



EL DORADO COUNTY PLANNING COMMISSION

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

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

Char Tim Clerk of the Commission

MINUTES

Regular Meeting December 11, 2008 – 8:30 A.M.

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

Larry Appel told the Commission that item 12.a-Z07-0010/PD07-0006/TM07-1438/Porter was recommended for continuance as indicated on the agenda.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (4-0), 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:** November 13, 2008

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MACCREADY MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), TO APPROVE THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

Larry Appel summarized for the Commission the following actions taken at the Board of Supervisors' meeting on December 9, 2008:

- Z07-0023/TM07-1444/Lomita Way Subdivision applications, which were recommended for approval by the Planning Commission, were approved by the Board of Supervisors with gate access changes.
- Z08-0027/WAC08-0005/Matagrano applications, which were recommended for approval by the Planning Commission, were approved by the Board of Supervisors.
- A07-0010/OR08-0002/Parcel Size Exception, which were recommended for approval by the Planning Commission, were approved by the Board of Supervisors.
- Supervisor Sweeney had agendized review of General Plan Policies 8.1.3.1 and 8.1.3.2 for review for clarification and implementation. This item was continued to allow the Planning Commission to take action on today's item 14/Ag Buffer (General Plan Policy 8.1.3.1) and to forward a recommendation to the Board of Supervisors.
- An Ad Hoc Committee update was presented with a recommendation for a committee to be formed to review the General Plan implementation process. The Board continued this item to January after the new Board members are seated.

6. COMMISSIONERS' REPORTS

None presented.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

None presented.

7. REVOCATION OF RIVER USE PERMIT

Revocation of River Use Permit #27 submitted by EL DORADO COUNTY PARKS to approve the revocation of River Use Permit #27 from Bobby Hicks dba American River Adventures and return said permit to the County of El Dorado [*continued from October 23, 2008, hearing*]

Larry Appel informed the Commission that Noah Rucker-Tripplert was unavailable for today's meeting but had submitted a memo updating the Commission on the status of the application and the lack of information received since the October 23, 2008, hearing.

Bobby Hicks, applicant, informed the Commission that he was still working on obtaining the required information.

Dan Buckley, an established outfitter, inquired why an established business has until March 15th to supply the required information, but that Mr. Hicks is being required to submit so much

earlier. He felt that it was unfair. There was significant discussion between Mr. Buckley, Mr. Hicks, and the Commission on this issue.

Commissioner Knight expressed frustration with the lack of effort Mr. Hicks has given since October 23, 2008, in obtaining the required information.

Richard Collier of Parks Recreation stated that getting applications is not the same as getting permits, which is a requirement. This was in reference to Mr. Hicks' statements that he had applications ready to be submitted and insurance quotes. He also stated that Mr. Rucker-Tripplet has been very frustrated in this process with Mr. Hicks.

Chair Tolhurst read into the record Mr. Rucker-Tripplet's memo dated December 5, 2008, stating what has occurred since the October 23, 2008, hearing, and what was required, at a minimum, from the applicant. Chair Tolhurst recommended that this item be continued to the January 22, 2009, meeting and that the applicant needed to do the following prior to the meeting: (1) Pay the balance due of \$350.00; (2) Obtain a river use plan with permission from the land owners; (3) Obtain proof of Liability Insurance; and (4) Obtain an El Dorado County business license.

No further discussion was presented.

MOTION: COMMISSIONER TOLHURST MOVED, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (4-0), TO CONTINUE ITEM TO THE JANUARY 22, 2009, HEARING.

8. VARIANCE

V08-0002 submitted by BRUCE and MICHELE RALEY to allow a reduction in the front yard setback from 30 feet to 26.33 feet and the side yard setback from 15 to 7.5 feet to legitimize existing additions to a residential structure. The property, identified by Assessor's Parcel Number 327-050-58, consisting of 1.26 acres, is located on the north side of Sunshine Lane, approximately 0.5 miles northwest of the intersection with El Dorado Road, in the **El Dorado area**, Supervisorial District IV. (Categorical Exemption pursuant to Section 15301(e) and 15305(a) of the CEQA Guidelines)**

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

Bruce Raley, applicant, stated that they have torn down the siding and replaced it with hardy board, at the request of the Fire Department.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), TO: 1. FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO *CEQA GUIDELINES SECTIONS 15301(E) AND 15305(A)*; AND 2. APPROVE VARIANCE V08-0002 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS PRESENTED.

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

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to *Section 15303(e)* that allows accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in areas where no sensitive environmental resources exist, as well as *Section 15305(a)* that allows minor alterations in land use limitations for a variance.
- 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 VARIANCE FINDINGS

- 2.1 *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.*

The subject site is unique in that the site has an existing residence which has had two additions constructed without benefit of permit which are currently located within the front yard and rear yard setbacks. The applicant purchased the property after the additions were constructed and seeks to legitimize those additions. Without the proposed variance, the existing additions to the residential structure could not be utilized by the applicant and would have to be removed. The applicant has submitted a letter from the adjoining property owners to the north most affected by the proposed variance and those property owners support for the proposed variance to legitimize the existing additions (see Exhibits G). The proposed variance has been conditioned to require a building permit be obtained for the residential additions (see Condition of Approval No. 7, Attachment 1).

- 2.2 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

Without the proposed variance, the existing residential additions could not be utilized by the applicant and would have to be removed. Legitimizing the previously constructed additions will not result in expansion of the existing structure and the overall residence is similar in size to existing residences within the project vicinity.

2.3 *The variance is the minimum necessary for the reasonable use of the land or building.*

This variance request will legitimize the existing additions to the residential. No expansion of the existing structure is proposed. The proposed front yard setback of 26.33 feet and side yard setback of 7.5 to the existing property lines is the minimum necessary to allow the applicant to legitimize the existing additions to the residential structure and utilize the existing improvements without the need for removal of these portions of the residence.

2.4 *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

The project was distributed to all applicable responsible agencies, and no comments or conditions were received to prevent approval of the variance. The applicant has submitted a letter from the adjoining property owners to the north most affected by the proposed variance and those property owners support for the proposed variance to legitimize the existing additions (see Exhibits G). The proposed variance has been conditioned to require a building permit be obtained for the residential additions (see Condition of Approval No. 7, Attachment 1). The proposed variance is not anticipated to negatively impact the public health, safety, and welfare, or injurious to the other residential uses in the project area, specifically those to the north.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This variance is based upon and limited to compliance with the project description, the Planning Commission hearing Exhibits A through G, dated December 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A variance to allow reduction in the front yard setback from 30 feet to 26.33 feet and the side yard setback from 15 feet to 7.5 feet to legitimize existing additions to a residential structure consisting of a bedroom and master bath addition and a recreation room

addition which were constructed without benefit of permit within the required setbacks, as shown on Exhibit E.

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

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

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

3. The reduction in front and side yard setback shall apply only to the existing additions to the residence. All other structures or additions to the existing residence shall conform to all setback requirements pursuant to Section 17.28.080.
4. All proposed exterior lighting installed as a result of this variance shall be shielded and directed downward to prevent light and glare from leaving the property and must conform to the provisions of *Section 17.14.170* for *Outdoor Lighting*.
5. Prior to issuance of any building permits, the applicant shall pay all Development Services fees in full.
6. 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.

El Dorado County Building Department

7. The applicant shall apply for a building permit to legitimize the existing additions to the residential structure. Said permit application shall be filed within 60 days following approval of this variance.

9. SPECIAL USE PERMIT

- a. **S85-0070R2** submitted by JEAN and REN REINDERS to amend Condition #5 of the Special Use Permit as follows: A minimum of ~~126~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area, ~~and~~ ~~Two employees shall be available to direct vehicles to the parking area that location~~ 11:30 a.m. to 4:00 p.m., weekends and holidays as needed during peak hours. The property, identified by Assessor's Parcel Number 048-160-44, consisting of 10.01 acres, is located on the east side of High Hill Road, approximately one-quarter mile north of the intersection of High Hill Road and Carson Road, in the **Camino area**, Supervisorial District III. (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)**

Two letters of public comment were distributed to the Commission at the meeting.

Michael Baron presented the item to the Commission with a recommendation of approval. Mr. Baron informed the Commission that he had a phone conversation earlier this week with the applicant's attorney. They stated that since the County Ordinance only requires 11 parking spaces, the applicant was not willing to accept staff's recommendation to revise the Special Use Permit from 126 parking spaces to 76 parking spaces and they are interested in withdrawing the application.

Ren Reinders, applicant, stated that he had a meeting with staff and they had agreed to 22 parking spaces and he was surprised to see the recommendation of 76 parking spaces. He is not willing to accept that condition.

County Counsel Paula Frantz summarized the events of the Special Use Permit and explained that the applicant had accepted the 126 parking spaces, but had never complied. A complaint was received and staff determined that 126 parking spaces was not possible, but since the applicant already had 76 parking spaces, that was used for the recommendation. Ms. Frantz stated that this is a specially permitted use in an agricultural area and the Commission can place any number of parking spaces as they deem necessary. She also warned that although the applicant can withdraw the application to amend the Special Use Permit, it would mean that they were still in non-compliance and it would go back to Code Enforcement for possible revocation.

Bob Laurie, representative for High Hill Ranch, concurred if applicant chose to withdraw application.

Sue Taylor stated that the recommendation was higher than what was required by the County Ordinance. She inquired as to why punitive actions of requiring a large number of parking spaces were being placed on the Reinders.

Mr. Reinders requested to continue the item in order to discuss further with staff on the recommended number of parking spaces.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (4-0), TO CONTINUE THE ITEM TO THE JANUARY 22, 2009, HEARING.

b. S08-0019/Hay Lady Hay Barn submitted by ALEXIS ALTERMAN (Agent: Stephen Twist/Twister Designs) to allow the construction of a 60-foot by 30-foot, three-sided, pre-engineered steel building for storage and retail sales; and a 32 square foot roof-mounted sign. The property, identified by Assessor's Parcel Number 061-220-06, consisting of 26.5 acres, is located on the south side of State Route 193 approximately 0.5 mile southeast of the intersection with Main Street in the Georgetown area, Supervisorial District II. (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)**

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

Stephen Twist, applicant's agent, was available for questions.

After discussion with Mr. Twist and staff, it was recommended to modify the project description in the Conditions of Approval to clarify that the building was to be used for agricultural-related products.

No further discussion was presented.

MOTION: COMMISSIONER MACCREADY MOVED, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (4-0), TO 1. CERTIFY THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 15303(C) OF THE CEQA GUIDELINES; AND 2. APPROVE THE SPECIAL USE PERMIT S08-0019 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

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

Findings

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

1.0 CEQA Findings

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(C) of the CEQA Guidelines Sections. Section 15303 (C) applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.
- 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.2 As conditioned, the proposal is consistent with the intent of General Plan Policies 2.1.2.1 (Rural Center boundaries), 2.1.2.2 (Rural Center definition), 2.2.2.3 (Rural Center purpose), 2.2.5.2 (review for General Plan consistency), 2.2.5.10 support for agriculture), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 10.1.5, 10.1.5.1, 10.1.5.2, and 10.1.5.4 (encouragement of economic opportunities), because of the review for General Plan consistency, minimal impacts to visual qualities, noise, traffic, and on existing emergency response capabilities. The project can be found to be compatible with the community, had review and conditional approval of by the Georgetown Fire Protection District, there is adequate availability of utilities such as water, power and solid waste facilities, and the project adds an economic benefit and ability to supply needed commodities and services to the local residents.

3.0 Zoning Findings

- 3.1 The project is zoned Planned Commercial which allows retail sales, service and repair, enclosed storage and offices by right. Storage/retail sales not fully enclosed is permitted by Special use Permit. The 120,000 square-foot (2.75 acres) portion of the parcel would comply with the minimum development standard for parcel sizes in CP pursuant to 17.32.160 Section A for minimum lot area of 5,000 square feet. The proposed 1,800 square-foot metal storage/retail building would comply with Section C for minimum lot width of 50 feet and minimum yard setbacks of ten feet front and five on the sides and rear.

4.0 Special Use Permit Findings

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All potential project-related environmental issues and the benefits to the community have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood**, based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing accessory building. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction 1,800 square-foot metal storage/retail building as an expansion to the existing commercial structure, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to County Code Sections 17.28.200 A and 17.28.200.G.**

Conditions of Approval

Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through L2 dated December 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of the Special Use Permit allows construction of a 60 foot by 30 foot, three sided pre-engineered steel building with an open front, for storage and retail sales of agricultural-related products. Construction and installation of one 32-square-foot roof-mounted sign on the west side of the existing building and the addition of one eight square-foot sign to the existing pole mounted sign structure at the entrance into the commercial area, both as shown in Exhibit G2. Use of the existing 3,840 square-foot building for retail sales repair and service, office, and storage uses. Use of the existing 510 square-foot fully enclosed metal garage for storage.

The limit line of the subject Special Use Permit is established by Planned Commercial area shown in Exhibit C on Record of Survey 27 - 137.

Planning Services Site Specific and Standard Conditions

2. All signs shall comply with Exhibits J1 – J4. All non-wall mounted signs other than the one at the front entrance shall be removed. The sign plans shall be reviewed for compliance with the approved sign program by Development Services prior to issuance of a building permit.

3. All outdoor lighting shall conform to the approved Exterior Lighting Plan (Exhibits I1 and I2) and 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. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit and shall be reviewed for conformance with the approved Exterior Lighting Plan shown in Exhibits I1 and I2 prior to issuance of a building permit. In addition, the following apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. Security lighting shall be activated with motion-sensor.

Should final, 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.

4. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits G1, G2, H1 and H2. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Development Services Director prior to project modifications.

5. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Parking shall conform to Exhibit G2 and shall consist of the following:

Parking Stall Standard	No. of Spaces
Standard Space	8
Accessible Space	1 van accessible
Loading zone	1
Total	10

6. The existing 34 foot by 15 foot (510 square feet) fully enclosed metal garage/storage building is subject to an "as built" building permit through El Dorado County Building Services. Said permit shall be finalized prior to final occupancy of the 1,800 square-foot three-side metal retail/storage building.

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

by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

8. All Planning Services fees shall be paid prior to issuance of any building permits.
9. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
10. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

Georgetown Fire Protection District

12. All existing "Fire and Life Safety" violations on the site shall be corrected prior to issuance of a building permit.
13. Vegetation management/fuel modification shall be completed for a perimeter of 100 feet around the proposed structure prior to issuance of a building permit.

14. A minimum of one Class 2A fire extinguisher shall be required within the new storage building. Said extinguisher shall be mounted in a location approved by the District.

c. **S07-0027/Eden Vale Inn** submitted by MARK HAMLIN to allow an 11 room bed and breakfast inn consisting of a 5,599 square foot main residence, a 1,200 square foot second residence, a 400 square foot guest house, a 2,308 square foot special event/guest activity building, and 18 special events a year with 12 limited to 50 people and 6 limited to 125 people. The property, identified by Assessor's Parcel Number 102-140-88, consisting of 10.01 acres, is located on the west side of Springvale Road, approximately 1,000 feet north of the intersection with Lotus Road in the **Gold Hill area**, Supervisorial District IV. (Categorical Exemption pursuant to Section 15301 and 15303 of the CEQA Guidelines)**

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

County Counsel Paula Frantz stated that the project description in the Conditions of Approval needed to include all buildings onsite. It was recommended to add the pre-existing shop/storage building to the conditions.

Chair Tolhurst inquired about the term "innkeeper", which is stated in the Staff Report and the Site Plan, and how that relates to the property owner. It was recommended to add a condition stating that the property owner was to reside on the property.

Mark Hamlin, applicant, provided colored pictures of the property and a brief summary regarding his project.

Daryl Sullivan, representing the Bed and Breakfast Association of El Dorado County, requested the Commission approve this Special Use Permit as it follows the intent of the County's new Bed and Breakfast Ordinance and assists in increasing tourism activity.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), TO 1. FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15301 AND 15303; AND 2. CONDITIONALLY APPROVE SPECIAL USE PERMIT S07-0027 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

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

Findings

1.0 CEQA Finding

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing and proposed structures which require only ministerial permits. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.

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 Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.20 (General Plan Consistency Compliance), 7.1.2.1 (Soil Conservation), 7.3.3.4 (Conservation of Water Resources), 7.4.4.4 (Oak Woodland Resources), 10.1.7.4 (Home Occupations), and TC-Xe/TC-Xf (traffic Impacts) The proposed project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Rural Residential which allows for Bed and Breakfast Inns with a special use permit.

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

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use, as conditioned, is specifically permitted by special use permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

3.0 ADMINISTRATIVE FINDINGS

- 3.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all development standards for a Bed and Breakfast Inn in the RE-10 Zone District (17.70.110) and Second Residents on a Single Family Lot (17.15).

Conditions of Approval

Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Planning Commission exhibits marked F-M, dated December 11, 2008, and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Request for a special use permit for a Bed and Breakfast Inn with 11 guest rooms as follows.

- a. Guest rooms are to be contained in the following structures; five guest rooms in the 5,599 square foot primary residence, four guest rooms in the 1,200 square foot second residence, and two guestrooms in the 400 square foot guest house. A commercial kitchen may be added to the main residence but shall have a separate entrance consistent with Environmental Health requirements.
- b. A 2,308 square foot guest activity/special events building with bathrooms. The building shall be limited to use for guest activities and special events only.
- c. A total of 18 special events per year with 12 limited to 50 people and 6 limited to 125 people.
- d. A maximum of three to five employees shall be retained for innkeeping, cleaning, and cooking.
- e. 13 gravel parking spaces and 3 paved ADA accessible spaces. 60 unimproved spaces shall be provided for special events.
- f. A 3 foot by 2 foot non-internally illuminated sign. Said sign shall be down illuminated only.
- g. Use of an existing outdoor kitchen for special event use only.

- h. 2,950 square foot shop, storage, shed, and four car garage.
- i. The property owner shall reside in either the primary or secondary residential unit on site.

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.

2. All site improvements shall conform to Exhibits F-J. All structures shall be consistent with the developments standards of the RE-10 zone district, Chapter 17.70, and Chapter 17.15, Second Residential Units on Single-Family Lots.
3. No amplified outdoor sound systems shall be used at the project site without a revision to this special use permit or a temporary use permit is obtained. Noise levels during special events shall not exceed the levels specified in Table 6-2 of the General Plan.
4. Outdoor special events shall end prior to 10 p.m.
5. If the site will serve at least 25 individuals daily at least 60 days out of the year a permit for a Public Water System shall be obtained. A letter from Environmental Management shall be submitted to Planning Services stating that all necessary permits have been obtained and approved.
6. The applicant shall obtain a business license prior to initiation of the use.
7. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. External lights used to illuminate a sign shall be shielded and directed downward in order to prevent light from shining on to the adjacent roadway.

Should final, 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.

8. Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval by phase and in accordance with

county, State, and Federal law. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit or commencement of any use for verification of compliance with applicable conditions of approval.

9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the 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 variance, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

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

El Dorado County Department of Transportation

10. Gates: Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. This shall apply to the proposed main gate.
11. Second Access Point: The secondary access shall be gated and not used by the general public due to unsafe sight distance at the encroachment onto Springvale Road. However, this access may continue to be used by the landowner and emergency personnel.
12. Traffic Control: The applicant shall provide a Traffic Control and Parking Management Plan that indicates all measures to be used during special events. This plan shall include at a minimum:
 - a. Site Plan showing vehicular and pedestrian ingress/egress points and circulation for the events.
 - b. Name and contact information for person in charge of traffic control and parking responsible for responding to complaints on the days of the events.
 - c. Location of all traffic control personnel on a site plan or vicinity map.
 - d. Location of all traffic control and directional signs on a site plan or vicinity map.
 - e. Location of all parking lots, parking capacity of each, and the sequence of use.
 - f. Location of all shuttle stops and the proposed shuttle routes. (if applicable)
 - g. Emergency access ways.

This Traffic Control and Parking Management Plan shall be submitted to DOT for review and approval prior to issuance of the special use permit.

13. Construction Hours: Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
14. DISM Consistency: The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to initiation of the use.
15. Grading Permit / Plan: If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the Building Department prior to occupancy clearance.
16. Grading Plan Review: Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
17. RCD Coordination: The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
18. Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design

plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

19. NPDES Permit: At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
20. TIM Fees: The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete

El Dorado County Department of Environmental Health

21. This project will be constructed in phases. The existing septic system is currently being utilized for the primary residence, the 1st floor guest rooms and the second guest house. Additional septic system construction permitting will be required when additional building permits are obtained.
22. Bed and Breakfast Inn establishments under the California Retail Food Code (CAL CODE), Section 113893, Restricted Food Service Facility, requires that you obtain and maintain an Annual Food Facility Operating Permit issued by Environmental Health prior to operating the Bed and Breakfast. Also, because this establishment is served by well water, periodic water testing will be required under CAL CODE requirements and includes a permit to operate a Food Facility Water System.
23. All refuse collection/storage areas (enclosures) shall include room for both trash and recycling dumpsters. The enclosures shall be accessible to service trucks.

Rescue Fire Protection District

24. Buildings A and B shall be sprinkled, Buildings D and E may be required to be fire sprinkled and alarmed in accordance with N.F.P.A. and Fire Department standards. Two sets of engineered stamped fire sprinkler and alarm plans shall be submitted for review and approval by the Fire Department prior to construction.
25. With the lack of domestic water for fire protection, the Rescue Fire Department will allow a private hydrant system. The hydrant system shall be submitted for review and

approval by the Fire District. A maintenance contract will be required with the private hydrant system.

Two hydrants may be required; the location of the fire hydrants shall be determined by the fire Department.

Prior to guest occupancy, documentation from a licensed engineer shall be provided to the Fire District by the applicant to demonstrate that the systems will meet the required fire flows.

26. The emergency entrance shall be 20 feet and provide an unobstructed vertical clearance of 15 feet along the entire length of the roadway and be capable of supporting a 40,000 pound load. Electric gates must comply with the Rescue Fire District standard. NO PARKING and FIRE LANE shall be posted on both sides of the emergency entrance gate. A Knox lock may be required if a gate is locked.
27. The main driveway shall provide a permanently maintained unobstructed horizontal clearance of 12 feet and an unobstructed vertical clearance of 14 feet 6 inches along the entire length of the roadway and be capable of supporting a 40,000 pound load. When buildings D and E are built the main driveway will require some turning radius adjustments.
28. The Rescue Fire District reserves the right to make amendments to the prior mentioned requirements, as deemed necessary and as conditions warrant. These conditions are time sensitive and are subject to change in the future, based on changes in technology and fire codes.

d. **S07-0022/Seventh Day Adventist Church of Placerville** submitted by NORTHERN CALIFORNIA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS/JOHN C. MACKAY (Agent: Lebeck Young Engineering) to allow expansion of an existing church to include a 12,900 square foot multi-purpose building, expansion of the existing parking lots, grading for future parking, and associated lighting and landscaping; and a reduction in setback from 50 feet to 15 feet from a pond. The property, identified by Assessor's Parcel Numbers 327-140-52 and -53, consisting of 18.13 acres, is located on the north side of Mother Lode Drive, approximately 400 feet southwest of the intersection with Missouri Flat Road in the **Placerville Periphery area**, Supervisorial District III. (Mitigated negative declaration prepared)*

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

Bobbi Lebeck, applicant's agent, informed the Commission that the project description in the Conditions of Approval had incorrect square footage for the multi-purpose building. It is listed at 12,900 square feet, which is the footprint for the requested two-story building. The actual square footage is 21,848 square feet. It was requested that this be changed in the conditions.

Leonard Grado, applicant's representative, requested that Condition 10.b be changed from 15 feet to 20 feet for the parking lot standards. He stated that the surrounding areas sit above the project site or a distance away; Mother Lode Drive is above the lights; and that Hwy 50 is screened with oak trees. Mr. Grado indicated that this change would have a significant cost savings to the project. Planning Services staff had no objections to the additional 5 feet of parking lot standards being added to Condition 10.b.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), TO: 1. ADOPT THE MITIGATED NEGATIVE DECLARATION, BASED ON THE INITIAL STUDY PREPARED BY STAFF; 2. ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES 15074(D), AS INCORPORATED IN THE CONDITIONS OF APPROVAL IN ATTACHMENT 1; 3. APPROVE SPECIAL USE PERMIT S07-0022 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND 4. SPECIAL USE PERMITS, V66-0023 AND S71-0052 ARE HEREBY NULL AND VOID, BEING SUPERSEDED BY S07-0022. WITH THE EXCEPTION OF S00-0019 AND S03-0039 FOR THE CELL TOWER, S07-0022 WOULD SUPERSEDE ALL PREVIOUSLY APPROVED SPECIAL USE PERMITS FOR THE CHURCH.

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

Findings

1.0 CEQA Finding

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

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

2.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan Consistency), 2.2.5.21 (Compatibility With Adjacent Uses), 6.2.3.2 (Adequate Emergency Access), 7.1.2.1 (Soil Conservation), 7.3.3.4 (Conservation of Water Resources), and 7.4.4.4 (Oak Canopy Retention) and has been found to be consistent with these policies with incorporation of mitigation measures reducing the impact to wetlands and wetland habitat. The proposed project is also consistent with the General Plan Land Use Designation of MDR.

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

The proposed multi-purpose building will comply with the Development Standards of the R1A zoned district. The proposed Special Use Permit revision has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use is specifically permitted in the R1A Zone District pursuant to Section 17.28.070.A of the Zoning Ordinance which states that places of worship are allowed only after obtaining a special use permit. This permit is an expansion of a previously approved Special Use Permit and supersedes the previous permits.

3.0 ADMINISTRATIVE FINDINGS

- 3.1** The proposed use conforms to the Zoning Ordinance because the project meets all development standards for a storage building within the R1A Zone District. The approval of this special use permit will not nullify any of the conditions of approval or objectives of the previously approved Special Use Permit.

- 3.2** The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 50 foot setback from ponds and wetlands and the project is proposing to build retaining walls within 15 feet of the high water mark of the pond. The retaining walls would be required for the engineering related to slope stability for the proposed multi-purpose building. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback would still provide sufficient

protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A biological report has been submitted by the applicant and as analyzed in the initial study, impacts have been reduced to a less than significant level by incorporation of mitigation measures. As conditioned and mitigated this project can be found to be consistent with Policy 7.3.3.4.

Conditions of Approval

I. PROJECT DESCRIPTION

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

The project description is as follows:

Special Use Permit request for an expansion of an existing church including a 21,848 ~~12,900~~ square foot multi-purpose building, expansion of the parking area adding 64 parking spaces, grading of an approximately 57,600 square foot area for a future parking area, and associated lighting and landscaping. Water and fire flow will be provided by connection to a public water system. Waste water treatment will be provided by on-site septic systems and a connection to a public sewer system will be used in lieu of a 300 percent replacement area.

This Special Use Permit authorizes the following existing improvements as shown on Exhibit E, dated December 11, 2008:

1. 7,600 square foot church building and offices.
2. 3,000 square foot youth chapel and multi-purpose building.
3. Two structures containing a total of 6,776 square feet of classrooms.
4. 1,500 square foot residence for clergy.
5. 1,200 square foot caretaker's residence.
6. 2,400 storage shed.
7. A sign measuring 70 square feet along U.S. Highway 50.

8. A sign measuring 16 square feet at the main entrance.
9. 127 parking spaces.

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

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. [MM Bio1]. Previous focused surveys for California red-legged frog (CRLF) conducted both on and off-site, in association with other proposed development projects, yielded no sightings of CRLF within the project region. Although occurrence of CRLF within the project site is considered to be highly unlikely due to the absence of sightings within the project region, the pond may provide marginal-quality habitat for the species. All disturbance of potential habitat for CRLF, including the pond and adjacent vegetation should therefore be avoided to the extent feasible. In the event that disturbance of aquatic habitat of the project site cannot be avoided, a California Red-legged Frog Habitat Assessment (USFWS 2005) should be prepared and submitted to the U.S. Fish and Wildlife Service Sacramento Field Office. Surveys may begin anytime during January and shall be completed by the end of September. The applicant should then contact the U.S. Fish and Wildlife Service to determine if follow-up surveys and avoidance measures are required.

Monitoring: The California Red-legged Frog Habitat Assessment shall be submitted to Planning Services staff with recommendations from the U.S. Fish and Wildlife Service prior to issuance of the grading permit

3. [MM Bio 2]. Potential habitat for northwestern pond turtle occurs in association with the large pond located in the central portion of the site. All disturbance of suitable habitat for northwestern pond turtle, including the pond and adjacent upland vegetation, should be avoided to the extent feasible. If it is determined that some disturbance of on-site aquatic habitats or adjacent vegetation will be required as part of the project, a preconstruction survey should be conducted to determine if areas proposed for disturbance are occupied by turtles at that time. In the event that turtles are found, the applicant should immediately contact CDFG to determine appropriate protective measures for pond turtles and mitigation responsibilities.

Monitoring: The Northwestern pond turtle survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit

4. [MM Bio3]. The project site provides some limited nesting and foraging opportunities for Cooper's hawk. Implementation of the proposed project could therefore result in disturbance of breeding and nesting of Cooper's hawk if construction occurs at any time during the typical breeding season for the species (approximately March 1 through August 31). Nesting of other raptors known from the region, including red-shouldered hawk and great horned owl, could also be adversely affected if construction takes place during the identified breeding/nesting season. Take of any active raptor nest is prohibited under Fish and Game Code Section 3503.5. To avoid take of active raptor nests, preconstruction surveys should be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Survey results should then be submitted to CDFG. If active raptor nests are found on or immediately adjacent to the site, consultation should be initiated with CDFG to determine appropriate avoidance measures.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

5. [MM Bio4]. Potential nesting habitat for tri-colored blackbird occurs within the project site, and consists primarily of blackberry thickets, and other dense vegetation located in the vicinity of the pond. Depending on the timing of construction, site disturbance could result in disturbance of breeding and nesting activity of this species. According to the California Department of Fish and Game Code 3503, "take" of the nest or eggs of any bird is prohibited, except upon approval from CDFG. Disturbance of active nests can be avoided during construction through appropriate measures. To the extent feasible avoid ground disturbance and removal of vegetation in the vicinity of the pond during the typical breeding and nesting period for this species (approximately April through July). If construction activities cannot be avoided during the typical breeding season, retain a qualified biologist to conduct a pre-construction survey (approximately 1 week prior to construction) to determine presence/absence of active nesting colonies. If no nesting activities are detected within proposed work areas, construction activities may proceed. If, however, active nests are found, construction should be avoided until after the young have fledged from the nest and achieved independence, or upon approval from CDFG.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

6. [MM Bio 5]. Prior to disturbance of any waters of the United States including any wetland features, a wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that

would be lost or disturbed should be replaced or rehabilitated at a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. A total of 4.22 acres of waters of the United States, including wetlands, are present within the survey area. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

Monitoring: The applicant shall provide a copy of the approved 404 permit and Corps of Engineer’s approved mitigation purchase documentation of mitigation credits, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project prior to issuance of any grading permits.

7. [MM Bio 6].A Streambed Alteration Agreement shall be obtained from California Department of Fish and Game, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with California Department of Fish and Game in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

Monitoring: The applicant shall provide a copy of the approved 1602 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the California Department of Fish and Game, a letter from Fish and Game shall be provided to Planning Services stating that no permit shall be required for this project prior to issuance of any grading permits.

8. [MM Bio 7]. Water Quality: The applicant shall determine if a 404 permit is required for the proposed project, water quality concerns during construction would be addressed in a required Section 401 water quality certification by the Regional Water Quality Control Board. A Storm Water Pollution Prevention Program (SWPPP) would be required during construction activities in conjunction with the 401 water quality certification. SWPPPs are required in issuance of a National Pollutant Discharge Elimination System (NPDES) construction discharge permit by the U.S. Environmental Protection Agency. Implementation of Best Management Practices (BMPs) during construction is standard in most SWPPPs and water quality certifications. Examples of BMPs include stockpiling of debris away from regulated wetlands and waterways; immediate removal of debris piles from the site during the rainy season; use of silt fencing and construction fencing around regulated waterways; use of drip pans under work vehicles; and containment of fuel waste throughout the site during construction.

Monitoring: The applicant shall provide a copy of the approved 401 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Regional Water Quality Control Board, a letter from Regional Water Quality Control Board shall be provided to Planning Services stating that no permit shall be required for this project prior to issuance of any grading permits.

El Dorado County Planning Services

9. Landscaping is required to meet Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final revised Landscape Plan shall meet the intent of the General Plan Policies for inclusion of native El Dorado County plants indigenous to the direct project vicinity. A Final Landscape Plan and Water Conservation Landscape Statement, if applicable, shall be submitted to the Development Services for review and approval prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
10. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
 - b. Parking lot standards (poles) shall not exceed twenty ~~fifteen~~ feet in height above grade.
 - c. Lighting for outdoor areas shall be turned off within 30 minutes after the closing of the church. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.

Should final, 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.

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

If Option A is chosen, the applicant shall be required to replant 160 one-gallon sized black oak (*Quercus kelloggii*) and interior live oaks (*Quercus wislizenii*) trees (200 trees x 0.8 acre = 160). Alternatively, the applicant may plant 480 acorns [(200 trees x 0.8 acre) x 3 acorns = 480 acorns]. Prior to issuance of a grading permit, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

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

12. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
13. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
14. Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit for verification of compliance with applicable conditions of approval.
15. The applicant shall make the actual and full payment of planning processing fees for the Special Use Permit application prior to the issuance of building permits.

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 until said fees are paid.

16. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The 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 by El Dorado County.

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

El Dorado County Department of Transportation

17. Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the project site onto Mother Lode Drive to the provisions of County Design Std 103C. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
18. Left Turn Channelization / Right Shoulder Widening: The applicant shall design and construct a 14-foot wide left turn pocket on Mother Lode Drive at the new encroachment according to the provisions of the Caltrans Highway Design Manual and/or AASHTO. The 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 issuance of a building permit.

Department of Transportation Standard Conditions

19. Easements: All applicable existing and proposed easements shall be shown on the project plans.
20. Signage: The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to issuance of a building permit. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
21. Curb Returns: All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
22. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
23. Construction Hours: Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00

- a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
24. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to issuance of a building permit.
 25. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to project approval.
 26. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
 27. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “Design and Improvement Standards Manual”, the “Grading, Erosion and Sediment Control Ordinance”, the “Drainage Manual”, the “Off-Street Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT and/or Development Services (whichever is applicable) prior to occupancy clearance.
 28. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). 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.
 29. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation or Development Services (whichever is applicable).shall

approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

30. Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation or Development Services (whichever is applicable). 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.
31. Drainage Study / SWMP Compliance: The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

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

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

The improvements shall be completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to the issuance of a building permit or the applicant shall obtain an approved improvement agreement with security.

32. NPDES Permit: At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the

County, prior to building permit issuance, and by state law must be done prior to commencing construction.

33. CEQA Review: All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
34. Electronic Documentation: Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
35. TIM Fees: The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Diamond Springs/El Dorado Fire Protection District

36. The developer shall meet with this District and determine where the proper fire lanes shall be installed and identified at the site prior to building permit issuance, so as to provide for easy access by fire and emergency apparatus during incidents that occur at the complex.
37. Building and fire codes will also have to be adhered to but can not be determined until a full set of building and site plans are received by the district.
38. Sprinkler system shall be installed as per Fire District requirements. Three sets of sprinkler plans shall be approved by the Fire District prior to occupancy.
39. Fire flow for the building is 2,500 gallons per minute for duration of 2 hours at 20 pounds per square inch.
40. Knox Box shall be installed per District requirements prior to final occupancy.
41. Fire hydrant placement shall be approved by the Fire District prior to final occupancy.
42. Fire Department Connection placement shall be approved by the Fire District prior to final occupancy.
43. Fire apparatus access roads shall be provided within 150 feet to all portions of the building prior to final occupancy.

44. Fire apparatus roads shall meet 2007 CA Fire Code, as amended by this Fire District and El Dorado County DOT requirements.
45. Additional requirements may be necessary once a full set of plans are submitted to this District for review.
46. Approval of the subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community facilities District (“CFD”) established under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) established by the Diamond Springs/El Dorado Fire Protection District (“District”) for the provision of public services permitted under Government Code Section 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively “Public Services”), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract’s inclusion or annexation into the CFD.
47. A Fire District approved turn-a-round shall be provided at the residence at the western end of the project site.

El Dorado County Environmental Health

48. In the event of a septic system failure all structures with plumbing on this property shall connect to public sewer.

Air Quality Management District

49. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is not located within the Asbestos Review Area (copy enclosed). District Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
50. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
51. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

52. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
53. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

- 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 trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
54. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

10. REZONE

Z08-0020 submitted by RANDOLPH FULP to allow an immediate conversion of use and rezone parcel from Timberland Preserve Zone (TPZ) to Estate Residential Five-acre (RE-5). The property, identified by Assessor's Parcel Number 098-160-44, consisting of 5.31 acres, is located on the south side of Pleasant Valley Road, approximately ¼ miles east of the intersection with Oak Hill Road in the **Pleasant Valley/Oak Hill area**, Supervisorial District III. (Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

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

A copy of a memo from the Agricultural Commission was distributed to the Commission.

Commissioner Knight noted that there were some typos in the Staff Report (Condition 1/Page 3 and 6th line down on Page 4) where the word “consistent” was used instead of the correct word “inconsistent”.

Randy Fulp, applicant, stated his intent was to bring the property into compliance with what it was being used for, which is a single-family residence.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (4-0), RECOMMEND TO THE BOARD OF SUPERVISOR TO: 1. FIND THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES (GENERAL RULE); AND 2. APPROVE ZONE CHANGE Z08-0020, BASED ON THE FINDINGS PROPOSED BY STAFF, WITH DIRECTION FOR STAFF TO CORRECT WORDING IN THE STAFF REPORT.

Findings

1.0 CEQA Findings

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed and contains no native vegetation that is proposed to be removed, is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There is no impact to the County’s inventory of timberlands as the project site was determined by the Agricultural Commission to not be suitable and an economically viable timber operation was never achieved due to the parcels size and elevation.
- 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 The zone change from TPZ to RE-5 is consistent with General Plan Policy 2.2.5.3 as the proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as important timber production areas and existing land use pattern. There are no existing CC & R's.
- 2.2 The proposed Williamson Act Contract is consistent with policies 2.1.2.2 and 2.1.2.3 (Rural Centers), 2.2.5.2 (General Plan Consistency), and 8.3.1.3 (Suitability for Timber Lands) of the El Dorado County General Plan, as discussed in the General Plan section of the staff report.

3.0 Zoning Findings

- 3.1 The subject parcel meets the design standards of the proposed RE-5 zone district pursuant to 17.28.210.A of the Zoning Ordinance.

4.0 Administrative Findings

4.1 TPZ Conversion and Rezone:

- 4.1.1. The project is consistent with Government Code Section 5113 as it applies to the immediate rezone of Timberland Production zoned lands;
- 4.1.2. A public hearing was held with notice of the hearing being given to all owners of land situated within one mile of the exterior boundary of the land proposed to be immediately rezoned;

- 4.1.3. Granting the immediate rezoning of this property is not inconsistent with the purposes of the TPZ zoning as found in California Constitution Article XIII section 3(j) and Government Code Sections 551101, 51102, and 51103. Specifically, the parcel subject to rezoning is not suited for an economically viable timber production due to its size, elevation, location, and necessity for irrigation. These combined effects lead to a relatively low volume of tree production that would not be economically viable;
- 4.1.4 The conversion and rezoning serves the public's interest in that it cannot produce commercial timber at a rate and volume to allow for it to meet any fair share of the tax burden under a yield tax. Further, the rezoning and conversion serves the public's interest in that the area has been designated for residential use in the County's General Plan. Making property available for housing as designated in its General Plan is important to the County to meet its regional housing needs allocation required by the State;
- 4.1.5 The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed;
- 4.1.6 The conversion would not prevent or make existing access to other nearby TPZ lands more difficult so as to not make their timber management or harvest more difficult.

11. TENTATIVE SUBDIVISION MAP

TM06-1409/West Valley Village Lots 6 & 7 submitted by WEST VALLEY, LLC to request a tentative subdivision map within the West Valley Village portion of the Valley View Specific Plan Area consisting of the following: (A) Large-Lot Tentative Map creating five (5) lots for financing purposes; (B) Small-Lot Tentative Map creating 111 Class I custom residential lots, ranging in size from 12,000 to 63,127 square feet, four (4) open space lots, two (2) private roadway lots, and one (1) open space/utility lot; and (C) Phasing Plan identifying five (5) phases of development and construction. The property, identified by Assessor's Parcel Numbers 118-160-15, -16, -21, -22, and -27, consisting of 218.03 acres, is located on the southeast corner of Blackstone parkway and future Valley View Parkway in the **El Dorado Hills area**, Supervisorial District II. (Exempt pursuant to Section 15182 of the CEQA Guidelines; Previous Environmental Impact Report)

Mel Pabalinas presented the item to the Commission with a recommendation of approval. Staff informed the Commission that a correction was needed on the map that was provided as an exhibit. The map indicated "Lot R3" and it should be "Lot R2".

Mike McDougall, applicant's agent, was available for any questions.

No further discussion was presented.

MOTION: COMMISSIONER MACCREADY MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), TO 1. CERTIFY THAT THE PROJECT IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15182; AND 2. APPROVE TENTATIVE SUBDIVISION MAP TM06-1409 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS PRESENTED.

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

Findings

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

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 The project is a residential subdivision, as contemplated in the adopted Valley View Specific Plan, subject to the certified Environmental Impact Report (EIR) and mitigation measures in the Mitigation Monitoring Reporting Program. Therefore, the project is exempt from the requirements of CEQA pursuant to Section 15182. No further environmental analysis is necessary.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a description in reference to areas where Specific Plans have been designated and adopted within and by the County. The Valley View Specific Plan and the respective land use maps are accepted and incorporated by reference and are hereby adopted as the General Plan Land Use map for the project area. The residential subdivision conforms to the specific policies in the Valley View Specific Plan, and subject to the mitigation measures in Environmental Impact Report. Therefore, the project is consistent with the General Plan.

2.2 Valley View Specific Plan and Zoning

The project has been verified for conformance with the specific policies and requirements of the Valley View Specific Plan. The residential subdivision meets the required density, residential product type, and applicable ER-2 development and design standards.

Therefore, the project has been found to be consistent with the Valley View Specific Plan and the Estate Residential Zone District.

2.3 **Subdivision Ordinance**

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

The proposed project has been verified for conformance with applicable General Plan and Valley View Specific Policies including provisions relating to density, site and layout design, zone development standards, and amenities. The anticipated development shall be subject conformance with the approved Conditions of Approval and Mitigation Measures. Therefore, the project has been found to be consistent with the applicable El Dorado County General Plan and Valley View Specific Plan.

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

The design and improvement of the subdivision has been designed in conformance with the identified residential land use requirements in the Specific Plan. Subsequent improvement plans, grading plans and other permit application shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval/mitigation measures for this project. Therefore, the project has been found to be consistent with the applicable El Dorado County General Plan and Valley View Specific Plan design and improvements.

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

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

The site is physically suitable to accommodate the proposed type of development, density and improvements to accommodate the residential subdivision. The site contains mild rolling hills with sparse tree coverage. The tributaries within the project site shall be preserved with open space lots. Prior to any activity, the anticipated development would require various permit and plan approval, subject to review for consistency with the conditions of approval for the project by the County and affected agencies.

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

Development of the subdivision would be subject to the applicable provisions of the Valley View Specific Plan, and the required mitigation measures originally evaluated under the certified Environmental Impact Report (EIR) for the Specific Plan. Off-site improvements associated with the project are not anticipated to have any significant environmental impacts and shall be further verified by the affected agency. Therefore, the project would have less than significant environmental impact, subject to the conditions of approval and mitigation measures imposed on the project.

2.3.6 That the design of the division or the type of improvements would not cause serious public health hazards;

The proposed development has been designed and conditioned to ensure no public hazard would occur. In accordance with the VVSP, the design and improvements would involve a controlled internal road systems, public utility services, on- and off-site amenities, and adequate vehicular accesses. Development of the project would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage, and roads in accordance with the El Dorado County Design and Improvement Manual, County Grading Ordinance, VVSP, and the adopted EIR.

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

The development is subject to the applicable Specific Plan standards involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Hills Fire Department regulating location of on-site hydrant, construction of non-combustible fencing material, and preparation, submittal, and implementation of a Wildfire Management Plan. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

2.3.8 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Coupled with imposed project conditions, necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing and approval of the Final Map for any portions of the approved tentative map.

Conditions of Approval

1. The Tentative Subdivision Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through H and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with

this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval. The project description is as follows:

A Tentative Subdivision Map of 218-acre property within the West Valley Village portion of the Valley View Specific Plan Area consisting of the following:

1. Large-Lot Tentative Map creating five (5) lots for financing purpose;
2. Small-Lot Tentative Map creating one hundred and eleven (111) Class I custom residential lots, ranging from 12,000 to 63,127 square feet in size, four (4) Open Space lots; two (2) private roadway lots; and one (1) open space/utility lot; and
3. Phasing Plan identifying five (5) phases of subdivision development and construction

Lot Designation	Type/Use	Lot Size	Note
1-111	Estate Residential	12,000 to 63,127 sf	Gross residential density at 0.51 du/ac (maximum in ER district at 2 du/ac); Required setbacks for each lot shown on the map; Lots 10, 17, 23, 24, 43, 55, 57, and 87 include specific building setbacks in accordance with the Building Envelope Standards under the ER Zone District Standards; Large Lot/Phasing Plan consists of: Phase 1 (Lots R1 and 1-5, 10-16), Phase 2 (Lots R2, 17- 27, and 84-111), Phase 3 (Lots 30-83), Phase 4 (Lots 6-9) and Phase 5 (Lots 28-29)
AA, BB, CC, DD	Open Space	54,350 to 6,272,750 sf	Some of the lots would contain and preserve wetland areas
R1 and R2	Private Road	1.30 acres and 8.60 acres	R1 (C Street) would serve residential lots 1 through 16; R2 (A-E Courts and A-B) Streets) would serve residential lots 17 to 111
A	Open Space/Utility	13,846 sf	Location of existing EID waterline easement

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.

PLANNING SERVICES

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

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or 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.

3. Prior to approval of Final Map, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized and executed for this project.
4. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
5. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
6. Prior to filing a Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
7. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

8. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.
9. This project is proposing mass pad grading. Chapter 15.14 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4719, 3/13/07) states that a final mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance of grading permit. If the final grading plan substantially differs from the preliminary grading plan reviewed during the tentative map stage, the district supervisor will be allowed 15 calendar days to respond, before the grading permit is issued.
10. A meter award letter or similar commitment to provide water and sewer service to each lot by the El Dorado Irrigation District shall be submitted to the Planning Services prior to Final Map application submittal.

DEPARTMENT OF TRANSPORTATION

PROJECT SPECIFIC CONDITIONS

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

Table 1. Road Standards for West Valley Village Lot 6 and 7				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH*	RIGHT OF WAY**	EXCEPTIONS/ NOTES
A, B, and C Street	Modified Std Plan 101B	36ft	56ft	Curb, gutter and 4-foot detached sidewalk along both sides.
A Court	Modified Std Plan 101B	40ft	60ft	Curb and gutter along both sides of the road. Sidewalks not required.
B,C and E Court	Modified Std Plan 101B	28ft	46 ft	Curb and gutter along both sides of the road.
D Court	Modified Std Plan 101B	36ft	56ft	Curb and gutter along both sides of the road. No sidewalk.

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

** Non-exclusive road and public utility easements included

12. The applicant shall improve the on-site portion of Blackstone Parkway (providing access to Latrobe Road) and Valley View Parkway (Blackstone Pkwy. to White Rock Road). These improvements are currently under construction and pending DOT acceptance for final approval. All of these improvements shall be completed and approved by DOT, prior to the issuance of any building permit for this project.
13. A vehicular access restriction shall be established along lots 1, 2, and 16 adjacent to Blackstone Parkway and lots 6,7, 8, 9, 28 and 29 along the proposed Valley View Parkway (Sta 34+00 to Sta 55+00) prior to or concurrently with filing of the final map.
14. The applicant shall provide all required easements (slope, drainage, landscape, utility), for the proposed Valley View Parkway (Sta 34+00 to Sta 55+00) and all on-site roadways, as required by the approved improvement plans and/or the provisions to the El Dorado Hills Valley View Specific Plan. The required slope easements shall extend 5 feet beyond top of cut/ toe of fill, all to be accomplished prior to filing the Final Map.
15. The applicant shall rough grade the undeveloped portion of Valley View Parkway from Blackstone Parkway intersection Sta 34+00 to Sta 55+00. This required grading for the extension of Valley View Parkway shall comprise the ultimate road section per the provisions of the El Dorado Hills Valley View Specific Plan. The required grading improvements shall be accomplished prior to the issuance of any building permit for lots within Phase 4 (Lots 6, 7, 8 and 9) and Phase 5 (Lots 28 and 29) of the tentative map.
16. Pursuant to Resolution 205-2008, this project is subject to the following fees:
 - a. *El Dorado Hills/Salmon Falls Area Road Impact Fee*: Said fee shall be due upon issuance of a building permit. If at the issuance of the building permit, it has been determined that the prepayment of these fees or a portion thereof have been pre-paid on the property, the property will be credited for those pre-paid fees. If prior to the issuance of each building permit for said project a revised fee is established and in effect, such revised amount shall be paid.
 - b. *El Dorado Hills Transportation Impact Mitigation Fee for State System Capacity and Interchanges*: Said fee shall be due upon the issuance of a building permit. If prior to the issuance of each building permit for said project a revised fee is established and in effect such revised amount shall be paid.
 - c. *Interim Highway 50 Variable Traffic Impact Fee Program*: Said fee shall be due upon the issuance of a building permit. If prior to the issuance of each building permit for said project a revised fee is established and in effect, such revised amount shall be paid.
17. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.

18. The applicant shall fund the Silva Valley Parkway interchange in the manner set forth below.

The applicant shall, immediately upon recording of the first small lot Final Map, begin the design, engineering and processing necessary with County Department of Transportation and Caltrans to achieve all necessary approvals for bidding the contract for construction of the improvements described below, as conceptually depicted in the Supplemental Traffic Analysis for the West Valley TM99-1359 of the Valley View Specific Plan, December, 2003, or as subsequently modified through the project approval process with the County, Caltrans, or other regulatory agencies, except to the extent the work and improvements are completed by third parties. As a method of measuring progress, the following scheduling milestones are provided herein and are considered non-binding target milestones and, further, the applicant shall submit the engineering design contract and other consulting contracts for the Silva Valley Parkway interchange, which shall contain schedules for completion, to the County for review and approval prior to the applicant executing said contracts: preliminary design, preliminary right-of-way mapping and a circulation ready draft environmental document shall be completed by the applicant upon the issuance of the 200th building permit within the tentative map, final approved design, final approved right-of-way mapping and a certified final environmental document shall be completed by the applicant by before the issuance of the 400th building permit, right-of-way certification and necessary regulatory permits shall be obtained by the applicant by the issuance of the 700th building permit. A complete package shall include all necessary Caltrans' permits and all other necessary regulatory permits for constructing the improvement. Once the complete package for the improvement is provided to the County by the applicant, this condition with respect to such improvement shall be deemed satisfied and the County shall thereafter take full responsibility for causing the construction of the improvement.

- a) Improvements including the extension of a minimum of two lanes beginning at Silva Valley Parkway from the existing four lane improvements located adjacent to the School site to a connection with the existing White Rock Road, together with the construction of the bridge abutments for the new Parkway overpass. The applicant shall provide the funding for the construction of the north and south bridge abutments. The roadway improvements are the obligation of a third party and should be constructed, or under construction, prior to the funding obligation contained herein. However, if such roadway improvements are not substantially completed, as determined by the Department of Transportation, the applicant shall secure the funding for the roadway improvements, subject to reimbursement. In addition, the project includes the construction of auxiliary lanes eastbound from the El Dorado Hills Boulevard interchange on-ramp to the planned Silva Valley Parkway Interchange off ramp, west bound from the Silva Valley interchange west bound on ramp to the El Dorado Hills interchange westbound off ramp, and east bound from the Silva Valley Parkway Interchange on ramp to the Bass Lake truck climbing lanes. No improvement to the existing bridge crossing at White Rock Road shall be required for this improvement.

- b) Improvements including all four on and off ramps from US Highway 50 both in the eastbound and westbound directions, including traffic signals as warranted at the interchange.

The County shall appropriate the entire balance of the Silva Valley Parkway Interchange set-aside account fund, for payment of the cost of the improvements at such time as a contract is awarded for the construction of such improvements less any prior reimbursements to County, Serrano Associates, LLC, or other third parties for Silva Valley Interchange related facilities constructed by these parties prior to the award of the construction contract under this condition of approval. The applicant shall fund the difference in cost for the construction of the improvement and the amount that has been collected in the set-aside account at such time as the County is prepared to put the project contract out to bid. The applicant's contribution of funding improvements once made shall be creditable/ reimbursable against the Silva Valley Parkway Interchange set-aside amount in the following manner: (1) the applicant shall be entitled to a credit/reimbursement of the 30 percent of the prevailing RIF Fee which would otherwise be paid by the applicant into the Silva Valley Parkway Interchange set-aside fund; (2) reimbursement from revenues into the Silva Valley Parkway Interchange set-aside fund from other sources until such time as the applicant has been fully reimbursed for the construction costs, subject to additional set-aside that might be necessary to construct the final phased improvement; and (3) any other applicable fee. The preceding points shall be incorporated into a credit/reimbursement agreement between the applicant and the County, consistent with Board of Supervisors' adopted reimbursement policies. The agreement shall be entered into prior to the recording of the first Final Map.

Notwithstanding the foregoing, the amount of the advance for Lots Y and Z for the Silva Valley Parkway Interchange project shall not exceed the Silva Valley Parkway Interchange fees generated by the Lot Y and Z Final Map. The calculation of the obligation shall be limited to the number of lots that have not obtained a building permit multiplied by the Silva Valley Parkway Interchange set-aside amount. Any advance of the Silva Valley Parkway Interchange impact fee for Lot Y and Z shall be credited and/or reimbursed in accordance with the terms and conditions of the Funding, Credit and Reimbursement Agreement between West Valley, LLC and the County of El Dorado.

- 19. It is anticipated as part of the current General Plan update process that a comprehensive update of the County's various impact fee programs will be completed. This update may substantially alter the existing impact fee programs. The developer shall be responsible to pay fees associated with all impact fee programs in effect at the time building permits are issued.
- 20. Trenches greater than five feet in depth shall be shored, sloped back at a 1:1 (horizontal to vertical) slope angle or reviewed for stability by the County's geotechnical engineer in accordance with the Occupational Safety and Health Administration (OSHA) regulations (described in 29 CFR 1926.650 to 1926.653) if personnel are to enter the excavations. Require trench excavations to conform to local ordinances. Monitor shearing and high

groundwater associated with the Bear Mountains fault during trench construction and require additional shoring and/or de-watering as necessary.

21. Prior to Final Map approval, each lot potentially affected by the proximity to the Bear Mountain Fault, pursuant to the geologic mapping locating said Fault on the West Valley Village site shall have a disclosure informing all potential home buyers of the potential seismic risk associated with the Foothills Fault System.

STANDARD DOT CONDITIONS

22. 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.
23. 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.
24. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the Department of Transportation or by the El Dorado Hills Fire District, and shall be in conformance with the approved West Valley Wildfire Safety Plan.
25. The construction of all required improvements shall be completed with the presentation of the Final Map to the Planning Director before presentation of the Final Map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
26. Prior to the filing of the Final Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
27. As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure

sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any Final Map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

28. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the Final Map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
29. The Final Map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
30. Prior to the filing of a Final Map, the applicant shall construct and/or bond to ensure the construction of all drainage facilities as described in the Preliminary Engineering Report for West Valley View Specific Plan Master Drainage Study, dated September 28, 1999.
31. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
32. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

33. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
34. The applicant shall submit 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.
35. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
36. 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.
37. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
38. 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).
39. 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.

40. 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.
41. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
42. This project disturbs more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
43. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
44. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, County Ordinance No. 4569 shall apply.

EL DORADO HILLS FIRE DEPARTMENT

45. The potable water system for the purpose for the fire protection for this residential development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for 2-hour duration. This requirement is based on a single family dwelling 4,800 square feet or less in size. Any home larger than 4,800 square feet shall be required to provide the fire flow for the square footage of that dwelling or shall be fire sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval. This condition is shall be verified and enforced prior to issuance of building permit.
46. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between locations of each hydrant shall not exceed 500 feet. The exact location of each hydrant shall be determined by the Fire Department. This condition shall be verified during review and prior to approval of Improvement Plans.

47. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103. This condition shall be verified during review and prior to approval of Improvement Plans.
48. The lots that back up to Wildland Open Space shall be required to use non-combustible type fencing. The fencing shall include three-foot gates spaced approximately 300 feet apart or as required by the Fire Department. These gates would be used by the Fire Department to access the open space during an emergency. This condition shall be verified during review and prior to approval of Improvement Plans.
49. The driveways serving Lots 28-32 shall be a minimum of 12 feet in width and designed to a maximum of 20% grade as required by the Uniform Fire Code. This condition shall be verified during review and prior to approval of Improvement Plans.
50. The applicant shall revise and implement the existing Wildland Fire Safe Plan to include Lots 6 and 7. A final copy of the document shall be provided prior to approval of the Final Map.
51. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. This condition shall be verified during review and prior to approval of Improvement Plans.
52. The driveway serving Lot 28 exceeds 150 feet in length and shall be conditioned to comply with the turnout and turnaround requirements of the State Fire Regulations. This condition shall be enforced during review and prior to approval of Improvement Plans and/or building permit.
53. The EID access gate at the end of A Court shall have a low priority Knox lock installed for emergency service access. This condition shall be verified as a note during review and prior to approval of Improvement Plans.
54. All electronic gates shall comply with the El Dorado Hills Fire Department Gate Standard. Plans shall be submitted for approval prior to installation. This condition shall be verified as a note during review and prior to approval of Improvement Plans.
55. Any proposed gates in West Valley Village shall be reviewed and approved by the El Dorado Hills Fire District.

OFFICE OF COUNTY SURVEYOR

56. All survey monuments must be set prior to the representation of the Final Map to the Board of Supervisors for approval, or the developer shall a surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to coordinated with the County Surveyor's Office.

- 57. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Final Map.
- 58. Situs addressing for the project shall be coordinated with the El Dorado Hills Fire Department and County Surveyor's Office prior to Final Map.

EL DORADO HILLS COMMUNITY SERVICES DISTRICT

- 59. Prior to Final Map approval, the subdivider shall provide a will serve letter from the designated franchise refuse hauler providing waste management services, including recycling service.
- 60. All construction debris resulting from development of the village shall be disposed of in a manner consistent with the solid waste diversion plan practiced by El Dorado Hills CSD and as mandated by AB 939, and in compliance with El Dorado County Construction and Demolition Debris Recycling Ordinance, Section 1, Chapter 8.43 of Title 8 of the El Dorado County Ordinance. This condition shall be verified as a note during review and prior to approval of Improvement Plans.

AIR QUALITY MANAGEMENT DISTRICT

- 61. All applicable AQMD standard measures and provisions shall be coordinated with the district and verified on all grading/construction permit plans. The provisions shall include applicable mitigation measures identified in the VVSP EIR.

VALLEY VIEW SPECIFIC PLAN EIR MITIGATION MONITORING REPORTING PROGRAM CHECKLIST

- 62. As further detailed in Attachment 3, the following are selected VVSP EIR mitigation measures applicable to the project, subject to specific timing requirements for completion and verification by the corresponding enforcement agency. The applicant shall provide written justification of conformance to these measures for verification during review and prior to Final Map approval.

Identified Impact	Mitigation Measure Reference	Timing Requirement	Enforcement Agency
Land Use	LU-2	Prior to Final Map Approval	El Dorado County Planning Services
Visual/ Aesthetic	V-1	Prior to Final Map Approval	El Dorado County Planning Services
	V-6	Prior to Project Occupancy	El Dorado County Planning Services
Transportation	T-14	Prior to Project Occupancy	El Dorado County Department of

			Transportation
	T-15	Prior to Project Occupancy	El Dorado County Department of Transportation
Public Facilities and Services	PF-1	Prior to Final Map Approval; Prior to Issuance of Grading Permit; Prior to Issuance of Building Permit	El Dorado County Planning Services
	PF-2	Prior to Final Map Approval	El Dorado County Planning Services
	PF-3	Prior to Final Map Approval	El Dorado County Planning Services
	PF-4	Prior to Final Map Approval	El Dorado County Department of Transportation
	PF-5	Prior to Final Map Approval	El Dorado Hills Fire Department
	PF-6	Prior to Final Map Approval	El Dorado Hills Fire Department
Biological Resources	BR-6	Prior to Final Map Approval	El Dorado County Planning Services
	BR-7	Prior to Issuance of Grading Permit	El Dorado County Planning Services
	BR-12	During Project Construction	El Dorado County Planning Services
	BR-13	During Project Construction	El Dorado County Planning Services
	BR-15	Prior to Final Map Approval	El Dorado County Planning Services
Geology and Soils	SG-1	Prior to Final Map Approval	El Dorado County Department of Transportation; El Dorado County Building Department
	SG-2	Prior to Issuance of Grading Permit	El Dorado County Department of Transportation; El Dorado County Building Department
	SG-3	Prior to Final Map Approval	El Dorado County Department of Transportation; El

			Dorado County Building Department
	SG-4	Prior to Issuance of Grading Permit	El Dorado County Building Department
	SG-7	Prior to Final Map Approval	El Dorado County Building Department
	SG-8	Prior to Final Map Approval	El Dorado County Building Department
	SG-10	Prior to Final Map Approval	El Dorado County Building Department
Hydrology and Water Quality	H-1	Prior to Final Map Approval	El Dorado County Department of Transportation
	H-4	Prior to Final Map Approval	El Dorado County Department of Transportation
	H-5	Prior to Issuance of Grading Permit	El Dorado County Department of Transportation
	H-6	Prior to Final Map Approval	El Dorado County Department of Transportation
Air Quality	AQ-1a	During Project Construction	El Dorado County Planning Services
	AQ-1b	During Project Construction	El Dorado County Planning Services
	AQ-2	Prior to Final Map Approval	El Dorado County Planning Services
	AQ-3	Prior to Issuance of Building Permit	El Dorado County Building Department
Noise	N-5	During Project Construction	El Dorado County Planning Services; El Dorado County Building Department
Public Health and Safety	PHS-2	Prior to Final Map Approval	El Dorado County Planning Services; El Dorado County Environmental Health
	PH-4	Prior to Final Map Approval	El Dorado County Planning Services
Cultural Resource	CR-6	During Project Construction	El Dorado County Planning Services
	CR-7	During Project Construction	El Dorado County Planning Services
Energy	E-1	Prior to Issuance of Building	El Dorado County

		Permit	Building Department
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12. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP

a. Z07-0010/PD07-0006/TM07-1438 submitted by GREGORY PORTER (Agent: CTA Engineering and Surveying, Inc.) to rezone from Estate Residential Ten-Acre (RE-10) to One-Family Residential-Planned Development (R1-PD); Create 54 residential parcels, ranging in size from 7,965 to 72,208 square feet, including lots designed for open space and landscaping; Seven lots are proposed for open space, landscaping, lift station and future right of way with open space lots consisting of 9.84 acres and 0.79 acres to be used for a lift station and future right of way; Project would be accessed from Beasley Drive and Marble Valley Road; Modify Development Standards of the One-Family Residential (R1) Zone District; Approximately 30% of site would be set aside within dedicated open space lots; and to request the following design waivers: (a) Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum; (b) Request for a 50-foot radius at the knuckle of A Drive; (c) Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet; (d) Allow a driveway within 25 feet of a radius return, a minimum standard as required by DISM Standard Plan 103A-1; (e) Reduce the minimum 16 foot driveway width as defined in DISM 103A-1 to a 10 foot driveway width for a single car garage and allow for a 16 foot driveway width for a double car garage; and (f) Request for a 100-foot radius at secondary entrance on A Drive. The property, identified by Assessor's Parcel Number 119-020-35, consisting of 32.82 acres, is located on the south side of Marble Valley Road one mile west of the intersection with Flying C Road, in the **Cameron Park area**, Supervisorial District II. (Mitigated Negative Declaration prepared)* *[continued from October 23, 2008, hearing]*

Gina Hunter requested that this item be continued to the January 22, 2009, hearing.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (4-0), TO CONTINUE THE ITEM TO THE JANUARY 22, 2009, HEARING.

b. Z08-0021/PD08-0012/TM08-1472/Indian Creek Ranch Subdivision submitted by ECHO LANE INVESTORS/CYNTHIA SHAFFER (Agent: Carlton Engineering) to rezone parcel from Single-Family Three-Acre Residential (R3A) and Agricultural (A) to Estate Residential Five-Acre-Planned Development (RE-5-PD) and Single Family Three-Acre Residential-Planned Development (R3A-PD); create 75 single family residential lots ranging in size from 1.00 to 5.02 acres, 11 open space lots and one remainder lot. The Tentative Subdivision Map would be phased, occurring in seven (7) phases; and request the following design waivers: (a) Allow proposed Road "A" to conform to modified standard 101B, 28' wide pavement with 2' shoulders on either side and a 20' wide pavement with 2' shoulders across the dam width; (b) Allow for Echo Lane to conform to modified standard 101B, 28' wide pavement with 2' shoulders on either side where such improvements are feasible. Where such

improvements are not feasible the applicant requests that the road remain the same as existing width 24'-28'; and (c) Change the conditioned right-of-way requirement to a 40' wide right-of-way from the standard 50' wide right-of-way, for all onsite roads except Road "A" and Road "B". The property, identified by Assessor's Parcel Numbers 327-050-02; 327-060-03, -04, -07, and -08; 327-070-55, and -56; 327-080-04; and 327-020-10, consisting of 182.83 acres, is located on the north side of Echo Lane approximately 2,000 feet west of the intersection with El Dorado Road, in the Placerville area, Supervisorial Districts III and IV. (Mitigated negative declaration prepared)*

Gordon Bell presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Bell distributed an Errata Sheet identifying changes that staff was recommending to the findings and conditions.

Two letters (public comment and Caltrans) were distributed to the Commission at the meeting.

Commissioner Knight announced that he had met with the applicant and the adjacent property owners.

Cindy Shaffer, applicant, indicated that staff had accurately described the project and that she agreed with the proposed changes identified in the Errata Sheet. Ms. Shaffer informed the Commission that the majority of today's discussion on the project will be the second access to Sundance Trail. They had been requesting this to be an egress only, which would be used on a daily basis. However, after meeting with the Sundance Trail Home Owners Association, she would not be opposed to an emergency-only gated access. Ms. Shaffer also stated that the residents had requested that no road improvements be made to Sundance Trail, which she has no objections to, but DOT has placed conditions on the project. However, Ms. Shaffer did object to the requirement of a 28 foot wide road with no parking allowed. She felt that this would encourage drivers to speed and would either like to have parking allowed or decrease the required road width.

Ray Griffith read into the record a letter from Karen Schambach, President of the Center for Sierra Nevada Conservation. A copy of the letter was distributed to the Commission.

Steve Allen, President of the Sundance Trail Road Association, referred to the consensus letter that was sent to the Commission. He stated that they had met with the developers and did not oppose the project as long as the following conditions were approved: (1) Emergency-only access gate to Sundance Trail; and (2) No road improvements on Sundance Trail except for the emergency-only access gate.

John Winner, resident of Sundance Trail, had no objections to an emergency-only access gate to Sundance Trail and if it was made a thorough access, it would be punishable to the Sundance Trail residents.

Tom Marshall, resident of Sayoma Lane, stated that 12 out of 17 residents in his neighborhood have no negative objections as the project will enhance their neighborhood and is a positive asset to the area.

Bob Jacobs and the majority of the audience (by a show of hands), indicated that they were in support of the consensus letter sent to the Commission.

Lucy Upton stated that in the late afternoon the sun blinds the curves of the road.

Sandra (?), a Sundance Trail resident, stated the following concerns: (1) Increase in noise level due to traffic; (2) Air quality; (3) Blind spots on road; (4) Increase in traffic; (5) No participation required from subdivision into their road maintenance; and (6) Increase in watershed.

Chris Thayer is opposed to the road expansion since telephone poles, culvert and landscaping in her yard would have to be moved if the road was widened.

Sue McGee stated the following concerns: wetlands, mining shafts, traffic, and special consideration of zoning being given to project.

Robert Combs, El Dorado-Diamond Springs Fire Protection District, stated that a subdivision must have two access points and the two Echo Lane points do not meet the requirements, therefore, an egress to Sundance Trail is required. He also stated that Sundance Trail subdivision's road infrastructure was insufficient and has been identified as a "Red Road" issue. Mr. Combs also stated that emergency access needs to have a secondary access not only for the Indian Creek subdivision but also for the Sundance Trail subdivision. He is not opposed to gates on Echo Lane and suggested that there be a combined Home Owners Association between the two subdivisions and then gate Sundance Trail.

Jackie Phillips supported Mr. Combs idea of combining the two subdivisions and gating access to each one.

Jeff Little of Sycamore Consultants, applicant's representative, responded to environmental concerns brought up by residents and stated that a wetlands delineation had been sent to the Army Corp of Engineers for review.

Craig Sandberg, attorney for the applicant, stated that fire regulations are what the Fire Department wants there, but the County has the authority on what is required. Mr. Sandberg distributed proposed conditions that would allow an emergency-only access gate. The proposed conditions included the removal of Condition 60 and the modification of Table 1 in Condition 47.

Mr. Combs stated that under a Zone of Benefit, Sundance Trail is a public road. He also stated that an emergency gate for egress for Indian Creek subdivision, but ignoring Sundance Trail subdivision, could be an issue in the future. A possible solution would be to have a gate that had loops on both sides which would allow emergency egress for either Indian Creek or Sundance Trail subdivisions and to place a sign stating "emergency access only". Mr. Combs stated that he still felt that there should be no gate as it would cause an obstruction, but was willing to evaluate other alternatives.

Ms. Shaffer suggested that prior to the Board hearing, she would meet with DOT to discuss other alternative recommendations for the road widths.

No further discussion was presented.

MOTION: COMMISSIONER MATHEWS MOVED, SECONDED BY COMMISSIONER KNIGHT, AND CARRIED BY A VOTE OF 3-1 (MACCREADY), TO RECOMMEND THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS: 1. ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY REVIEWED BY STAFF; 2. ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(D), AS INCORPORATED IN THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES IN ATTACHMENT 1; 3. APPROVE REZONE Z08-0021 BASED ON THE FINDINGS IN ATTACHMENT 2; AND 4. CONDITIONALLY APPROVE PLANNED DEVELOPMENT APPLICATION PD08-0012, APPROVING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, AND TENTATIVE SUBDIVISION MAP APPLICATION TM08-1472 SUBJECT TO THE CONDITIONS IN ATTACHMENT 1, BASED ON THE FINDINGS IN ATTACHMENT 2; WITH THE FOLLOWING MODIFICATIONS: (A) ENTRY GATES BE ADDED, AS IDENTIFIED IN HANDOUT, AND TO INCLUDE THE SUNDANCE TRAIL EMERGENCY ACCESS GATE AS EMERGENCY ACCESS ONLY WITH A KNOCK-DOWN GATE TO BE DEVELOPED AND DESIGNED BETWEEN APPLICANT AND FIRE DEPARTMENT; (B) ELIMINATE #60; (C) AMEND TABLE 1 (SUNDANCE TRAIL OFF-SITE) IN #47; (D) INCLUDE CHANGES IDENTIFIED IN THE ERRATA SHEET; AND (E) MODIFY #5 TO ADD NEW EXHIBIT.

Commissioner MacCready stated that he dissented as he is not in favor of planned development with density bonus as it is circumventing General Plan Land Use and Zoning Maps and that should be changed via a General Plan amendment.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.

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

2.0 GENERAL PLAN FINDINGS

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

3.0 ZONING FINDINGS

- 3.1** The subdivision contains 74 residential lots which are consistent with the development standards identified within the R1A zone district outlined in Sections 17.28.080 of the Zoning Ordinance, except for setback requirements. Proposed residential lot sizes range from 1.0 acres to 2.5 acres, with the exception of Lot 75 which is 5.02 acres and shall comply with the development standards of the RE-5 zone district.. Justification for the reduced lot sizes are discussed within the Planned Development findings.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2** *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.

- 4.1.3** *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 76.61 acres of open space that include riparian areas, water bodies, wildlife corridors and woodland areas. As such, the development is designed to provide a desirable environment within its own boundaries.

- 4.1.4** *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* A deviation from the Residential Five-Acre (RE-5) Development Standards and Single-Family Three-Acre Residential (R3A) Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 and R3A Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan and to allow for provision of open space.

- 4.1.5** *The site is physically suited for the proposed use.* The 182.83-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

- 4.1.6** *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water will be provided to the project site by the El Dorado Irrigation District (EID). The EID provided a letter dated March 3, 2008 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system (a looped water system connecting to existing 6-inch mains). Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to handle project traffic. The Fire District has provided conditions of approval to ensure that roads are developed in

accordance with the proposed phasing plan in order to provide for adequate emergency access.

- 4.1.7** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 76.61 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

4.2 Tentative Subdivision Map

- 4.2.1** *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the LDR and MDR General Plan land use designations and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.

- 4.2.2** *The site is physically suitable for the type and density of development proposed.* As shown on the Oak Canopy Analysis (Exhibit L), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

- 4.2.3** *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or substantially and avoidably injure fish and wildlife or their habitat.* A Mitigated Negative Declaration (Exhibit O) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on noise, air quality and biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

- 4.2.4** *The subdivision shall have adequate access to accommodate the proposed density.* The project will provide access at three locations, two access points on Echo Lane which will provide primary access to the site, and one access on Sundance Trail which will provide secondary access. DOT has reviewed the proposed circulation plan and has concluded that adequate access is available to accommodate the proposed density with required road improvements.

- 4.2.5** *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs – El Dorado Fire Protection District and Cal Fire has reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements, provision of secondary emergency access, and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

4.2.6 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are currently no public easements on the property for access through or use of the property.

5.0 DESIGN WAIVER APPROVAL FINDINGS

The applicant requested a three design waivers to allow for the following:

- To allow proposed Road “A” to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side and a 20-foot wide pavement with 2-foot shoulders across the dam width.
- To allow for Echo Lane to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side where such improvements are feasible. Where such improvements are not feasible the applicant requests that the road remain the same as existing width of 24 feet to 28 feet.
- To change the conditioned right-of-way requirement to a 40-foot wide right-of-way from the standard 50-foot wide right-of-way, for all onsite roads except Road “A” and Road “B”.

DOT supports the above design waivers (letter dated October 10, 2008).

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

Proposed roadways and improvements to existing roads would meet DOT modified standards as discussed above with the exception of locations where impacts to wetlands, water bodies, or dam structures may occur. Allowance of the design waivers will allow for the project to avoid impacts to wetlands, water features, the existing dam, as well as maintain a more rural character to the project and the surrounding area.

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

Strict adherence to County design guidelines for on and offsite road improvements would potentially create unnecessary significant and unavoidable environmental impacts that would restrict development of the project. In addition, existing and proposed road widths (with design waivers) are adequate to handle proposed traffic volumes as determined by DOT. Given that both Echo Lane and Sundance Trail are not through roads, future development which may increase traffic volumes are not anticipated, thus the DOT can support proposed design waivers.

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

The proposed design waivers would actually allow impacts to adjacent properties to be avoided, as it would reduce the need for grading and road improvement activities to occur

on these properties. A reduction in width would not be detrimental to the health, safety, convenience and welfare of the public as roadways proposed to be widened are already adequate to handle traffic volumes of the proposed project as determined by DOT.

5.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The proposed waivers are consistent with the design standards applied to other subdivisions where special circumstances exist that call for the application of modified design standards. Thus, the proposed design waivers would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

Conditions of Approval

MITIGATION MEASURES

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

1. **MM AQ-1:** A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the El Dorado County Air Pollution Control District (APCD) with appropriate fees and approved by the APCD prior to start of project construction.

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

Enforcement/Monitoring: El Dorado County Planning Services

2. **MM BIO-1:** If construction activities (for either road development or lot development) are scheduled to commence within the typical breeding season for a bird of prey or Migratory Bird Treaty Act (MBTA) bird (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist. The biologist shall adhere to the following protocol:
 - The biologist shall survey for active nests in the construction footprint and in accessible areas within 250 feet of the construction footprint within 30 days prior to construction. If no active nest of a bird of prey or MBTA bird is found, then no further mitigation is necessary.
 - If an active nest of a bird of prey or MBTA bird is found, then the biologist shall flag a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.

- No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest. The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends upon the species of the bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.
- If a nest becomes active after construction has started, then the bird is considered to be acclimated to construction activity, and no further mitigation is required.

Timing/Implementation: Prior to issuance of grading and building permits the applicant shall include this measure as a note on all building plans and grading plans.

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

3. **MM LU-1:** All areas designated on the tentative map as an “Open Space Lot” shall be zoned as Open Space as part of the rezone application. Minor deviations from approved exhibits shall be allowed as needed to accommodate roads and grading adjustments that may occur during development of final improvement plans and the final map.

Plan Requirements/Timing: Prior to final approval, the applicant shall amend the project description to request that all areas designated on the recorded final map as Open Space Lots be rezoned to an Open Space zoning district.

Compliance: El Dorado County Planning Services shall incorporate the revised project description into all planning documents forwarded to the Planning Commission and Board of Supervisors. Prior to the issuance of any development permits (building or grading permits), the County shall amend zoning maps consistent with the tentative map submitted for recordation as the final map. Planning Services shall review submitted maps to ensure consistency with the intent of this condition of approval, which is that all areas designated as an open space lot be zoned as such. The applicant shall be responsible for coordinating with El Dorado County Planning Services to ensure zoning maps have been updated consistent with the proposed final map.

4. **MM NOI-1:** The applicant shall construct property line noise barriers measuring 6-7 feet high above the existing ground elevations for Lots 65, 66 and 71 consistent with the Bollard Acoustical Consultants, Inc. Environmental Noise Assessment prepared for the Indian Creek Ranch Single-Family

Residential Development dated March 5, 2008. Alternatively, the applicant may provide El Dorado County Planning Services with updated acoustical analyses for these lots which provide for alternative methods of noise attenuation, including, but not limited to, siting of building envelopes on the final map outside areas of exposure in exceedance of General Plan Noise Element criteria (60 dB L_{dn} for residential uses).

Timing/Implementation: Prior to issuance of grading and building permits for individual lots 65, 66, and 71, El Dorado County Planning Services shall verify that building plans include noise barriers consistent with the requirements of the above-referenced noise study. Alternatively, updated analyses may be presented to Planning Services for review and approval that describe alternative methods of noise attenuation which shall be implemented as part of project development on identified lots.

Enforcement/Monitoring: El Dorado County Planning Services

CONDITIONS OF APPROVAL

Planning Services

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

This rezone, planned development and tentative subdivision map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits F-L & P (Rezone/Planned Development/Tentative Map) dated December 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Project Description: The project includes a request for a zone change from Single-Family Three-Acre Residential (R3A) and Agriculture (A) to Estate Residential 5-acre planned development (RE-5-PD) and Single-Family Three-Acre Residential Planned Development (R3A-PD), a Phased Tentative Subdivision Map to create 75 residential lots ranging in size from 1.0 to 2.5 acres (with the exception of Lot 75 which comprises 5.02 acres and would be held to the development standards of the RE-5 zone district) and eleven lettered open space lots (to be combined and zoned open space) totaling 76.61 acres, and a Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and the minimum parcel size of three acres in the R3A zone district, to allow for a density bonus, to apply the development standards of the R1A zone district, and allow for a reduction in side yard setbacks to 10 feet, but maintain a total side yard setback of 30 feet per lot. Multiple or "phased" Final Maps are proposed to be filed pursuant to Government Code Section 66456.1. ~~The Tentative Subdivision Map would be phased, occurring in seven (7) phases in accordance~~

~~with Table 2 and Exhibit I. Access to the project would be provided by two road connections on Echo Lane. Emergency access would be provided by a and one road connection on Sundance Trail. Access design shall meet Diamond Springs—El Dorado Fire Protection District requirements.~~ The project proposes to use the Density Bonus provision for thirty (30) ~~fifty-one (51)~~ additional residential lots. Design waivers have been requested for modifications to DOT road standards. DOT supports the three requested design waivers.

The gross and net lot area shall comply with Table 1 below:

TABLE 1. Gross and Net Lot Areas					
Lot No.	Gross area (S.F.)	Net Area (S.F.)	Lot No.	Gross Area (S.F.)	Net Area (S.F.)
1	54,605	28,537	45	57,379	32,786
2	43,862	24,820	46	55,169	33,967
3	45,842	24,763	47	54,128	25,600
4	46,398	27,724	48	69,593	34,684
5	43,480	25,307	49	64,618	41,995
6	45,328	26,343	50	54,577	29,774
7	43,908	25,341	51	61,019	37,389
8	45,328	23,239	52	52,224	29,165
9	53,047	24,052	53	60,502	37,396
10	45,988	22,802	54	55,787	30,150
11	48,638	25,787	55	63,345	33,327
12	50,025	30,792	56	77,685	31,695
13	45,775	27,127	57	110,407	65,465
14	49,829	30,158	58	65,020	35,657
15	51,167	31,324	59	50,157	28,194
16	52,229	31,233	60	48,101	28,432
17	67,328	31,146	61	47,474	28,375
18	60,685	31,206	62	46,963	28,282
19	57,964	30,867	63	49,294	28,243
20	46,155	27,505	64	46,089	27,472
21	50,224	27,303	65	46,563	26,238
22	47,079	24,376	66	84,817	50,756
23	53,944	22,254	67	48,546	24,445
24	55,560	33,301	68	46,407	24,843
25	49,146	27,295	69	46,893	24,765
26	52,366	22,499	70	50,002	19,251
27	46,464	27,648	71	52,072	24,562
28	53,340	22,959	72	50,951	30,202
29	59,068	26,087	73	46,656	22,188
30	50,011	30,126	74	53,639	22,645
31	52,915	29,918	75*	218,671	N/A
32	72,182	41,911	Open Space "A"	32.69 ac.	31.47 ac.
33	75,945	32,761	Open Space "B"	11.81 ac.	11.77 ac.

34	49,384	29,790	Open Space "C"	8.99 ac.	8.77 ac.
35	47,380	28,154	Open Space "D"	6.0 ac.	6.0 ac.
36	48,646	28,062	Open Space "E"	4.89 ac.	4.71 ac.
37	48,967	28,035	Open Space "F"	4.81 ac.	4.39 ac.
38	47,980	28,183	Open Space "G"	0.37 ac.	0.14 ac.
39	47,652	28,455	Open Space "H"	0.5 ac.	0.31 ac.
40	56,210	28,353	Open Space "I"	5.01 ac.	5.01 ac.
41	48,967	29,730	Open Space "J"	2.24 ac.	2.24 ac.
42	60,210	38,955	Open Space "K"	1.28 ac.	1.03 ac.
43	60,478	31,906	Remainder Parcel	7.13 ac.	7.13 ac.
44	53,936	31,840	*Lot 75 is not to be developed with this map and shall be required to adhere to the development standards of the RE-5 Zone District.		

Phasing shall comply with the Phasing Plan in Table 2 below:

TABLE 2. Phasing Plan	
Phase	Lot Numbers
I	(48-55) (71-74)
II	(34-39) (60-70)
III	(56-59) (19-26)
IV	(22-29) (40-47)
V	(30-33, 52)
VI	(8-10, 18)
VII	(1-7) (11-16)
*Lot 75 is not proposed for development with the map as it is an existing legal lot not to be reconfigured. This lot is included in the PD.	

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

TABLE 3: Oak Canopy Removal Summary		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Proposed Canopy Removed for Residential Development Envelopes (Acres)
11.93	5.78	6.15

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.
6. All site improvements shall conform to Exhibits F-L.
 7. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 5.78 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.
 8. The Final Subdivision Map shall include the following notes:
 - a. Oak tree removal required for lot development shall adhere to allocated estimates contained in Exhibit L (Oak Tree Removal Allocation). Individual property owners shall pay the mitigation fee or provide a replacement plan. Lot owners/developers shall demonstrate, consistent with guidelines contained in the Oak Woodland Conservation Ordinance, that proposed removals are consistent with the estimated allocation. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
 - b. Any oak canopy removal beyond that allocated in Exhibit L (Oak Tree Removal Allocation) for any individual lot within the subdivision, or allocated to the road or infrastructure improvements, shall pay the applicable mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak Woodland Management Plan Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
 9. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
 10. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on on weekends and on federally-recognized holidays. ~~Saturday~~. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
 11. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an

- inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
12. 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.
 13. 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).
 14. Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. ~~It is recommended that a special tax with an escalator clause be used as the funding mechanism.~~
 15. At time of final map filing, CC&R's shall be submitted and reviewed by Planning Services and the Department of Transportation.
 16. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
 - ~~17. The map shall be recorded and constructed in phases consistent with the phasing plan included with the Tentative Subdivision Map, Exhibit I. All Open Space Lots shall be zoned open space and shall be dedicated at the time of filing of the first phase of the map.~~
 - ~~18~~17. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.
 - ~~19~~18. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
 - ~~20~~19. The location of fire hydrants and systems for fire flows are to meet the requirements of the Diamond Springs - El Dorado Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire

protection district. If fire flows cannot be met, all habitable structures shall be sprinklered in accordance with Fire District requirements. This condition shall be included in the CC&Rs for the project.

~~21. A fire safe management plan, acceptable to the Diamond Springs El Dorado Fire Protection District and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.~~

~~2220.~~ A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.

~~2321.~~ The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.

~~2422.~~ The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

~~2523.~~ Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:

- a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
- b. Improvement plans prepared by a civil engineer of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

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

~~2624. The developer shall pay all applicable school fees prior to the issuance of any building permits for individual lots. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.⁰⁰ per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by~~

~~the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation. (NOTE: Not applicable unless application includes a zone change)~~

Diamond Springs - El Dorado Fire Protection District

- ~~2725.~~ Minimum fire flow required is 1,500 gpm @ 20 psi for 2 hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm @ 20 psi for 2 hours.
- ~~2826.~~ The applicant shall provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
- ~~2927.~~ Hydrant locations shall be approved by the Fire District on the Civil Drawings.
- ~~3028.~~ All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length, and be capable of supporting a minimum 40,000 pound load.
- ~~3129.~~ Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
- ~~3230.~~ Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval may include a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of dedicated onsite water storage for each parcel for fire protection.
- ~~3331.~~ Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- ~~3432.~~ All roadways will be all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width. Parking on both sides of the road will require 40 feet minimum road width; appropriate, associated signage and road markings shall apply and be provided.
- ~~3533.~~ A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead "T,"

a modified "T" or a modified "Y" in lieu of a circular type turnaround, per El Dorado County DOT Standards 101C.

3634. ~~Diamond Springs El Dorado Fire Protection District prohibits gates delaying ingress/egress. Should the Planning Commission/Board of Supervisors allow such gates, these gates shall meet El Dorado County Fire Prevention Officers Standards.~~

Entry Gates: The two main entries on Echo Lane and the secondary access road from Road "A" and Sundance Trail will be gated in accordance with the following:

Echo Lane Access: The two entries on Echo Lane will have divided access, with separate gates for ingress and egress to the development. The gates will be constructed of decorative wrought iron or similar material, and will open to provide unobstructed ingress or egress. Each entry or exit lane will have a minimum unobstructed width of fifteen (15) feet. The gates will be equipped with a telephone entry system to allow visitors to obtain access.

Sundance Trail Emergency Access: The secondary access between Road "A" and Sundance Trail will be an undivided access road, with a single gate for both travel lanes. This road will be used for emergency access only. The access road will have a minimum unobstructed width of twenty (20) feet. The gate will be constructed of decorative wrought iron or similar material, and will open to provide unobstructed access for emergency vehicles and the evacuation of civilians.

Emergency Access: To permit unobstructed access for emergency vehicles and provide for evacuation of residents within the development and in surrounding neighborhoods, an emergency access system shall be developed in consultation with the Diamond Springs-El Dorado Fire Protection District. The system, which shall be reviewed and approved by the Fire District prior to issuance of a building permit for the 25th lot, will provide for all automatic gates to be equipped with one or more of the following emergency access devices:

1. A "Knox" emergency access device consisting of a key activated switch acceptable to the Fire District.
2. A 3M Opticom Control device and a linear receiver device to allow remote activation by emergency vehicles.
3. Designed to automatically open and remain in a fully opened position during a power failure.
4. A mechanical release.
5. A telephone entry access system that will permit the Fire District or other emergency dispatch center to open the gate from a remote location.

A loop system will be located on the inside portion of the access roadway or lane at the intersection of Road "A"/Echo Lane and Road "B"/Echo Lane to permit vehicular traffic within the gated area to open the gate and exit. The loop system will keep the gate open as long as vehicular traffic is passing through.

All gates and access roads will be maintained by the Homeowners Association or other entity formed for this purpose.

3735. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
3836. A Fire Safe Plan shall be designed for this subdivision by a Registered Professional Forester or a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide:
- a. Increased safety for emergency fire equipment, personnel and the evacuation of civilians.
 - b. A point of attack or defense from a wildfire.
 - c. CAL FIRE requires a Wildland Fire Safe Plan be developed by a qualified consultant to address mitigations that need to be developed to ensure that the safety of the public and firefighters who may be called upon to respond to wildland fires and other emergencies within the project area.
3937. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
4038. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall locate said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.
4139. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services¹. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.
4240. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).

Cal Fire

- 4341. Total roadway width in the project area should meet DOT standards.
- 4442. Roads shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D).
- 4543. Secondary Access: The Design Improvements Standards Manual (DISM) Section 3.A.9 requires at least two connections with an existing, improved public street, or with a future street connection approved by the Planning Commission or the Board. Both the primary and secondary accesses must be to through roads (i.e., they cannot both tie into the same dead end road) and they must meet County standards.
- 4644. The two points of acceptable access and egress in this case would be off of Sundance Trail and Echo Lane.

El Dorado County Department of Transportation

PROJECT SPECIFIC CONDITIONS:

- 4745. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map: (the requirements outlined in Table 1 are minimums)

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Sundance Trail (Offsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	20/1 ft-	50ft-	25 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP. Improvements shall be from Road "A" to El Dorado Road
Road A	Modified Std Plan 101B (3"AC over 8"AB Min.)	28 ft – 20 ft at dam crossing /2)	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.

					Modified width due to existing constraints.
Road B, C, D, E, F, G	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft/2	40ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Echo Lane Offsite (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft	60ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Improvements shall be from Road "A" to El Dorado Road

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

** Non-exclusive road and public utility easements included

4846. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways Road A, Road B, Road C, Road D, Road E, Road F, and Road G prior to the filing of the final map. Slope easements shall be included as necessary.

~~49. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 30-ft right-of-way along the entire frontage of Echo Lane as determined by EDC DOT, prior to the filing of the final map. This offer will be accepted by the County~~

5047. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the Road A onto Sundance Trail and Echo Lane to the provisions of County Design Std **103D**, or as required by the approved traffic study. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map

5148. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

- parcels zoned for less than one acre-----800 feet
- parcels zoned for 1 acre to 4.99 acres-----1,320 feet
- parcels zoned for 5 acres to 19.99 acres -----2,640 feet

- parcels zoned for 20 acres or larger -----5,280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

5249. **Turnaround:** The applicant shall provide a turn around at the end of the roadways to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
5350. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the final map.
5451. **Minimum Radius:** Pursuant to Section 3.B.7. of the DISM, the minimum centerline curve radius length of subdivision streets shall be 100 feet for local streets and 300 feet for minor collecting streets. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
5552. **Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
5653. **Fill Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
5754. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.

5855. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
5956. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.

~~60. **Offsite Road Maintenance (Sundance Trail):** Access to the Indian Creek Ranch project is indicated across APN 327-020-10 to Sundance Trail, the main roadway in the Sundance Trail Road Zone of Benefit. The formation was initiated in 1984 through a petition of the property owner residents from within the subdivision. The cost of maintaining Sundance Trail from El Dorado Road to the end is borne entirely by the property owners within the Zone, and the maintenance is recommended by them through an Advisory Committee appointed by the Board of Supervisors. The Zone is not eligible for, nor does it receive any support from the Road Fund, General Fund, or any other source.~~

~~Any necessary improvements to Sundance Trail must be completed under a contract that meets the requirements for a Public Works project, and funded by the developer through an agreement with the County such that there is no negative fiscal impact to the Zone of Benefit. In other words, administrative costs associated with the contract preparation, bidding, and administration would be covered by the developer, not paid for through the Zone benefit assessments. This is similar to the Road Improvement Agreement requirements for improvements to County Maintained roads. Additionally, since the roads in the Sundance Trail Zone of Benefit are public for the purpose of use, they cannot be gated. This means that newly constructed roads added to the Zone would be subject to this same prohibition.~~

~~The conditions of approval for the Indian Creek Ranch subdivision shall include a requirement to annex the project territory to the existing Sundance Trail Zone of Benefit, and to establish sufficient funding to maintain the whole of the road system in the amended Zone of Benefit, including Sundance Trail. The Sundance Trail Zone of Benefit is currently funded through a benefit assessment. Because additional territory in the Zone increases the amount of roadway for which it provides funding to maintain, the annexation process would not take affect, nor will the project conditions be satisfied unless the change to the benefit assessment is approved. Any change to the benefit assessment requires: 1) justification of the amount through a professionally prepared engineer's report that meets the requirements of Articles XIIC and XIID of the~~

~~California state constitution ("Prop 218"); and 2) approval of the change to the funding source by the electorate within the boundaries of the zone through the appropriate proceeding. Funding for the proceeding shall be provided by the developer, and not paid for through Zone benefit assessments."~~

DOT STANDARD CONDITIONS

- ~~6157.~~ **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
- ~~6258.~~ **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
- ~~6359.~~ **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
- ~~6460.~~ **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
- ~~6561.~~ **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
- ~~66.~~ **Construction Hours:** ~~Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.~~
- ~~6762.~~ **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
- ~~6863.~~ **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of

the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the final map.

- ~~6964.~~ **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
- ~~7065.~~ **Grading Permit / Plan:** The applicant shall submit a improvement/grading plan for onsite and offsite improvements prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
- ~~7166.~~ **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
- ~~7267.~~ **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
- ~~7368.~~ **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

7469. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

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

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

7570. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.

7671. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and the final map.

7772. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This

condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

7873. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall complete or enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

7974. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

8075. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

8176. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Surveyor's Office

8277. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
8378. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

El Dorado County Environmental Management

Air Quality Management

8479. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated September 2, 2008 prior to issuance of any permits associated with this project.

Hazardous Materials

8580. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

13. REZONE/PLANNED DEVELOPMENT/PARCEL MAP

Z08-0028/PD08-0015/P08-0026 submitted by BRUCE WIRTANEN to rezone parcel from Industrial-Design Control (I-DC) to Industrial-Planned Development (I-PD); Development Plan to allow the conversion of an existing structure into four (4) air space condominium units; and create four (4) parcels ranging in size from 2,048 square feet to 2,350 square feet and one (1) 35,309 square foot common parcel. The property, identified by Assessor's Parcel Number 109-420-18, consisting of 0.78 acre, is located on the northwest corner of the intersection of Dividend Drive and Business Drive in the **Shingle Springs area**, Supervisorial District II. (Categorical Exemption pursuant to Section 15301(k) of the CEQA Guidelines)**

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

Bruce Wirtanen, applicant, was available for any questions.

No further discussion was presented.

MOTION: COMMISSIONER MACCREADY MOVED, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (4-0), TO RECOMMEND THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS: 1. CERTIFY THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301(K) OF THE CEQA GUIDELINES; 2. APPROVE ZONE CHANGE Z08-0028 SUBJECT TO THE FINDINGS OF APPROVAL IN ATTACHMENT 2; AND 3. APPROVE PLANNED DEVELOPMENT PD08-0015 ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, AND PARCEL MAP P08-0026 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA FINDINGS

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(k) of the CEQA Guidelines stating that “ subdivision of existing commercial or industrial buildings, where no physical changes occur which are otherwise exempt.”

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with the General Plan

The General Plan Land Use map designates the subject property as Industrial (I). The proposal to create four (4) air space condominiums and common area on a site that has been previously approved and constructed. The subject property has been developed to adequately serve the proposed request to convert the existing industrial structure and site improvements into condominium air space units and common area.

3.0 REZONE FINDINGS

3.1 The project is consistent with the Zoning Ordinance

The project is consistent with the Industrial (I) Zone District and Planned Development (PD) overlay district which would allow the flexibility with the creation of air space condominium units and common area for parcels being created on a site that is less than two acres in size.

The project is consistent with the Zoning Code pursuant to the County making findings for approval of a Planned Development zone because the subject property is physically suited for the proposed use. The subject property has previously been graded and developed under prior approvals. New development is not proposed on the subject property.

4.0 TENTATIVE MAP FINDINGS

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

The proposed Parcel Map would create parcels utilizing the existing approved development on the project site which was previously permitted and is consistent with the General Plan.

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

The proposed Parcel Map has been designed in conformance with the Industrial (I) development standards. The PD would allow for flexibility in the Development Standards of the I Zone District, including the minimum lot size, building coverage, and lot width.

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

The Parcel Map would not increase the density on the project site. The project would make use of the existing previously permitted commercial structure and existing exterior site improvements and would not allow additional improvements to the site.

4.4 The design of the division would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The project site is developed with an existing commercial structure consisting of 8,698 square feet and site improvements consisting of parking, landscaping and lighting. The design of the division would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because the parcelizing of the subject property does not propose new development and site improvements. This project is consistent with the finding based on issuance of the categorical exemption.

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

The project site is developed with an existing commercial structure consisting of 8,698 square feet and site improvements consisting of parking, landscaping and lighting. The design of the division is not likely to cause serious public health hazards because the parcelizing of the subject property does not propose new development and site improvements.

5.0 PLANNED DEVELOPMENT FINDINGS

5.1 That the Planned Development request is consistent with the General Plan;

The proposed request to rezone the property from Industrial /Design Control (I-DC) to Research & Development/Planned Development (I/PD) is consistent with the land use designation. The proposed PD is consistent with applicable General Plan policies.

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

The proposed project would parcelize the existing structure and does not propose new development and site improvements. The proposed request is designed to provide a desirable environment within its own boundaries because adequate parking, lighting and landscaping has been provided on the subject property.

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

A Planned Development application is required to facilitate the conversion of the existing structure to the proposed air space condominium units and common area to allow for individual ownership. The request includes exceptions to the standard requirements for zone regulations pertaining to minimum lot size, lot width, and building coverage. Staff has determined that the request to accommodate the air space condominium conversion and common space proposal is justified by the project design because it would not impact existing on-site development. The project site has been developed. The existing site improvements would accommodate individual ownership and no future site improvements are proposed.

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

The project site is an existing commercial structure located in the Barnett Business Park which is within the Industrial zone district designed for industrial uses. Conversion of an existing structure to air space condominium units and common area is physically suited for the proposed use.

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

The project site is currently served by EID public water and sewer services. No alteration or intensification would occur that would require additional services or road improvements.

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

The existing development is compatible with the surrounding land use improvements. The subject property is developed and does not negatively impact any natural or scenic features of the site. No onsite improvements are proposed as part of this application.

Conditions of Approval

Planning Services

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

The project description is as follows:

The project, as approved, includes the construction of an 8,498 sq. ft. single story concrete tilt up warehouse/office. The warehouse is comprised of ~~7,218~~ 6,352sq. ft. and the office is comprised of ~~962~~ 2,028sq. ft.

The Rezone request would eliminate the Design Control (DC) zoning overlay and would add the Planned Development (PD) zoning overlay to the project parcel.

The Parcel Map would create four parcels and one common parcel. The parcel lot sizes shall correspond to the table below:

Lot Number	Area (sf)	Office (sf)	Warehouse (sf)	Restroom/Electrical (sf)
Lot 1 Unit D (Suite 101)	2,257.40	678	1,565	60
Lot 2 Unit C (Suite 102)	2,350.60	770	1,473	60
Lot 3 Unit B (Suite 103)	2,048.00	290	1,696	60
Lot 4 Unit A (Suite 104)	2,048.00	290	1,618	138
Lot 'A'	25,309.04	-	-	-

The subject 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.

2. All landscaping improvements, building locations, building orientations, building elevations, and materials shall comply with the approved plans. The approved plans shall

- consist of Exhibits E, F, And G attached. All buildings on the site shall be architecturally consistent. Changes not to exceed 10 percent of the square footage of buildings, minor location changes, and architectural feature changes may be approved by the Planning Director or designee. Major changes in building sizes or features will require an amendment or revision to the approved ~~Design Review~~ Planned Development application.
3. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The project shall provide a total of 28 parking spaces. Loading spaces shall be provided at the rear of the building. Planning Services shall verify the parking spaces prior to filing the Parcel Map. Any re-allocation of the floor area from warehousing to other more intensive uses shall require a re-calculation by Planning Services which may require additional on-site parking.
 4. All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
 5. Prior to filing of the parcel map all Development Services fees shall be paid. Planning Services shall verify payment of all fees prior to filing the Parcel Map.
 5. ~~In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.~~
 6. ~~In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.~~
 - 7.6. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.4.5.2 and 7.4.4.4. Final Landscape Plan will replace *Quercus Chrysolepis* with *Quercus wislizenii*. Landscaping shall be maintained for the life of the project.
 - 8.7. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

8. A joint access and parking agreement shall be provided to ensure continued access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the Parcel Map.
9. This Planned Development Application would allow for reduced lot sizes, smaller than the Development Standards of the Industrial (I) Zone District.
10. Wall-mounted signage may be administratively approved by the Development Services Director. Any free-standing signage shall be subject to a Revision to the Planned Development.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

12. 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.
13. Prior to filing the parcel map, all Development Services fees shall be paid.

El Dorado County Fire Protection District

- 9.14. The applicant shall pay a site plan review fee of \$50.00 to the El Dorado County Fire Protection District prior to Fire District project approval.
- 10.15. As shown on plan, a NFPA 13 Fire Sprinkler System is required.

El Dorado County Department of Transportation:

16. Maintenance Entity: The proposed project must form an entity for the maintenance of any shared or common" private roads, parking facilities, landscaping, signs, and drainage facilities. If there is an existing entity, the property owner shall modify the document if

the document does not sufficiently address the maintenance of the roads, parking facilities, landscaping, signs and drainage facilities of the project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Parcel Map.

Surveyor's Office

17. All survey monuments must be set prior to filing the Parcel Map.
18. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County maintained road as defined in Section 16.44.120(B) (2) of the County Subdivision Ordinance with the legal right to improve that access as required by the County Design Manual.
19. Prior to filing the Parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

14. GENERAL PLAN UPDATE

A08-0002 initiated by EL DORADO COUNTY to consider amending Policy 8.1.3.1 of the 2004 General Plan, which is one of several policies designed to protect agricultural uses by preventing incompatible development from being established adjacent to agriculturally zoned property. Policy 8.1.3.1 establishes a 10-acre minimum parcel size for residential lots being created adjacent to agricultural land. The proposed general plan amendment would provide flexibility for the decision makers on a subdivision to determine if buffers limiting the parcel size to something larger than otherwise permitted by the land use designation are warranted. (Negative Declaration prepared)* *[continued from September 25, 2008, and October 9, 2008, hearings]*

Peter Maurer presented this item with a recommendation of approval to the Board of Supervisors. Mr. Maurer stated that this amendment was initiated by the Commission to amend policy to provide some flexibility. He requested that the Commission use staff's memo dated December 1, 2008 for the recommended action.

A copy of the Agricultural Commission's minutes from their Special Meeting on November 5, 2008, was distributed to the Commission.

In response to an inquiry by the Commission as to why this was a policy amendment, staff stated that a policy amendment is "cleaner" than providing interpretative guidelines.

Bill Stephans, Agricultural Commissioner, stated that the Agricultural Commission felt they have a task to perform and that it is appropriate to review each project. With the proposed criteria, there would be two (2) exceptions to this; projects zoned Agricultural Preserve (AP) or Open Space (OS). These types could be approved by the Development Services Director with

concurrence of the Agricultural Commissioner. If there is no concurrence, then it would be forwarded to the Agricultural Commission for review.

There was discussion between Mr. Stephans, staff, and the Commission on Community Regions and Open Space and at what level they would be handled.

No further discussion was presented.

MOTION: COMMISSIONER MACCREADY MOVED, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), TO RECOMMEND THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENT TO GENERAL PLAN POLICY 8.1.3.1 AND THE REVISED CRITERIA RESOLUTION (ATTACHMENTS 1 AND 2) AS RECOMMENDED BY THE AGRICULTURAL COMMISSION.

Findings

1.0 CEQA FINDINGS

- 1.1 A Negative Declaration for the amendment to General Plan Policy 8.1.3.1 is appropriate for compliance with CEQA, pursuant to 14 CCR §15070. The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the proposed amendment to Policy 8.1.3.1 may have a significant effect on the environment.
- 1.2 The proposed amendment to Policy 8.1.3.1 may result in the creation of more parcels than permitted under current policy, however, there will be no more than the potential number of lots analyzed in the 2004 General Plan EIR because the effect of this policy on limiting the number of potential lots was not included in the either the 2025 forecast or the buildout land use absorption and growth forecasting prepared for the General Plan.
- 1.3 The creation of new residential parcels is a discretionary act, subject to subsequent environmental analysis; therefore, potential impacts associated with individual projects will be analyzed and mitigated at such time as development projects are submitted for review to the County.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed amendment will encourage infill development within the urbanized areas identified as Community Regions and Rural Centers, consistent with the land use patterns established by the 2004 General Plan.
- 2.2 All other policies relating to agricultural protection such as minimum setbacks, right-to-farm provisions, Agricultural Commission review, and Agricultural Districts will still apply, thereby protecting important agricultural resources in the county.
- 2.3 Establishment of specific criteria for use by the Agricultural Commission, Planning Commission, and Board of Supervisors for determining the appropriate application of the

proposed amendment will ensure that productive agricultural land outside of the urban boundaries will be protected from incompatible land uses.

Proposed General Plan Policy 8.1.3.1 Amendment

Policy 8.1.3.1 Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in residential density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. A parcel size of less than 10 acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings that are recommended by the County Agricultural Commission and adopted by resolution of the Board of Supervisors. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Exhibit A

Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1

- A. Pursuant to the 2004 General Plan Policy 8.1.3.1, the Development Services Director may approve the creation of a parcel(s) no less than 5 acres, subject to the concurrence of the Agricultural Commissioner, if the proposed parcel:
1. Has an Approved Plan (AP) Land Use designation, provided that the proposed parcel building envelop is situated in a manner that would reasonably minimize the potential negative impact(s) on the adjacent agricultural land, or
 2. Is created as open space to buffer agriculturally-zoned lands. Open space parcels created for this purpose are not required to maintain the samelength to width ratio of other (developable) parcels, but shall be a minimum width of 200 feet adjacent to the agriculturally zoned land.

If the Development Services Director, with the concurrence of the Agricultural Commissioner, cannot approve the creation of a parcel no less than 5 acres under A.1 or A.2 above, the County Agricultural Commission may consider recommending to the approving authority the creation of a parcel(s) less than 10 acres adjacent to agriculturally zoned lands when the Commission finds that either criteria B or C of the following exists:

- B. The project meets 1, 2 and (either a or b of) 3 of the following criteria:
1. The parcel is assigned an urban or other nonagricultural use in the Land Use Map for the 2004 General Plan; and
 2. The proposed parcel size is consistent with the General Plan Land Use designation; and
 3. The proposed parcel size will not intensify conflict with an adjacent agricultural operation; plus one of the following criteria:
 - a. The agriculturally zoned land contains less than 20% choice soils; or

- b. There is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and that the conversion to a low or high intensive farming operation is not likely to take place due to soil and/or topographic characteristics of the adjacent agriculturally zoned parcel(s).
- C. The project meets at least one of the following criteria:
- 1. The parcel adjacent to the agriculturally zoned land is within an existing General Plan Community Region or Rural Center and will not intensify conflict with an adjacent agricultural operation; or
 - 2. The agriculturally zoned parcel is zoned Exclusive Agriculture (AE) or Agricultural Preserve (AP); and
 - a. The agricultural parcel is no longer under contract and the Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation; or
 - b. The parcel was assigned an urban or other nonagricultural use in the Land Use Map for the 1996 General Plan(LDR, MDR, HDR, MFR, C, TR, RD, I, AP or PF); or
 - 3. The agriculturally zoned parcel is less than 10 acres in size and is not being used for agricultural operations; or
 - 4. The Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation.
 - 5. The 10 acre agricultural buffer on the subject parcel results from the approval of a new Williamson Act or Farmland Security Zone contract when the parcel or parcels included in the contract application are rezoned from residential to agricultural zoning.

LUNCH BREAK: VIEWING OF DVD TITLED “COMMUNITY OF CHOICES” – was not presented.

1:30 P.M.

15. ZONING ORDINANCE UPDATE

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. (Mitigated negative declaration prepared)* *[continued from November 13, 2008, hearing]*

(Clerk's Note: Commissioner MacCready recused himself from this item.)

Roger Trout presented this item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Trout indicated two changes that were required in the document: (1) Move item D.5.h to D.10.h; and (2) Table B.3, include a footnote for column 1 stating "may require a Conditional Use Permit pursuant to D.2".

Valerie Zentner of El Dorado County Farm Bureau would like Mitigation Measure 4-1 be removed as it is premature to include it in the Ordinance when committees are just beginning to review this area.

Jerome Pasto distributed a letter to the Commission stating that the CEQA report is inadequate and doesn't address traffic impacts. Mr. Pasto went into detailed discussion on this issue.

Ken Greenwood of Straight Shot Consulting stated that the proposed Ordinance is very polished and covers a majority of the issues but had concerns with the following: (1) Small rural residential parcels are affected; (2) Setbacks of 50 feet for wineries are inadequate; (3) Parking lots should have a setback from the property line; (4) Special Use Permits should be required, instead of "allowed by right", which would then require notification to neighbors; (5) Water usage; (6) Conversion of Oak Woodlands on RE-10 lands; (7) Off-site signs; (8) Significant environmental impacts have not been addressed; (9) Economic analysis needed; and (10) TIM fees offsetting costs.

Paul Bush of Madrona Vineyards requested that the Commission focus on the positives of this proposed Ordinance: (1) More restrictive than the current Ordinance; (2) Provides open space; and (3) Allows a rural atmosphere.

Sue Taylor, Ad Hoc Committee member, would like to see this finally put to rest so it can move forward.

Greg Boeger of Boeger Winery stated that this is good for the industry but it is more restrictive. He felt that this is a good blueprint. Mr. Boeger also reminded the Commission that concerns regarding oak woodlands conversion and water usage are vineyard issues and not winery issues.

Linda Neal stated that there will always be impacts when two parcels come together and no type of zoning is going to change that. She also stated that this Ordinance is a pro-agriculture moment.

John Smith of Oakstone Winery stated that the Fair Play Winery Association unanimously approved this Ordinance. He told the Commission that he had been on the Winery Ordinance Committee for 8 years and this proposal meets the needs of the County and the vintner.

Commissioner Mathews felt that is Ordinance is a road map and he supports it.

Commissioner Knight was pleased that there was widespread support for this Ordinance.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (3-0), TO RECOMMEND THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND 2. APPROVE Z03-0005, THE DRAFT ORDINANCE THAT CONSISTS OF THE SEPTEMBER 8, 2008 WINERY ORDINANCE WITH THE MITIGATION MEASURES IN ATTACHMENT 1, BASED ON FINDINGS IN ATTACHMENT 2, AND TO INCLUDE THE AMENDMENTS PROPOSED BY THE AGRICULTURAL COMMISSION ON NOVEMBER 12, 2008 AND THE TYPOGRAPHICAL CHANGES AS IDENTIFIED BY STAFF.

(The proposed Winery Ordinance is attached in its entirety.)

16. DEPARTMENT OF TRANSPORTATION

17. COUNTY COUNSEL'S REPORTS

18. DIRECTOR'S REPORTS

19. ADJOURNMENT

Meeting adjourned at 3:35p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair