



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
Tom Heflin, Second Vice Chair, District III
Lou Rain, District I
Walter Mathews, District IV

Char Tim Clerk of the Commission

MINUTES

**Regular Meeting
January 8, 2009 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, MacCready, Heflin, Mathews, and Tolhurst; Paula Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Larry Appel informed the Commission that item 8.a-S07-0020/Pacific House Auto Repair was being requested for a continuance by the applicant and item 8.c-S05-0006/Rising Hope Therapeutic Community Residential Treatment Facility has been withdrawn by the applicant. The Commission chose to discuss the continuance request for item 8.a when it is heard in its normal placement in the agenda.

Motion: Commissioner MacCready moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to adopt the agenda as amended.

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:** December 11, 2008

END OF CONSENT CALENDAR

Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and carried by a vote of 3-0 (Rain and Heflin abstaining), to approve the Consent Calendar.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

Roger Trout welcomed Lou Rain and Tom Heflin in their recent appointments to the Planning Commission. Mr. Heflin announced that due to a conflict of interest, he has resigned his positions on the Agricultural Commission and the Economic Development Committee.

Larry Appel recommended a book for the new Planning Commissioners titled, "Job of a Planning Commissioner". The Commission was informed that there is money in the budget for training if so desired.

Larry Appel summarized for the Commission the following action taken at the Board of Supervisors' meeting on January 6, 2009:

- Homeless Shelter: The Board accepted the grant with the new location being Cedar Grove. A Design Review will be required, which will be forwarded to the Commission for their review.

6. COMMISSIONERS' REPORTS

For the benefit of the new members of the Planning Commission, Chair Tolhurst requested each Commissioner to introduce themselves and provide a brief summary of their background.

Commissioner MacCready stated that there have been several requests to consider changing Camino-Pollock Pines Community Region to a Rural Center. After some discussions with County Counsel and staff and agreement from the Commission, Commissioner MacCready requested a workshop be held on February 26, 2009 to discuss if the Planning Commission should recommend to the Board of Supervisors a change of the Camino-Pollock Pines Community Region to a Rural Center.

Commissioner MacCready stated that the Density Bonus is circumventing the intent of the General Plan Land Use and Zoning maps. He felt that residential projects with Planned Development requesting a Density Bonus should be brought to the Planning Commission for conceptual review. He also felt that criteria should be developed for this and that a workshop should be scheduled to discuss if the Planning Commission should recommend to the Board of Supervisors to change density bonus.

Larry Appel stated, with County Counsel concurring, that the Board had determined that Conceptual Review is a voluntary process at the discretion of the applicant.

Mr. Appel suggested that Commissioner MacCready meet with the long-range planning staff regarding density bonus and bring it back to the Commission for review at the next meeting.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

None presented.

7. VARIANCE

V08-0012 submitted by CAROLYN BURKE to reduce the side-yard setback from five feet to zero feet to allow the construction of a two-car garage. The property, identified by Assessor's Parcel Number 015-420-02, consisting of 1,620 square feet, is located on the west side of State Highway 89, approximately 200 feet south of the intersection with Wilson Avenue, in the **Tahoma area**, Supervisorial District V. (Categorical Exemption pursuant to Section 15303(e) and 15305(a) of the CEQA Guidelines)

Jason Hade presented the item to the Commission with a recommendation of approval.

Chair Tolhurst inquired how the lots were set up and the situation with the road as an easement that is located on another parcel.

The applicant was not present.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15303(e) and 15305(a); and 2. Approve Variance V08-0012 based on the findings and subject to the conditions as presented.

This action can be appealed to the Board of Supervisors within ten (10) 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, 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.

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.*

Compliance with a minimum side-yard setback of five feet will preclude the construction of a two-car garage on the existing paved parking pad. Although the applicant could construct a single-car garage and meet the required setback, the Zoning Ordinance, TRPA

regulations, and HOA CC & R's all require a minimum of two parking spaces per home. Further, construction of the proposed garage on the existing paved parking pad would not result in additional grading and associated environmental impacts that would be required if the existing parking pad were to be expanded to accommodate a larger garage to meet the five-foot side-yard setback.

- 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.*

It has been determined that covered garages in the Tahoe basin are a reasonable use of the property due to the amount of snow fall the area experiences. The location of the proposed garage is the most reasonable and appropriate location. If this variance is not approved, the applicant will be deprived the use of the garage, and arguably the reasonable use of the property allowed for other lands in the vicinity and the same zone district. The proposed garage will be utilized to meet the off-street parking requirement pursuant to Section 17.18.060 of the County Zoning Ordinance.

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

This variance request will permit the construction of a two-car garage to address severe weather concerns and meet the parking requirements of the Zoning Ordinance, TRPA regulations, and HOA CC & R's.

- 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 objections were raised. Additionally, the requested variance was reviewed by the Sonoma Pines Homeowner's Association and they had no objections. Further, the applicant's neighbor nearest the proposed garage location reviewed the request and also had no objections. The variance, as conditioned, is not anticipated to be detrimental to the public health, safety, and welfare of the neighborhood.

Conditions of Approval

1. This variance is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked as Exhibit E, dated January 8, 2009, 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:

Variance to reduce the side-yard setback from five feet to zero feet for the construction of a two-car garage, as shown on the approved site plan, 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.

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. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.
4. 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.
5. Prior to building permit issuance, an easement shall be recorded over the northeasterly 10 feet of APN 015-420-03 for the purpose of providing maintenance access for the proposed garage at the subject site.

Meeks Bay Fire Protection District

6. The garage shall be built to WUI Building Standards (Ch. 7A).
7. Pursuant to District ordinance, the roof shall be non-combustible. No wood materials are permitted.

8. The District's defensible space requirements must be met for the entire property regardless of property ownership.
9. The exterior of the garage shall be clad with 5/8 inch sheetrock under the siding, similar to that of a commercial building.
10. A minimum size of six inch house numbers must be posted and clearly visible from the road in either direction day or night.

Tahoe City Public Utility District

11. The applicant shall obtain a permit from the Tahoe City Public Utility District prior to construction.
12. Prior to permit issuance, the easement field shall be identified to ensure that the structure will not encroach into the easement.
13. Prior to construction, the applicant shall contact Underground Service Alert in order to properly locate District facilities.

8. SPECIAL USE PERMIT

a. S07-0020/Pacific House Auto Repair submitted by MARION E. LONG to authorize an automotive service and repair facility, one single wide trailer, two duplexes (each with two units), six storage buildings, four cargo containers, café/bar, and a 12-foot tall sign with 32 square feet of display area advertising automotive service and repair facility. The property, identified by Assessor's Parcel Number 009-140-19, consisting of 4.19 acres, is located on the north side of Peavine Ridge Road, approximately 1,584 feet east of the intersection with U.S. Highway 50, in the **Pacific House area**, Supervisorial District II. (Categorical Exemption pursuant to Section 15301(d) of the CEQA Guidelines)

Jason Hade informed the Commission that the applicant had requested a continuance and had agreed to the March 12, 2009 meeting.

Commissioner MacCready stated that some of the conditions of approval appeared to be "clean-up" and he was concerned that the applicant would not be able to comply, thus, causing the County to spend money to enforce the conditions. He would like to see conditions 3, 4, 5, 8, 9, 11, and 13 completed prior to approval of the application. In addition, he had questions on conditions 17 and 18. After discussion with staff from the Fire Protection District, it was determined that condition 17 contained the typo "two hours".

Pierre Rivas indicated that staff has been working closely with Code Enforcement regarding the abandoned vehicles on the property. The Special Use Permit is to authorize the automotive repair shop and the other items (i.e., clean-up) were being done concurrently, but could be separated out, if so desired.

Marion Long, applicant, requested the continuance to allow him time to discuss the conditions of approval with staff. Mr. Long indicated that he had spoken to Supervisor Nutting who concurred with the request for a continuance.

No further discussion was presented.

Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to continue the item to the March 12, 2009, meeting.

b. S08-0020/Shingle Springs Fire Station No. 28 submitted by EL DORADO COUNTY FIRE PROTECTION DISTRICT/MARK JOHNSON to replace an existing fire station with a new 9,094 square foot fire station. A six-foot tall monument/LED reader board sign is proposed with approximately 55 square feet of sign display area. The property, identified by Assessor's Parcel Number 070-250-08, consisting of 1.21 acres, is located on the west side of Ponderosa Road, approximately 0.3 miles north of the intersection with U.S. Highway 50, in the **Shingle Springs area**, Supervisorial District IV. (Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines)

Jason Hade presented the item to the Commission with a recommendation of approval. Mr. Hade indicated that a 6-foot wooden fence was being proposed on the southern property line to address any potential light spillage issues. In addition, the project is proposing a LED reader board which would be used for informational purposes for public safety.

Pierre Rivas stated that the County Ordinance does not allow LED reader boards but does allow a Special Use Permit to condition it as an allowed use if it is appropriate.

Mark Johnson, applicant, indicated that the Fire Department already has an informational reader board, but it is manually changed where as the LED reader board could be changed remotely. The LED reader board would allow them to quickly provide information to the public and is the type of informational board that is being used by other fire departments.

Mr. Johnson provided a brief history of the fire station and indicated that the existing building was falling down. He also stated that they would be called into service for the Red Hawk Casino, which has financially contributed to the project.

Chair Tolhurst was not in favor of the LED reader board and felt that it was not appropriate for the neighborhood.

Commissioner Mathews was in support of the LED reader board because it is a high traffic area, it would not have a negative impact to the area, it would be good for the fire department, and the technology is available and is being used in other locations.

Commissioner Rain indicated that as long as these types of boards were reviewed on a case-by-case basis, then he was agreeable with fire departments being allowed to have them.

County Counsel Paula Frantz stated that it was a case-by-case basis and the Commission had to find that it was in the best interest of the health, safety, and welfare of the neighborhood. She also indicated that this was the first time that the County has determined to recommend approval of a LED reader board with a Special Use Permit.

Mr. Johnson stated that the proposed sign would be visible more hours of the day than the existing sign. Also, there may be times when the information needs to be changed quickly and the current process takes approximately a ½ hour.

More discussion ensued regarding the requested LED reader board. Mr. Johnson requested that if the proposed LED reader board was the only item that was causing concern to the Commission, then he requested that it be removed from the proposal so the project could move forward. He indicated that they would come back at a later date with a request for the LED reader board sign.

Chair Tolhurst requested that all references to the LED reader board be removed from the conditions.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner MacCready, and unanimously carried (5-0), to: 1. Certify that the project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and 2. Approve S08-0020 based on the findings and subject to the conditions as amended, to include the modification of condition 1 and the removal of condition 8.

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the public facilities (PF) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the PF land use designation permits a full range of public facilities, including the proposed fire station.
- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 5.3.1.1, wastewater collection, 5.7.1.1, fire protection, 7.1.2.1, slope disturbance, 7.4.4.4, oak tree canopy retention, and 10.2.1.6, new infrastructure coordination. Because of the project's compatibility with surrounding land uses, provision of sufficient water and wastewater collection facilities, fire protection enhancement, avoidance of disturbance of slopes exceeding 30 percent, oak tree canopy retention, and use of the existing fire station site it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the One-Acre Residential (R1A) zone district, pursuant to Section 17.28.070.C provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient landscaping, lighting, and parking is provided.

4.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)

- 4.1 *The issuance of the permit is consistent with the General Plan.*

As discussed above, the proposal is consistent with the following applicable General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 5.3.1.1, wastewater collection, 5.7.1.1, fire protection, 7.1.2.1, slope disturbance, 7.4.4.4, oak tree canopy retention, and 10.2.1.6, new infrastructure coordination.

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

The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential and commercial land uses adjacent to the project site and result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. Further, the new fire station would provide enhanced fire protection services to the Shingle Springs community.

- 4.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is specifically permitted by special use permit pursuant to Section 17.28.070.C of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits F through L, dated January 8, 2009, 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 authorizing the replacement of the existing fire station with a new 9,094 square foot fire station. A six-foot tall monument ~~LED reader board~~ sign is permitted with approximately 55 square feet of sign display area. Business hours of operation is 8:00 AM to 5:00 PM, but the fire station has the potential to be used 24 hours a day, seven days a week as needed. Maximum staffing includes eight employees and five vehicles. Additionally, five to 10 volunteer firefighters may also respond from home during an emergency or training exercise. Public sewer and water will be provided to the subject site by the El Dorado Irrigation District (EID).

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

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Special Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to

- cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
 4. The applicant is responsible for providing 15 off-street parking spaces at all times while the fire station is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The required parking shall be provided as shown on the approved site plan, Exhibit F.
 5. In accordance with the Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance), the applicant shall submit a final landscape plan consistent with the approved landscape plan, Exhibit H, prior to issuance of a building permit. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
 6. Prior to final building occupancy, 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, as determined by Planning Services.
 7. Prior to occupancy of the structure as a fire station, the applicant shall pay all Development Services fees, if applicable.
 8. ~~The LED reader board sign shall be used to display public safety information only. The sign shall not be utilized for commercial advertisement purposes or serve to advertise off-site commercial businesses.~~

Department of Transportation

98. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments onto Ponderosa Road to the provisions of County Design Std **103C**. The improvements shall be completed to the satisfaction of the Department of Transportation prior to final building occupancy.
109. **Offer of Dedication:** Prior to final building occupancy, the applicant shall irrevocably offer to dedicate in fee, a 35 foot right-of-way along the entire frontage of Ponderosa Road as determined by EDC DOT. This offer will be accepted by the County.
110. **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.

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 or Development Services (whichever is applicable).

- ~~12~~11. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
- ~~13~~12. **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.
- ~~14~~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.
- ~~15~~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.
- ~~16~~15. **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.
- ~~17~~16. **Grading Permit / Plan:** A grading permit is required for the project. 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 DOT and/or Development Services (whichever is applicable).

- ~~18~~17. **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.
- ~~19~~18. **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.
- ~~20~~19. **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.
- ~~21~~20. **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.

2221. **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.
2322. **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.
2423. **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.
2524. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Environmental Management Department

2625. Prior to building permit issuance, the applicant shall obtain a septic system destruction permit for the existing septic tank on the property.
2726. Prior to demolition of the existing structure, the applicant shall contact the Environmental Management Department for Construction and Demolition Debris Recycling Ordinance requirements. Prior to building permit issuance, the applicant shall submit a Debris Recycling Acknowledgement to the Environmental Management Department.
2827. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
- Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour

- Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
2928. Prior to grading permit issuance, an Asbestos Dust Mitigation Plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
3029. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
3130. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
3231. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

c. **S05-0006/Rising Hope Therapeutic Community Residential Treatment Facility** submitted by CHARLES BERTOLETTE to convert an existing transitional house for men in recovery from substance abuse issues to an alcohol and drug treatment and rehabilitation facility to house up to 24 adult males as well as five staff members. The property, identified by Assessor’s Parcel Number 096-100-37, consisting of 38 acres, is located on the north side of Jim Valley Road, approximately 1.4 miles west of the intersection with Fort Jim Road, in the **Placerville Periphery area**, Supervisorial District II. (Exempt pursuant to Section 15270 of the CEQA Guidelines)**

Project was withdrawn by the applicant, Charles Bertolette, per an e-mail addressed to Jason Hade, dated December 29, 2008.

9. **REZONE/WILLIAMSON ACT CONTRACT**

Z08-0014/WAC08-0004 submitted by JAMES and JANET COX (Agent: Charlie Peters) to rezone from Estate Residential Ten-Acre (RE-10) to Agricultural Preserve (AP) and to create a new agricultural preserve. The property, identified by Assessor’s Parcel Number 093-180-07, consisting of 22.645 acres, is located on the east side of Gopher Hole Road, approximately 0.2 miles north of the intersection with Bucks Bar Road, in the **Somerset area**, Supervisorial District II. (Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines)**

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

Commissioner Heflin informed the Commission that he had heard this item and had recommended approval when he was a member of the Agricultural Commission. County Counsel Paula Frantz suggested that he recuse himself from this item since he had acted on it while on the Agricultural Commission.

Commissioner Mathews asked for clarification on how the 200 foot agricultural setback is applied and what the process is for administrative relief.

Bill Stephans, Agricultural Commissioner, informed the Commission that the Board had directed them to analyze surrounding parcels and recommend setbacks for each one. They are currently in the process of doing that for this project. He also stated that the administrative relief process does include the ability to bypass the hearing process.

The applicant was not present.

No further discussion was presented.

Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and carried by a 4-0 vote (Heflin abstaining), to recommend the Board of Supervisors take the following action: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317; and 2. Approve Zone Change application Z08-0014 and Williamson Act Contract application WAC08-0004 based on the findings presented.

Findings

1.0 CEQA Findings

- 1.1 The project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."
- 1.2 The zone change from RE-10 to AP further limits development because all uses must be compatible with the Land Conservation Act of 1965. Potential winery and ranch marketing uses will require a Special Use Permit and will be subject to separate CEQA review. As such, the zone change from RE-10 to AP is effectively a "downzone" in density minimum.

2.0 General Plan Findings

- 2.1 The zone change from RE-10 to AP 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 agricultural resources and existing

land use pattern. There are no existing CC&R's. The AP zone district is consistent with the RR-IBC General Plan land use designation.

- 2.2 The proposed Williamson Act Contract is consistent with policies 2.2.1.2, 8.1.3.2, 8.1.4.1, 7.4.2.9, 7.4.4.4, and 8.2.4.1 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 pursuant to 17.36.340 of the Zoning Ordinance.

4.0 Administrative Findings

- 4.1 The properties satisfy the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

- 4.1.1. The 20-acre minimum has been met:

a. WAC08-0005 has a total of 22.645 acres.

- 4.1.2. Capital outlay has been achieved for the contract as follows

a. WAC08-0005 has a total capital outlay of \$120,000 in excess of the required \$45,000.

- 4.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from wine grapes and olive trees as follows:

a. WAC08-0005 has a gross income which exceeds \$13,500 at \$30,000.

10. SITE PLAN REVIEW

SPR08-0002 submitted by GORDON FAWKES for a Finding of Consistency with Interim Interpretive Guideline to General Plan Policy 7.3.3.4 for reduction of the riparian setbacks from 100 feet and 50 feet to no less than 20 feet. The property, identified by Assessor's Parcel Number 117-040-05, consisting of 1 acre, is located at the northeast intersection of Stonebridge Street and Berkshire Drive, approximately 1,000 feet north of the intersection with White Rock Road, in the **El Dorado Hills area**, Supervisorial District II. (Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines)**

Mel Pabalinas presented the item to the Commission with a recommendation of approval. He informed the Commission that staff had a change to the recommendation listed in the Staff Report, which would now include the additional recommendation to "certify the project is categorically exempt pursuant to CEQA Guidelines Section 15303(a)".

Gordon Fawkes, applicant, stated that in June 2001 they were aware of the 30 foot drainage easement and designed their plans accordingly. In December 2006, after submitting their plans, they were notified of the perennial stream setbacks. The combination of the drainage, stream and rear setbacks would not allow anything to be built on the lot. Mr. Fawkes said that they have already invested \$73,000 in developing the lot.

No further discussion was presented.

Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (5-0), to: 1. Certify that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15303(a); and 2. Find the proposed setback reductions from riparian areas are consistent with the Interim Interpretive Guideline for General Plan Policy 7.3.3.4 based on the findings and subject to the conditions as presented.

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

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 project site is approximately an acre in size and there is a perennial wetland feature onsite that traverses the property from north to south. Very few of the parcels in the vicinity have this same, unique physical feature.

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.*

The project site is surrounded by similar residential uses. The applicant has followed the process set forth by General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy. Strict application of the provisions would deprive the applicant of the reasonable use of the land for residential development.

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

The applicant's biologist has recommended a minimum setback of twenty feet from the perennial feature to protect the integrity of the riparian habitat. This is the minimum variance that is necessary for the reasonable use of the land as a residential home site.

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 reduction in setbacks perennial feature on the project sit has been designed for sufficient protection of the integrity of the riparian habitat and would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

5. *The alternative setback is consistent with the General Plan.*

The proposed project has been designed in a manner to ensure that alternative setbacks would not have an adverse effect on the perennial feature. The proposed project, therefore, is consistent with intent of the Interim Interpretive Guideline General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Conditions of Approval

1. The project is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E, F, and G dated January 8, 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:

Finding of Consistency with Interim Interpretive Guideline to General Plan Policy 7.3.3.4 for reduction of the riparian setbacks from 100 feet and 50 feet to no less than 20 feet.

The proposed project will result in direct permanent impacts on approximately 0.03 acres of wetlands, including the drainage. Given the small scale of the project, its setting within a residential area, and the degraded nature of the onsite drainage, the recommended mitigation measures and Best Management Practices (BMP's) will be sufficient to protect the biological resources in the project area and prevent indirect impacts on downstream biological resources. Construction could therefore occur between 20 and 100 feet of the drainage without adverse effects on biological resources.

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.

Development Services Department- Planning Division

3. Construction of the primary residential building and appurtenant accessory structure including grading and paving both on and off-site shall be subject to the issuance of a building permit and encroachment permit form El Dorado County Building Services.
4. The applicant shall obtain a Section 404 Clean Water Act permit from the Army Corps of Engineers. Written satisfaction of the permit conditions shall be provided to Development Services prior to the commencement of any development activities on the project site. A grading permit shall not be issued unless the 404 permit has been issued and all preconstruction conditions of said permit have been satisfied.
5. The applicant shall obtain a Section 401 Water Quality Certification from the Central Valley RWQCB. As a condition of the Section 404 permit, the project shall be subject to review and approval by the Central Valley RWQCB. The applicant shall obtain a water quality certification to ensure that the proposed project shall not violate State water quality standards. It is the applicant's responsibility to obtain approval from the RWQCB before beginning any grading, clearing, or excavation, and to comply with all requirements. A grading permit shall not be issued unless the 401 permit has been issued and all preconstruction conditions of said permit have been satisfied.
6. The applicant shall obtain a Section 1602 Streambed Alteration Agreement from the DFG. The project shall be subject to review and approval by the DFG. It is the applicant's responsibility to obtain approval from DFG before beginning any grading, clearing, or excavation below the banks of the drainage, and to comply with all requirements.
7. The applicant shall obtain a Grading and Encroachment Permit from El Dorado County. The project is subject to review and approval by El Dorado County. It is the applicant's responsibility to obtain approval from the County before beginning any grading, clearing, or excavation, and to comply with all requirements.
8. The applicant shall install temporary construction fencing to protect wetlands. The applicant and/or his contractors shall install a 1.2-meter-tall (4-foot-tall), orange, synthetic mesh-material fence (or an approved equivalent) 20 feet from the eastern boundary of the wetlands abutting the creek before any construction activities take place. No construction activities, including grading, shall be permitted until this condition is satisfied. No encroachment within this area shall be permitted. This restriction applies to both onsite and offsite improvements. The temporary fencing shall be maintained until all construction activities are complete.
9. Minimize Disturbance of Wetlands. The following measures shall be employed to minimize disturbance of wetlands:

- a. Construct the culvert and driveway during the low flow season (May 1-October 1).
 - b. Avoid operating equipment in saturated soils or within wetlands to the maximum extent possible. Use geotextile fabric or other mats in saturated conditions to minimize damage to the substrate and wetland vegetation from equipment.
 - c. Prior to placing the culvert, if water is present and dewatering is necessary, maintain downstream flows by installing small temporary coffer dams and a small diversion pipe.
 - d. Stabilize exposed slopes and streambanks, remove temporary fills, and recontour to pre-project conditions immediately upon completion of construction activities in the drainage.
 - e. During construction of the culvert and access road, remove vegetation, debris, or soils that are inadvertently deposited below the ordinary high-water mark in a manner that minimizes disturbance of the drainage bed and bank.
 - f. Complete all activities within wetlands promptly to minimize the duration of impact.
10. Minimize Potential Disturbance to California Red Legged Frog. The proposed work within the drainage shall be conducted during the low flow season (May 1 to October 1). This is because CRLF are unlikely to be present in the drainage at this time because there are no deep pools. Notwithstanding, the applicant shall minimize the period of time that construction work will occur within the active channel.
11. The following Best Management Practices (BMPs) shall be shown and verified on grading/improvement/building permit plans, and, as applicable, implemented throughout all phases of construction to avoid and minimize potential direct and indirect effects on wetland resources:
- a. Install temporary erosion control measures (e.g., silt fences, staked straw bales/wattles, and geofabric) to control erosion from disturbed areas and protect downstream offsite areas from sedimentation.
 - b. Establish grass, vegetative cover, or erosion control on disturbed areas within the construction site as soon as possible after disturbance. Vegetative application will be completed by September 15 to allow plants to establish. No disturbed surfaces will be left without erosion control measures in place between October 1 and April 30.
 - c. Excavated material shall be deposited or stored away from aquatic resources, and the disposal or storage area shall be graded to minimize surface erosion.
 - d. Construction activities within 20 feet of the wetlands and within the drainage channel shall be limited to annual low-flow periods.
 - e. Cover or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
 - f. Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.
 - g. No earth or organic material shall be deposited or placed where it may be directly carried into the stream or adjacent wetlands.

- h. Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels; sawdust; dirt; gasoline; asphalt and concrete saw slurry; and heavily chlorinated water.
- i. Lawn chemical use (fertilizers, herbicides, fungicides, etc.) will be minimized to the maximum extent practicable. Only chemicals approved for use by El Dorado County will be used.
- j. If adverse weather conditions threaten the transport of disturbed soils off site, the applicant will install temporary erosion control measures immediately. Soil disturbance will cease if weather conditions worsen and increase the likelihood of transporting soil off site.
- k. To reduce potential contamination by spills, no refueling, servicing, or maintenance of equipment will be performed within 50 feet of the drainage. Any fluids drained from the machinery during servicing will be collected in leak-proof containers and taken to an appropriate disposal or recycling facility. If such activities result in spillage or accumulation of a product on the soil, the contaminated soil will be assessed and disposed of properly. Under no circumstances will contaminated soils be added to a spoils pile.
- l. The job site will be kept clean and orderly as practicable.

Department of Transportation

12. The applicant shall be subject to an encroachment permit, Std Plan 103A-2, for the proposed driveways onto Stoneridge Street and Berkshire Drive. Any modifications to the standards must be reviewed and approved by the Department of Transportation prior to the issuance of any building permit for this project.
13. The applicant shall pay the impact fees in effect at the time a building permit is deemed complete.
14. Any import or export to be borrowed or deposited within El Dorado County shall require an additional grading permit application review for that offsite grading.
15. The applicant shall provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential and ground water. The report shall include recommended design criteria for the drainage crossing and any retaining walls.
16. The applicant shall construct the drain swale crossing per the design presented in the drainage report response #1 from Domenichelli and Associates, Inc. dated September 10th, 2008. Any modifications to the plans must be reviewed and approved by the Department of Transportation prior to the issuance of any building permit for this project.

17. The applicant shall record an easement encroachment agreement prior to the issuance of any building permit for this project. The easement encroachment agreement documents will be provided by El Dorado County.
18. A standard note shall be included on all construction permit plans (i.e., grading permit) requiring the applicant to provide copies of all permits required by outside agencies enabling them to work within the drainage swale.

11. PARCEL MAP

P07-0027 submitted by MICHAEL R. WILKES CONSTRUCTION, INC. (Agent: Gene E. Thorne & Associates) to create four parcels ranging in size from 3.0 to 3.15 acres; eliminate a bike path required by General Plan Transportation and Circulation Element Policy TC-4i which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible; and request design waivers for the following: 1) Not require inclusion of an eight (8) foot roadway shoulder along the subject property frontage on El Dorado Road; 2) Allow creation of Parcels A and B exceeding the 3:1 lot depth to width ratio; and 3) Allow the use of Standard Plan 101C for the on-site roadway (18-foot travel surface, 1 foot shoulders). The property, identified by Assessor's Parcel Number 329-040-55, consisting of 12.16 acres, is located on the north side of El Dorado Road, approximately 0.6 miles north of the intersection with Mother Lode Drive, in the **El Dorado area**, Supervisorial District III. (Mitigated Negative Declaration previously prepared/SCH#2008102058)

Rob Peters presented the item to the Commission with a recommendation for approval. He informed them that this item had been heard by the Zoning Administrator on December 3, 2008 and had been forwarded to the Commission for their review. Mr. Peters provided a summary of the discussions that had occurred at the Zoning Administrator hearing.

Commissioner Mathews questioned the removal of the oak tree canopy that had already occurred.

Eileen Crawford, DOT, stated their position on the following issues: (1) Sidewalks: neutral; (2) 8-foot Shoulder: This was used to meet the road width requirements as this road has over 4,500 cars travel it daily; (3) Standard Plan 101B: This was used because the parcel is located in a Community Region; and (4) Onsite Roads: Will allow narrow roads, but they need to be paved.

Michael Smith, Gene Thorne & Associates, provided exhibits to the Commission to assist in his presentation. Mr. Smith provided the following comments regarding the project: (1) Planning staff has determined that Policy TC-4i is not feasible; (2) DOT's requirement for a 8-foot shoulder is not feasible and is costly due to the significant grading that would be required; (3) Policy TC-1w would allow this situation as it supports minimizing impacts and the rural atmosphere; (4) Policy TC-1a offers relief to allow the County to deviate from County standards; and (5) Opposed to the sidewalk requirement and grading as it causes environmental impacts and is costly.

Mr. Smith distributed handouts to the Commission for his discussion on the oak canopy issue. He is opposed to the use of the 2004 aerial photos. The oak trees were removed for personal use (i.e., firewood).

Pierre Rivas indicated that staff was imposing the mitigation measures beginning when the General Plan was adopted in 2004. Staff was favorable to removing the requirement of replacing the oaks if so desired by the Commission.

Bob Youel, resident of the area, stated that there has been a significant increase in the number of large trucks traveling on that road and he is very concerned about the curve located on the road.

Michael Warren, resident of the area, indicated that he was in favor of the project but the cut slope would cause massive oak tree loss and would increase the speed traveled on that road due to better visibility. He compared the proposed cut to a freeway cut.

Gene Thorne, applicant's agent, stated that it would be much easier to widen the road on the other side instead of cutting into the hill.

Commissioner Mathews said that he was not in favor of the 8-foot shoulder because traffic currently slows down on that road due to the curve. Also, the cut into the slope would cause a large loss of trees and he is not supportive of requiring a small project to resolve a DOT issue. He also stated that he was more in favor of requiring an "in lieu Option B" fee for the oak trees.

Commissioner MacCready agreed that the proposed cut would look like a freeway cut.

Ms. Crawford, in response to Mr. Thorne's comment, stated that they try to keep improvements on the applicant's parcel instead of requiring off-site improvements on other individual's parcels.

Commissioner Rain stated that the road will always be a problem and a cut is not feasible.

Chair Tolhurst recommended removing conditions 28 and 29 and to leave the oak tree removal fee (Option B).

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and unanimously carried (5-0), 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, Section 15074(d), as incorporated in the conditions of approval and mitigation measures; 3. Approve the following design waiver as the required findings have been made: (a) Allow creation of Parcels A and B exceeding the 3:1 lot depth to width ratio; 4. Approve Tentative Parcel Map P07-0027 based on the findings and subject to the conditions presented with the addition of the following condition which states: *"The applicant shall mitigate for previously removed Oak Canopy which lies within the extent of proposed development by payment of the OWMP fee as established by the implementing fee*

ordinance, Chapter 17.73 of the County Code”; 5. Revision of condition 3 to state: “Any oak trees removed from the site shall be mitigated as specified in the ~~Interim-Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006~~ Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008.

Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of a combination of the options a and c, or options b and c below, will reduce impacts to a less than significant level: a. For tree replacement under Policy 7.4.4.4, Option A, of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the ~~Oak Woodlands Interim-Interpretive Guidelines~~ Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, shall be provided to Planning Services prior to issuance of a grading permit.”; and 6. Remove conditions 28 and 29, and accept applicant-supplied Exhibit F as the finding to allow the following design waiver: “Not require inclusion of an eight (8) foot roadway shoulder along the subject property frontage on El Dorado Road”.

This action can be appealed to the Board of Supervisors within ten (10) 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 should be made:

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 Zoning Administrator and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The County finds that through feasible conditions and mitigations 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 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits residential uses on parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (emergency water supply), 6.2.2.2 (high wildland fire hazards), 6.2.3.2 (fire safe access), 7.1.2.1 (disturbance of slopes in excess of 30 percent), 7.3.3.4 (wetland setbacks), and 7.4.4.4 (oak tree canopy retention and replacement). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, connection to public water, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

General Plan Transportation and Circulation Policy TC-4i seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. Application of Policy TC-4i has been determined to be infeasible based on the application submittal materials and the analysis presented in the staff report. This determination has been found to be consistent with the General Plan policy identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Single-Family Three-Acre Residential (R3A) which permits the proposed parcel sizes of 3.0 to 3.15 acres under Section 17.28.440(A).
- 3.2 The existing residential use at the subject site is permitted by right under Section 17.28.420(A). As proposed, the project meets all applicable development standards contained within Section 17.28.440 of the *El Dorado County Zoning Ordinance*.

4.0 PARCEL MAP FINDINGS

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

The proposed tentative parcel map, including design and improvements, is consistent with the General Plan and land use map. As proposed, the tentative map conforms to the Medium-Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, traffic, sidewalk requirements for Community Regions where feasible emergency water supply, high wildland fire hazard development, fire safe access, disturbance of slopes in excess of 30 percent, wetland/intermittent drainage setbacks, and tree canopy removal mitigation standards.

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

As proposed, the tentative map conforms to the development standards within the Single-Family Three-Acre Residential (R3A) Zone District and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which avoids significant disturbances of slopes in excess of 30 percent, wetlands/intermittent streams, and meets the requirements for mitigating tree canopy removal.

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

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

5.0 DESIGN WAIVER APPROVAL FINDINGS

- 5.1 **To allow creation of parcels exceeding the 3:1 lot depth to width ratio.**

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

The subject site is unique in that there is an existing residence in the approximate middle of the parcel, and the existing parcel is irregularly shaped. The site is constrained by slopes in excess of 40 percent, wetlands and an intermittent stream, and oak woodlands and future development sites are limited. The proposed design waiver allows creation of three additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, Single-Family Three-Acre Residential, and consistent with the General Plan Designation of Medium Density

Residential (MDR) which allows 1 to 5 acre parcels. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from denial of the division of the subject parcel creating three additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, Single-Family Three-Acre Residential, and consistent with the General Plan Designation of Medium Density Residential (MDR) which allows 1 to 5 acre parcels. The subject site is heavily sloped and future development areas are limited. The project design includes a building restriction line with a no build area on parcels A and B in the areas furthest from each lot frontage.

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

The lot width to depth ratio Design Waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public.

- 5.1.4 *This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The greater than 3:1 lot depth to width ratio will create parcels that will be consistent with the Development Standard of the R3A zone district and applicable policies of Chapter 17 of the County Code.

5.2 To not require the inclusion of an eight (8) foot shoulder along the project frontage on El Dorado Road.

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

The existing 12 plus acre property is to be divided into 4 parcels of at least 3 acres each. There is a significant cut slope along the property frontage at El Dorado Road. This bank ranges from just a few feet in height to well over 10 feet in height. The bank slope that is steeper than a 2:1 horizontal to vertical ratio. To cut back this slope for a sidewalk and additional 8-10' of shoulder would require extensive grading into the slope and the removal of a significant number of oak trees.

In addition, Policy TC-1w in the adopted General Plan supports maintaining the existing rural character of a roadway as follows: “New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on-street parking, and vehicular and pedestrian safety.” Note that the project area is rural in nature with properties in the area ranging from one or more acres. The project area has a General Plan Land Use Designation of MDR (Medium Density Residential) which acknowledges and accepts a reduced level of infrastructure in MDR designated areas. To quote the MDR description, “This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. Infrastructure would include not only roads and public utilities (water, sewer) but also sidewalks, curbs, streetlights and signals. Requiring sidewalks will erode the rural nature of the project area while sidewalks and additional shoulder will ignore the “where feasible” provisions of Policy TC-4i as well as the perspective of the MDR land use designation.

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

The existing parent parcel’s frontage along El Dorado Road is approximately 1,113 feet in length. General Plan Policy TC-1a includes Table TC-1 that specifies in Note #3 that “The County may deviate from the adopted standards in circumstances where conditions warrant special treatment of the road. Typical circumstances where exceptions may be warranted include:

- a) Extraordinary construction costs due to terrain, roadside development, or unusual right-of-way needs; or
- b) Environmental constraints that may otherwise entirely preclude road improvements to the adopted standards, as long as environmental impacts are mitigated to the extent feasible

To require sidewalks and an additional 8-10’ of shoulder would not only remove a significant number of oak trees, it would necessitate extraordinary construction costs. Thousands of yards of earth would have to be excavated and relocated. A utility structure located at the top of the bank at about midpoint of the property would have to be relocated. Along with these expenses the sidewalk would have to be constructed. These extreme costs would be imposed to provide improvements that do not exist along any residential frontage on the entire length of El Dorado Road from Green Valley Road on the North to Pleasant Valley Road at the South. A mandate to construct sidewalks along the Wilkes property is neither feasible or nor reasonable.

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

Sidewalks and an additional 8-10' of shoulder along this property will not stimulate pedestrian traffic in this areas to the types of destinations anticipated in General Plan Policy TC-4i. Sidewalks to such destinations as businesses, schools, parks and adjacent development are essentially non-existent in the area, as are the listed destinations

Commercial zoning between the subject property and Highway 50 is over 700 feet away on the West Side of El Dorado Road. Commercial zoning is over 700 feet away on the East side of El Dorado Road between the subject property and Highway 50.

Sidewalks are over 800 feet away on the West side of El Dorado Road toward Highway 50. The first sidewalk encountered is the 400'± of sidewalk in front of El Dorado Savings. Next, there is a sidewalk over the West side of the Highway 50 overpass. The next business is a vehicle storage/mini storage (without sidewalks) immediately north of the freeway. Beyond that, there are no sidewalks except on the four corners of the newly remodeled intersection (traffic lights) at El Dorado Road and Missouri Flat Road.

There are no sidewalks present at all on the East side of El Dorado Road between the property and Missouri Flat Road. There are no sidewalks present south of the property to the end of El Dorado Road at Pleasant Valley Road. The businesses on the East side of El Dorado Road to the North consist of a dentist office, a furniture store and a chiropractic office. These are not pedestrian based businesses.

Parks in the greater area include Bennett Park to the northeast at El Dorado High School in Placerville (4.4± miles by car utilizing Highway 50) and City Park to the east in Placerville (4.4± miles by car utilizing Highway 50). Sidewalks are not relevant to reaching these destinations from the subject property area due to even greater distances involved in walking around Highway 50. Walking to Bradford Park to the southwest in Shingle Springs would involve walking 4.9± miles along both El Dorado Road and Mother Lode Drive with no sidewalks anywhere between the subject property and Bradford Park.

The subject property is in the Mother Lode Union School District. The nearest schools in the Mother Lode Union School District are Indian Creek School to the north (3.4± miles), Charles Brown School to the southeast (3.9± miles) and Herbert Green School to the east (2.2± miles). Busing is available to all of these schools. Sidewalks are not relevant with regard to walking to schools in the school district from anywhere in the project area.

No adjacent development has sidewalks and/or 8-10' shoulders. Sidewalks are not likely to be a significant feature of the area for many, many years. A sidewalk installed at this property would be isolate. Isolated sidewalks do not go anywhere. Isolated sidewalks encourage people onto the sidewalk but end up leading then to road frontage without sidewalks where continuing on is potentially very dangerous. Not requiring sidewalks on this project will not be detrimental to adjacent properties nor to public health, safety, convenience or welfare. Sidewalks are not a part of the lifestyle typical of rural areas.

5.2.4 This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

The laws and ordinances applicable to this land division consist primarily of the Subdivision Map Act, the El Dorado County Subdivision Ordinance (Article II, Minor Land Divisions), the Zoning Ordinance (County Code, Title 17), and the El Dorado County Design Manual and the General Plan. The key considerations from these laws and ordinances have been discussed.

To not allow the requested design waivers ignores the special circumstances that exist with this property. To reject the requested design waivers places extraordinary and unnecessary hardship on development of the subject property. However, to approve the requested design waivers is to be fair and reasonable, to be in harmony with “the spirit of the law.”

Waiving the requirement for sidewalks along the property frontage of El Dorado Road will not have the effect of nullifying the objectives of any law or ordinance applicable to the project.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit A through M dated October 1, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The tentative parcel map would create four (4) parcels ranging in size from 3.0 acres to 3.15 acres from a 12.16 acre site. The project includes road improvements consisting of the construction of proposed on-site Roads A and B serving Parcels A, B, and ~~CD~~ to 20-foot roadway width without curb, gutter, and sidewalk (Modified Standard Plan 101B), with standard encroachment (Standard Plan 103D). ~~Also, the project includes frontage improvements to include the widening of El Dorado Road with an 8-foot shoulder.~~ Proposed Parcel C will take access off of El Dorado Road utilizing a 12-foot wide gravel driveway and standard encroachment (Standard Plan 103B-1).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above

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

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. If construction begins outside the February 1 to August 31 breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, then the bird is considered adapted to construction disturbance.

If construction is scheduled to begin between February 1 to August 31 then a qualified biologist shall conduct a preconstruction survey for active nests at the project site and within 250-foot radius of the construction site from publicly accessible areas within 30 days prior to construction. If no active nests of a bird of prey or Migratory Bird Treaty Act (MBTA) bird are found, then no further mitigation measures are necessary.

If an active nest of a bird of prey or MBTA bird is found in the project study area, then the biologist shall flag the active nest tree so that a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest tree.

The construction contractor shall install stakes or temporary flagging, fencing, etc., at the edge of the minimum 250-foot ESA. The ESA shall be maintained throughout the construction period. No disturbance shall occur within 250 feet of a nest tree until a qualified biologist determines that the nest is no longer active.

Timing/Implementation: If construction begins during the nesting season (February 1 to August 31), the preconstruction survey shall be conducted no more than 30 days prior to clearing and grubbing and submitted prior to grading permit issuance.

Enforcement/Monitoring: El Dorado County Planning Services

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. Any oak trees removed from the site shall be mitigated as specified in the ~~Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006~~ Oak Woodlands Management Plan, adopted by the Board of Supervisors on May 6, 2008. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of a combination of the options a and c, or options b and c below, will reduce impacts to a less than significant level:

- a. For tree replacement under Policy 7.4.4.4, Option A, of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines Oak Woodlands Management Plan, adopted by the Board of Supervisors on May 6, 2008, shall be provided to Planning Services prior to issuance of a grading permit.
 - b. 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.
 - c. The applicant shall mitigate the impacts to oak woodland exceeding the retention requirements of Policy 7.4.4.4, Option A, of the General Plan, 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.
4. If Option A above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the re-planted oak saplings and/or oak acorns for this project.
 5. If Option A above is utilized, Covenants, Conditions, and Restrictions (CCRs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CCRs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the replanted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.
 6. A meter award letter or similar documentation shall be provided to Planning Services by EID prior to filing the parcel map.
 7. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion

- of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Parks and Recreation Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the parcel map.
8. 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.
 9. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
 10. 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).
 11. The applicant shall submit an approved Wildfire Fire Safe Plan prepared by a Registered Professional Forester (RFP) and approved by the Diamond Springs - El Dorado Fire Protection District and/or California Department of Forestry and Fire Protection.
 12. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed with Planning Services.
 13. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.
 14. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
 15. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs

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

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

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

16. The applicant shall mitigate for previously removed oak canopy which lies within the extent of the proposed development by payment of the OWMP fee as established by the implementing fee ordinance, Chapter 17.73 of the County Code.

Air Quality Management District

- ~~1617.~~ Prior to grading permit issuance, an Asbestos Dust Mitigation Plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
- ~~1718.~~ Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
- ~~1819.~~ The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
- ~~1920.~~ The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
- ~~2021.~~ Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
- ~~2122.~~ The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
- Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.
 - Retard diesel engine injection timing by two to four degrees.
 - Use electricity from power poles rather than temporary gasoline or diesel generators.
 - Use reformulated low-emission diesel fuel.

- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.
- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Department of Transportation (Specific Conditions)

2223. The onsite roadway shall be improved per the El Dorado County Design and Improvements Design Manual (DISM) Standard Plan Modified 101B (20-foot road width) without curb, gutter or sidewalk. 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 parcel map.
2324. A turnaround per the El Dorado County Design and Improvements Standard Manual (DISM) 114 or approved equivalent to the satisfaction of DOT and the Fire Department shall be provided at the end of the roadway serving the parcels prior to the filing of the final map.
2425. The applicant shall install all necessary signage such as stops signs, street name signs, and/or “not a county maintained road” road signs as required by the Department of Transportation prior to filing the parcel map.
2526. The applicant shall construct driveway encroachments onto the proposed roadway to the provisions of DISM 103B-1. 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 parcel map.
2627. The applicant shall construct an encroachment per DISM 103D for road serving lots A, B, and D onto El Dorado Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security prior to the filing of the parcel map.
2728. The applicant shall provide a 50-foot wide non-exclusive road and public utility easement through the proposed roadways serving parcels A, B and D.

- ~~28.~~ In accordance with the El Dorado County General Plan Policy TC 4i, sidewalks shall be constructed per DISM 101A on the project frontage along El Dorado Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
- ~~29.~~ The applicant shall include an 8 foot shoulder on the project frontage along El Dorado Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
3029. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roads and/or drainage facilities not maintained by the County, which is required for access to El Dorado Road, prior to the filing of the parcel map.
3130. If the subdivider is required to perform off-site improvements and it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 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.
 - d. Completed CEQA analysis.

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.

Department of Transportation (Standard Conditions)

3231. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the Parcel Map.

3332. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards.
3433. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
3534. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
3635. 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.
3736. For projects that disturb more than one acre of land area (43,560 square feet), at the time that an application is submitted for improvement plans or a grading permit, the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
3837. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
3938. 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

4039. The District has a fee structure. Fees shall be collated for review of all types of plans.
- a. Application Fee - \$50.00

b. Four or less lots - \$120.00

4140. Minimum fire flow required is 1,500 gallons per minute (gpm) at 20 pounds per square inch (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 at 20 psi for two (2) hours.
4241. Provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
4342. Projects that do not meet Fire Flow may use a NFPA 13D residential sprinkler system, with 3,000 gallons of water storage. This system shall be in lieu of the required fire Flow and approved by the Diamond Springs-El Dorado Fire District.
4443. In place of requirement No. 25 (above), the applicant shall enter into a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of water storage for each parcel. This deed restriction shall be reviewed and approved by the Fire District prior to final recording.
4544. Additional hydrants may be required for this project. The Fire District will determine hydrant locations.
4645. 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 40,000 pound load.
4746. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
4847. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval shall include a deed restriction for a NFPA 13D residential sprinkler system.
4948. 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.
5049. All roadways shall be to El Dorado County Department of Transportation 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.
5150. 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.

5251. Any gates will require Fire District approval and meet current El Dorado County Standards.
5352. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
5453. PUBLIC RESOURCES CODE 4291: A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall meet at all times the requirements for PRC Section 4291.

County Surveyor's Office

5554. All survey monuments shall be set prior to filing the Parcel Map.
5655. 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 Parcel Map.
5756. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and/or agent and the applicant.

12. ZONING ORDINANCE AMENDMENT

OR07-0004 initiated by EL DORADO COUNTY to incorporate the Lot Line Adjustment section into Title 16 with a cross reference in Title 17 of the El Dorado County Code. The draft Ordinance codifies current requirements under the Subdivision Map Act and Chapter 16.53 of the County Code; incorporates General Plan Policy 2.2.5.12 by codifying a 20 percent maximum reduction in minimum lot size requirements under the applicable zone, and extends this to existing substandard lots, and applying the 20 percent reduction to development standards of existing structures; provides a solution to indeterminate lot lines through a Lot Line Agreement process; clarifies instances where improvements ensuring adequate access, utilities, drainage facilities or fire safety can be required to insure public health, safety and welfare; and streamlines the permit process by: omitting common practice of reviewing for the potential of one or more lots being enlarged to allow further subdivision, limiting agencies' considerations to conformance to General Plan policies as well as local zoning and building ordinances and to the relocation of existing utilities, infrastructure, or easements, clarifying process and approval responsibilities as to Department title, and providing clear direction to staff and the public through a new Zoning Ordinance provision. (Exempt pursuant to Section 15601(b.3) of the CEQA Guidelines)

Lillian MacLeod presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Ms. MacLeod explained that due to the modifications made after the

Board's review on September 23, 2008, it was determined to request the Planning Commission review the draft ordinance prior to bringing it back to the Board for approval.

Commissioner Mathews stated that he liked the flexibility in the ordinance.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner MacCready, and unanimously carried (5-0), to recommend the Board of Supervisors take the following action: 1. Certify the project is exempt from environmental review pursuant to Section 15061 of the CEQA Guidelines; 2. Approve OR07-0004 incorporating the Lot Line Adjustment Ordinance into Title 16 of the County Code, as an update to Chapter 16.53; and 3. Approve Zoning Ordinance Section 17.14.085, which provides a cross reference to the Lot Line Adjustment Ordinance under Title 16.

Proposed Chapter 16.53 – Lot Line Adjustments

CHAPTER 16.53 LOT LINE ADJUSTMENTS

16.53.010	Purpose and intent
16.53.020	Definitions
16.53.030	Application Requirements
16.53.040	Procedure/Approval Process
16.53.050	Zoning/General Plan consistency required
16.53.060	Subdivision Map Act consistency required
16.53.070	Exceptions
16.53.080	Public utilities, infrastructure relocation
16.53.090	Appeals
16.53.100	Time limits/expiration date
16.53.110	Recordation

16.53.010 Purpose and intent. The purpose of this chapter is to provide for the orderly development and effective use of existing, legal lots by permitting adjustments to property lines pursuant to California Government Code §66412(d). It is the intent of this chapter to accommodate such adjustments provided that they are consistent with the zoning and General Plan land use designation of the properties involved and do not adversely impact existing infrastructure necessary to serve the lots.

16.53.020 Definitions.

“Adjoining lots” means lots whose boundaries share at least one common point or line.

“Legal lot” means those lots that have been either:

1. Created or adjusted prior to March 4, 1972; or
2. Created through a properly recorded parcel or final map; or
3. Created previously through a County approved lot line adjustment; or
4. Has a properly recorded clear ~~or conditional~~ Certificate of Compliance; ~~or~~
5. ~~Has an issued permit or grant of approval for development from the County, with no subsequent violation of the Subdivision Map Act occurring from the date of issuance.~~

“Boundary Line Agreement” means an agreement between adjoining property owners as to the location of a respective property line when its certain location is unclear ~~to a licensed land surveyor or civil engineer licensed to practice land surveying.~~

“Merge” means the adjustment by removal of a lot line between adjoining lots under common ownership that results in the creation of one lot. At least one of the lots involved in the merge must be a legal lot.

16.53.030 Application Requirements. Lot line adjustment requests shall be submitted to the ~~Planning~~ Development Services Department on forms provided by the Department. The application shall be accompanied by a filing fee as established by the most current Resolution adopted by the Board of Supervisors and shall include, but not be limited to, the following information:

A. An exhibit map prepared and stamped by a licensed land surveyor or civil engineer licensed to practice land surveying. The exhibit shall be drawn to scale showing all existing and proposed boundaries of affected properties.

B. Current deeds describing all lots.

~~C. Verification that real property taxes are current on all affected lots.~~

~~D. C.~~ Written consent from all record title interest holders current property owners.

16.53.040 Procedure/Approval Process. Upon receipt of a complete application, the ~~Deputy Director of Planning, or his/her designee,~~ Department may distribute said documents to interested agencies for review and comment.

A. Within 30 days of accepting a complete application, the ~~Deputy Director~~ Department shall determine if the proposed lot line adjustment complies with all applicable State laws and County ordinances. ~~The Deputy Director may refer review of a proposed lot line adjustment to the Development Services Director when it is deemed necessary because of General Plan consistency issues, County policy implications, unique or unusual environmental, infrastructure, or land use incompatibility issues, the scale of the project, or other factors determined by the Deputy Director to be sufficiently significant to warrant such review.~~

B. A Boundary Line Agreement can be memorialized through the ~~Planning~~ Department application or referred to the County Surveyor for approval subject to the discretion of the Director.

16.53.050 Zoning / General Plan consistency required.

- A. Except as provided in subsection 16.53.070 (Exceptions), all lots resulting from a lot line adjustment shall conform to all development standards of the zone in which they are located to include, but not be limited to, the following:
 - 1. Minimum lot width;
 - 2. Minimum width as measured at the front setback line;
 - 3. Minimum lot area;
 - 4. Setbacks and coverage standards for all proposed structures; and
 - 5. Dwelling unit density.

- B. Existing lots which cross zone boundaries may adjust property lines without rezoning the reconfigured lots, provided the minimum lot size is met within each zone overlying its respective portion of the property. Where the resultant lot has mixed zone areas equal to or greater than 50 percent but less than 80 percent of the minimum lot size for either respective zone, a rezone may be required at the discretion of the Department.

- C. All resulting lots shall be consistent with General Plan policies establishing minimum lot sizes listed under Table 16.53.050.A as follows:

Table 16.53.050.A
General Plan Policies

POLICY	SUBJECT	POLICY SUMMARY **
2.2.1.2	Land Uses	Minimum parcel sizes and densities
2.2.2.2	Agricultural District	20 acre minimum, if suitable for agriculture.
2.2.6.5	Texas Hill Reservoir Take Line	10 acre minimum; possible setback buffers.
5.2.3.5, 5.3.1.2	Groundwater, wastewater systems	5 acre minimum, with exceptions
6.4.1.4, 6.4.1.5	Floodplain, dam inundation areas	No parcels entirely within 100 year flood plain; New parcels partially within 100 year flood plain must have sufficient land for construction of structures and wastewater systems.
7.2.2.1	Mineral resources	20 acre minimum with exceptions
8.1.3.1, 8.2.2.5	Agricultural lands	10 acre minimum adjacent to such lands, with width-to-length ratio and setback requirements.
8.3.2.1–8.3.2.3, 8.4.1.1	Timber Production lands	10 to 160 acre minimum, as applicable.
** Policy Summary provided for illustrative purposes only. See General Plan Policy for official information.		

16.53.060 Subdivision Map Act consistency required.

- A. A lot line adjustment shall be between four or fewer existing adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than existed originally will not be a direct result of the lot line adjustment. Adjoining lots in one lot line adjustment may adjoin by separate points or lines in a series and do not have to all share the same point or line.
- B. A lot line adjustment between five or more lots in a subdivision or parcel map must be adjusted through a Map Amendment or Tentative Map application (Title 16.72).
- C. The ~~Director~~ Department may consider subsequent or serial lot line adjustments that involve all or portions of the same land, in compliance with the intent of the Subdivision Map Act.

16.53.070 Exceptions. The following exceptions to subsection 16.53.050 (Zoning/General Plan consistency) may be permitted:

- A. Existing Conforming Lots: Where existing conforming lots are proposed to be reconfigured to a nonconforming lot size due to existing roads, easements, unique geographical features of the land or better management of natural resources, the resultant lot(s) shall not be reduced more than ~~40~~ 20 percent of the minimum lot size requirement under the zone.

Where existing development on the proposed reconfigured lots will be rendered non-conforming to specific development standards such as setbacks, frontage and coverage requirements, the resultant non-conformity will be allowed providing it does not exceed ~~40~~ 20 percent of each applicable development standard.

- B. Existing Non-conforming Lots: Where some or all of the existing lot(s) are non-conforming in size to the minimum requirements of the zone or General Plan and where existing roads, easements, unique geographical features or important resources exist, the ~~Deputy Director~~ Department may approve a lot line adjustment subject to the following:

- 1. A greater non-conformity may be allowed to better fit said features or to consolidate and manage said resources, provided:

- ~~a. It does not increase the non-conformity by more than 10 percent of each existing lot size;~~

- ~~ba.~~ The resultant smallest lot shall be ~~equal to or greater in size than~~ no smaller than 90 percent of the existing smallest lot; and

- ~~eb.~~ Existing conforming lots that may be involved in the adjustment remain subject to subsection 16.53.070.A.

- 2. All other provisions of this Chapter shall apply.

- C. Non-conforming structure on property line: Where a non-conforming structure straddles a property line between two lots under separate ownership, a lot line adjustment can be approved that reduces the size of one of the lots by ~~greater than 10~~ no greater than 20 percent of the minimum requirements of the zone in order to clarify ownership of the existing structure. Any resulting non-conformance to development standards, such as setbacks, ~~that are either created or enlarged~~ shall be considered as legal, non-conforming.

16.53.080 Public utilities, infrastructure relocation.

- A. Sufficient easements shall be provided to serve each lot involved in a lot line adjustment. Any road easements that are created may be required to be irrevocably offered in dedication to the County, based on the recommendation from the Department of Transportation and approval by the ~~Deputy Director~~ Development Services Department.
- B. Improvements to existing utilities, roads and drainage facilities serving the lots may also be required, as determined necessary by the ~~Deputy Director~~ Department. Physical improvements shall be limited to providing resultant lots with the same availability of service as the original lots, ensuring the same level of access that the lots had before a lot line adjustment was approved.

16.53.090 Appeals.

- A. Any decision by the ~~approving authority~~ Department may be appealed by the applicant(s) to the Director, whose decision shall be final, except for those issues involving road and public utility easements. For those excepted issues, the decision of the Director can be appealed to the Zoning Administrator subject to the timelines indicated below. The decision of the Zoning Administrator shall be final.
- B. An appeal must be filed within ten working days from the decision by the ~~Deputy Director~~ Department by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board of Supervisors, to the ~~Planning~~ Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal. The Director shall consider all issues raised by the appellant, and may consider other relevant issues related to the lot line adjustment on appeal.
- C. The decision on an appeal shall be rendered no more than 30 days from receipt of a completed appeal form and fee. The appellant(s) may withdraw the appeal at any time prior to the final decision being made by the Director.
- D. Final recordation of the lot line adjustment shall be stayed until the conclusion of the appeal period set forth in Subsection B above. A properly filed appeal shall stay the recordation of the lot line adjustment until the appeal is decided.

16.53.100 Time limits/expiration date. Final recordation of the lot line adjustment must occur within one year from either the end of the appeal period, or from the final decision on an appeal,

whichever comes later. Two, one-year time extensions can be allowed subject to written request of the applicant, accompanied by a fee as established by the most current Resolution adopted by the Board of Supervisors, and approval by the ~~Deputy Director~~ Department. Failure to record within this time will result in the expiration of the lot line adjustment.

16.53.110 Recordation. Lot line adjustment approvals are not effective until recorded in the Office of the County Recorder. Upon recordation of a lot line adjustment all pre-existing lot lines are deemed erased by the newly recorded adjustment. Documents used to record lot line adjustments shall be submitted to the County Surveyor for review and recordation and shall include the transfer deeds that reflect the new property descriptions executed by all affected owners of record, as well as verification that real property taxes are current on all affected lots. Any existing deeds of trust shall be revised to reflect the new property descriptions and shall be approved by the beneficiaries of said deeds of trust.

Proposed Chapter 17.14

Chapter 17.14

MISCELLANEOUS DEVELOPMENT REQUIREMENTS

Sections:

I. GENERALLY

- 17.14.010 Future right-of-way line use.
- 17.14.020 Front setback reduction for slope.
- 17.14.030 Setback variation for private garage.
- 17.14.040 Setback along developed roads.
- 17.14.050 Encroachment into required yards.
- 17.14.060 Stables.
- 17.14.070 Public utility distribution, transmission lines and/or facilities.
- 17.14.080 Leasing motorcycles.
- 17.14.085 Lot Line Adjustments
- 17.14.090 Interior lot lines.
- 17.14.095 Mineral resource development.
- 17.14.100 Waste water treatment plans.
- 17.14.110 Parcel size exception—Parcels conveyed to government agency.
- 17.14.120 Parcel size exception.
- 17.14.130 Architectural supervision.
- 17.14.140 Zoning permits.
- 17.14.150 Height limits and exceptions.
- 17.14.160 Recycling collection facilities.
- 17.14.170 Outdoor lighting
- 17.14.180 Ranch marketing.
- 17.14.190 Wineries.

17.14.200 Communication Facilities, Wireless

17.14.085 Lot Line Adjustments. The requirements under this section are located under Chapter 16.53 of the El Dorado County Subdivisions Ordinance.

13. **GENERAL PLAN UPDATE** – None

14. **ZONING ORDINANCE UPDATE** – None

15. **DEPARTMENT OF TRANSPORTATION**

Eileen Crawford informed the Commission that DOT Director Richard Shepard had announced his resignation and Jim Ware, Deputy Director, was appointed as the Interim Director. She also stated that in December 2008, there was a reorganization in DOT and she now resides in the Placerville office and distributed her new phone number to the Commission. Ms Crawford provided the Commission with a website that has a link showing the Capital Improvement Plans for each district.

Chair Tolhurst suggested that Jim Ware schedule an introduction meeting with the two new Planning Commissioners.

16. **COUNTY COUNSEL'S REPORTS** – None

17. **DIRECTOR'S REPORTS** – Presented during Departmental Reports (#5)

18. **ADJOURNMENT**

Meeting adjourned at 11:50 a.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

Alan Tolhurst, Chair