reduce the overall amount of parking needed for the development, such as but not limited to, joint-use parking and access to public transit. Parking areas have been located where they can be conveniently and safely accessed and without difficulty from the street and within the development. On-site parking areas are designed in such a way that it does not dominate street frontage nor interfere with pedestrian areas. On-street parking is located in proximity to the retail component of the development.

12. ZONING ORDINANCE AMENDMENT

Z03-0005/Winery Ordinance initiated by EL DORADO COUNTY. The Proposed Winery Ordinance would replace the existing Winery Ordinance in Section 17.14.190 of the County Code. The proposed ordinance would provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses and to encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products.

Commissioner MacCready left his seat as a Commission member due to a conflict of interest.

Roger Trout informed the Commission that due to a noticing issue with the local paper, no action could be taken on this item and this item would be continued to the December 11, 2008 hearing for action.

Mr. Trout presented the item to the Commission and distributed a copy of amendments proposed by the Agricultural Commission at their November 12, 2008, meeting. Also distributed were letters of support from the El Dorado Winery Association and the Fair Play Winery Association.

Jerome Pasto distributed a letter to the Commission dated November 13, 2008 which stated, in summary, that the “draft winery ordinance is inadequate and does not mitigate the traffic impact to River Pines Estates Zone of Benefit roads from winery and vineyard development and operations.”

Paul Bush, representing the El Dorado Winery Association, stated that the draft version was easier to work with and easier to read. He also stressed that it was a significant accomplishment to have the association unanimously support this document.

Linda Neal spoke in support of the amended changes.

Valerie Zentner, Farm Bureau, stated that this was a good product and compromise. However, she was concerned on the mitigation on Important Biological Corridor (IBC) and the aesthetics/visual standards.

Bill Snodgrass, retired El Dorado County Agricultural Commissioner, gave a brief timeline history on the Winery Ordinance. He felt that this draft was more restrictive than the current ordinance and that this was a good document.

There was no further input.

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 2:10p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair