



# EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
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Walter Mathews, Chair, District IV  
Alan Tolhurst, First Vice-Chair, District V  
Lou Rain, Second Vice-Chair, District I  
John MacCready, District II  
Tom Heflin, District III

Char Tim ..... Clerk of the Commission

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## MINUTES

**Regular Meeting  
February 12, 2009 – 8:30 A.M.**

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

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

### **2. ADOPTION OF AGENDA AND ADDENDUM**

**Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (4-0), to adopt the agenda and addendum as presented.**

**AYES: Heflin, Rain, MacCready, Mathews**

**NOES: None**

**ABSENT: Tolhurst**

### **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:** January 22, 2009

### **END OF CONSENT CALENDAR**

Item was pulled off of the consent calendar by Commissioner Rain, who requested additional language be included in the discussion text of Item 9-DR08-0003/The Shops at El Dorado Hills. Chair Mathews read into the record the following requested wording: “*Commissioners Rain and Tolhurst requested the applicant to tone down the shade a little darker and to go less white. The applicant was agreeable.*”

**Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and unanimously carried (3-0), to approve the January 22, 2009 minutes as modified.**

**AYES:** MacCready, Mathews, Rain  
**NOES:** None  
**ABSTAIN:** Heflin  
**ABSENT:** Tolhurst

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

Roger Trout, Director of Development Services, informed the Commission that at the February 3, 2009, Board of Supervisors meeting, they approved a schedule of General Plan implementation workshops on Mondays beginning on March 9, 2009, which will have two sessions. Part I – Implementation Issues will begin at 9:00am, with Part II – Biological Resource Issues beginning at 1:30pm. Workshops on Agricultural Issues and Economic Development will be held on March 23, 2009 and May 4, 2009, respectively. There had been some discussion on having Planning Commissioners in attendance, therefore, Mr. Trout requested that they contact him individually on their availability for any or all of these workshops. Several indicated that they had conflicts, with Commissioner Rain stating he would be available for the majority, if not all, of them and would happily be the representative for the Commission, if so desired.

Pierre Rivas provided a summary of the Board of Supervisor’s actions at the February 3, 2009, hearing:

- SPR08-0022/Coloma Blues Live: This item was approved.
- Z03-0005/Winery Ordinance: This item was approved.
- A08-0002/Ag Buffers: The Board did not adopt the amendment that the Planning Commission had recommended for approval, but instead adopted interpretations and directed staff to return on February 24, 2009 with criteria for flexibility in rural regions.
- Z08-0021/PD08-0012/TM08-1472/Indian Creek Ranch Subdivision: This item was approved.

Staff also provided a summary of the Board of Supervisor’s actions at the February 10, 2009, hearing:

- The Board conceptually approved removing Camino/Pollock Pines from the Community Region and adding Camino, Cedar Grove and Pollock Pines to the Rural Centers. They differed action as the Planning Commission is already scheduled for a workshop on February 26, 2009, regarding this issue.
- OR07-0004/Lot Line Adjustment Ordinance: This item was approved.

Peter Maurer informed the Commission that a draft RFP INRMP contract is scheduled for the Board’s review on February 24, 2009.

**6. COMMISSIONERS’ REPORTS**

Commissioner Rain stated that he had attended the February 6, 2009, class “Role of the Planning Commissioner” and has requested the Clerk to copy the course booklet as he found it very informative and feels the other Commissioners would find it beneficial.

Commissioner Heflin indicated that he had received a letter from a group titled “Concerned Camino Citizens” and read the letter into the record. He inquired as to what the options were to proceed with their concerns. Pierre Rivas requested that he forward the letter to staff so that they may research their complaints and will respond back directly to the Commissioner with their findings.

**9:00 A.M.**

**PUBLIC FORUM/PUBLIC COMMENT** – None presented

**7. FINDING OF CONSISTENCY**

**GOV08-0010** submitted by SUNRIDGE MEADOWS HOMEOWNERS ASSOCIATION (Agent: Norman Spaulding) for Finding of General Plan Consistency per Government Code Section 65402(a) for General Vacation of portions of Heffren Drive and Dodson Road within the Sunridge Meadows Subdivision. The property, identified by Assessor’s Parcel Numbers 087-330-01 and 087-340-21, is located within the Sunridge Meadows Subdivision on the east side of Latrobe Road approximately 2 miles north of the intersection with South Shingle Road in the Latrobe area, Supervisorial District II.

Jonathan Fong presented the item to the Commission with a recommendation for approval.

Chair Mathews requested clarification on the access issue and if the general vacation of the roads would impact the surrounding areas.

No further discussion was presented.

**Motion: Commissioner MacCready moved, seconded by Commissioner Heflin, and unanimously carried (4-0), to: 1. Per Government Code 65402(a), find the proposed General Vacation GOV 08-0010, vacating portions of Heffren Drive and Dodson Road, consistent with the applicable policies of the adopted 2004 El Dorado County General Plan.**

**AYES: Rain, Heflin, MacCready, Mathews**

**NOES: None**

**ABSENT: Tolhurst**

**8. DESIGN REVIEW**

**DR08-0005** submitted by CALVARY CHAPEL OF THE GEORGETOWN DIVIDE/PASTOR JAY MCCARL (Agent: Max Houck) for an existing 1,920 square-foot assembly building, 256 square-foot deck, and associated lighting, signage, landscaping and parking. The property, identified by Assessor’s Parcel Numbers 074-100-40, and -41, consisting of 2 acres, is located on the east side of State Route 193, approximately 0.25 miles south of the intersection with Sliger

Mine Road in the Greenwood area, Supervisorial District IV (Categorically Exempt pursuant to Section 15303(C) of the CEQA Guidelines)\*\*

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

Commissioner Heflin requested clarification on the signage.

Jay McCarl, applicant, was available for any questions.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to: 1. Certify that the project is exempt from CEQA pursuant to Section 15303(C) of the CEQA Guidelines; 2. Approve Design Review DR08-0005, based on the findings proposed by staff, subject to the conditions as presented.**

**AYES: Rain, Heflin, MacCready, Mathews**  
**NOES: None**  
**ABSENT: Tolhurst**

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 can be made:

#### **1.0 CEQA Findings**

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(C) of the CEQA Guidelines Sections. Section 15303 (C) applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

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

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

2.2 As conditioned, the proposal is consistent with the intent of General Plan Policies 2.1.2.1 (Rural Center boundaries), 2.1.2.2 (Rural Center definition), 2.2.2.3 (Rural Center purpose), 2.2.5.2 ( review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities), 5.7.1.1 (adequate

emergency water and related facilities), 6.2.3.2 (adequate access), and 6.5.1.8 (noise impacts), because of the appropriateness of the subject project within a Rural Center, the review for General Plan consistency, and the minimal impacts to visual qualities, noise, traffic, and on existing emergency response capabilities. The project can be found to be compatible with the community, had review and conditional approval of by the Garden Valley Fire Protection District, there is adequate availability of utilities such as water, power and solid waste facilities, and the project adds a community benefit by supplying worship services to the local residents.

### **3.0 Zoning Findings**

- 3.1 The project is zoned Commercial which allows places of worship by right. The 1,920 square-foot assembly/classroom building and attached 256 square-foot deck would comply with the minimum development standard for parcel sizes in C pursuant to 17.32.040 Section A for minimum lot area of 5,000 square feet. The said building would comply with Section C for minimum lot width of 50 feet, and Section D for minimum yard setbacks of ten feet front and five on the sides and rear.

### **4.0 Administrative Findings**

- 4.1 The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood and can be found to have minimal, if any, public health, safety, and welfare impacts regarding traffic, noise, parking, lighting, and aesthetics issues.

### **Conditions of Approval**

#### **Planning Services**

1. This design review is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through N2 dated February 12, 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:

Design Review for the construction and alteration of an existing 1,920 square-foot assembly building, a new 256 square-foot deck, and associated lighting, signage, landscaping and parking.

**Planning Services Site Specific and Standard Conditions**

2. All signs shall comply with Exhibits L1 – L4. The sign plans shall be reviewed for compliance with the approved sign exhibits by Development Services prior to final occupancy sign-off for Building Permit 189139. Should the southern parcel (074-100-41) ever be sold separately, either a special use permit would be required for an off-site sign, or the sign would be required to be removed from that parcel.
3. All outdoor lighting shall conform to the approved exterior lighting plan shown in Exhibits K1 and K2, and to County Code Section 17.14.170 and shall be altered, replaced or new ones installed so all are shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Security lighting shall be activated with motion-sensor. The final lighting shall be reviewed for conformance with the approved exterior lighting plan shown in Exhibits K1 and K2 prior to final occupancy sign-off for Building Permit 189139.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Development Services.

4. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits A to N2. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by Development Services prior to project modifications.
5. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The two Accessible spaces shall be clearly defined on the parking lot surface. Parking shall conform to Exhibit J and shall consist of the following:

<b>Parking Stall Standard</b>	<b>No. of Spaces</b>
Standard spaces	38
Compact spaces	14
Accessible spaces	2 total, 1 van accessible
<b>Total</b>	<b>52</b>

6. A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking to all property owners for parcels 074-100-40 and 074-100-41. A copy of said agreement shall be provided to Development Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Development Services prior to final occupancy sign-off for Building Permit 189139.

7. Prior to issuance of final occupancy, the applicant shall also schedule an inspection by Development Services prior to issuance of a building permit for verification of compliance with the conditions of approval.
8. The two existing dumpsters shall be shielded from view with a trash enclosure prior to issuance of final occupancy for Building Permit 189139.
9. All Planning Services fees shall be paid prior to issuance of final occupancy for Building Permit 189139.
10. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
11. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
12. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

**9. ZONING ORDINANCE AMENDMENT**

a. **OR06-0006/Density Bonus** initiated by EL DORADO COUNTY for a proposed amendment to County Zoning Ordinance, Title 17 addressing the requirements of Chapter 4.3 §65915 of California Code requiring local governments to provide incentives that will encourage developers to build affordable housing in the form of both: 1) a density bonus, and 2) exceptions from normally applicable zoning and other development standards. The State law requires each city and county to adopt an ordinance that specifies how compliance with this section will be implemented. The adoption of the proposed ordinance also would achieve the requirement of General Plan Housing Element Implementation Measure HO-7, which was adopted July 1, 2008 to ensure these State standards are met. The Ordinance would apply to all areas of the County where residential uses are permitted. (Negative declaration prepared)\*

Shawna Purvines presented this item to the Commission with a request to receive public comment and continue the item to the February 26, 2009 meeting for action.

Chair Mathews inquired on the donation of land and requested clarification on “buildable”.

Commissioner Heflin asked if Agricultural Districts would be applicable for this. Staff confirmed that they could apply.

There was discussion on the difference between this amendment, which is State law, and the County’s code on this issue in regards to rural areas. Peter Maurer indicated that it would be very unlikely to have affordable housing developed in rural areas.

Noah Briel stated that the way El Dorado County is being developed is not working and there should be consideration on how to combine providing affordable housing and rural atmosphere (i.e., villages instead of suburbia).

CJ Freeland, El Dorado County Housing Authority, supports this amendment as it meets the requirements and provides a variety of housing for all income types.

No further discussion was presented.

**Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and unanimously carried (4-0), to continue the item to the February 26, 2009, meeting.**

**AYES: Rain, Heflin, Mathews, MacCready**  
**NOES: None**  
**ABSENT: Tolhurst**

b. **OR09-0001/Avigation and Noise Easement** initiated by EL DORADO COUNTY to amend Ordinance Code Section 17.38.062 of Avigation and Noise Easement Required by deleting in its entirety the present language of the ordinance code section which requires that before a permit can be issued for any development activity in an airport safety zone the property



owner must provide the County with an avigation easement and replace that language with a requirement that whenever a discretionary permit or permit for a habitable structure is sought for property within an airport safety zone, the matter will be sent to the airport land use commission for review and recommendations. (Exempt pursuant to Section 15061(3) of the CEQA Guidelines)\*\*

Peter Maurer presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Maurer explained that this proposed amendment has been reviewed by County Counsel and the Transportation Commission staff.

Martha McGoldrick and Bill Johnston inquired if this amendment would have impact on today's agenda item #13-Z07-0027/PD07-0017/TM96-1325E/Cameron Hills Subdivision, as it is in the vicinity of the Cameron Park airport.

Mr. Maurer explained that since this would be a Zoning Ordinance amendment, if approved, it would apply to any new development. He also stated that the ordinance would have applied before, but there have been changes to the ordinance language.

County Counsel Paula Frantz stated that instead of requiring an avigation easement on all permits in an airport safety zone, the proposed Ordinance would now require a review to determine if a project would need that condition.

Commissioner Rain indicated that during his recent attendance at the "Role of a Planning Commissioner" class, he met an airport expert and when he mentioned the County's proposed Ordinance, he received positive feedback.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and unanimously carried (4-0), to recommend the Board of Supervisors take the following action: 1. Certify the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines; and 2. Approve OR09-0001 revising Ordinance Code section 17.38.062 as proposed, deleting the existing language of the section in its entirety and adopting language that eliminates the mandatory requirement for avigation easements but instead imposes a requirement for review by the airport land use commission when a discretionary permit or permit for a new, expanded or replacement of a legal nonconforming or noncompatible use is applied for in an airport safety zone.**

**AYES: MacCready, Heflin, Rain, Mathews**  
**NOES: None**  
**ABSENT: Tolhurst**

**Findings**

**1.0 CEQA Findings**

1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendment to the Zoning Ordinance would not permit any new construction other than that already authorized by the zoning ordinance, nor would it result in any additional environmental impacts.

**2.0 General Plan Findings**

2.1 The proposed zoning ordinance amendment is consistent with applicable General Plan policies, specifically Policy 2.2.5.13 which requires compatibility of land uses surrounding airports and review by the Airport Land Use Commission, and 6.8.1.1 which requires compliance with adopted Community Land Use Plans for development within Airport Safety Zones.

**10. GENERAL PLAN AMENDMENT**

**A08-0013/Hazard Mitigation Plan** initiated by EL DORADO COUNTY SHERIFF to amend Objective 6.1.1 and Policy 6.1.1.1 to incorporate the Hazard Mitigation Plan into the Public Health, Safety, and Noise Element of the General Plan pursuant to Assembly Bill AB2140 which was passed into law on January 1, 2007. (Addendum prepared to the 2004 General Plan EIR/SCH No. 2001082030)

Peter Maurer presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Commissioner Rain clarified, with staff consenting, that by incorporating this amendment into the General Plan, it will allow the County to be eligible for full funding from the State.

No further discussion was presented.

**Motion: Commissioner Heflin moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to recommend the Board of Supervisors take the following action: 1. Approve the addendum to the 2004 General Plan EIR; and 2. Adopt the Resolution amending Objective 6.1.1 and Policy 6.1.1.1 of the Public Health, Safety, and Noise Element, based on the findings proposed by staff.**

**AYES:** Rain, MacCready, Heflin, Mathews  
**NOES:** None  
**ABSENT:** Tolhurst

### **Findings**

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

#### **1.0 CEQA Findings**

- 1.1 The proposed change to Objective 6.1.1 and Policy 6.1.1.1 is not a substantial change and does not require substantial changes to the previous EIR because there are no new significant environmental effects and no substantial increases in the severity of previously identified significant effects. Changes in the severity of the impacts will not increase for all impacts, as described in the addendum and in the staff report.
- 1.2 Substantial changes to the previous EIR are not required due to the lack of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Hazard mitigation plan implements the General Plan and its policies and does not create or result in new environmental effects.
- 1.3 An addendum to the 2004 General Plan EIR is appropriate for compliance with CEQA, pursuant to 14 CCR §15164, based on the following:
  - 1.3.1 No new significant effects have been identified as a result of the proposed amendment to Objective 6.1.1 and Policy 2.2.5.20 than those analyzed in the 2004 General Plan EIR, as discussed in the addendum and staff report.
  - 1.3.2 As discussed in the addendum and staff report, each of the significant effects examined in the EIR and addressed Hazard Mitigation Plan will not be substantially more severe than shown in the previous EIR;
  - 1.3.3 No mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and
  - 1.3.4 No mitigation measures or alternative that are considerably different from those analyzed in the previous EIR have been identified that would substantially reduce one or more significant effects on the environment.

#### **2.0 Administrative Findings**

- 2.1 Adoption of the Hazard Mitigation Plan and incorporation of said plan into the General Plan is consistent with State of California Assembly Bill 2140 and Senate Bill 1764.

**11. GENERAL PLAN AMENDMENT/REZONE**

**A08-0006/Z08-0015** submitted by STEWART and DENISE LOMAX to amend the land use designation from High Density Residential (HDR) to Multifamily Residential (MFR) and rezone from One-Half Acre Residential District (R20K) to Multifamily Residential-Design Community (RM-DC). The property, identified by Assessor's Parcel Number 054-431-15, consisting of 0.5 acres, is located on the east side of Panther Lane, approximately 200 feet north of the intersection with Fowler Lane in the Diamond Springs area, Supervisorial District III. (Negative declaration prepared)\*

Aaron Mount presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Mount stated that staff had researched the parcel and determined that there was no indication that it had been deemed a "buffer" parcel. He also said that there is no development being proposed for this parcel.

The applicant was available for any questions.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and unanimously carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve General Plan amendment application A08-0006 and Rezone application Z08-0015 based on the findings proposed by staff.**

**AYES: MacCready, Heflin, Rain, Mathews**  
**NOES: None**  
**ABSENT: Tolhurst**

**Findings**

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

**FINDINGS FOR APPROVAL**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.

- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 General Plan Findings**

- 2.1 The proposed General Plan Amendment from High Density Residential to Multifamily Residential is consistent with all other applicable policies of the General Plan including 2.2.1.2, 2.2.5.21, and HO-1.2 because of the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to emergency responders, existing land use pattern adjacent to the site, and the County's intent to maintain an adequate supply of sites to meet the need for the development of a variety of density types..
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

## **3.0 Zoning Findings**

- 3.1 A rezone to Multifamily Residential-Design Control will allow the property to be consistent with the proposed General Plan designation of Multifamily Residential.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Multifamily Residential-Design Control (RM-DC) and the ensuing uses it allows is consistent with the allowed uses intended by the Multifamily Residential (MFR) land use designation.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the existing land use pattern.
- 3.4 The proposed project is consistent with the El Dorado County Zoning Ordinance designation of Multifamily Residential (RM) and the development standards within Section 17.28.160.

**12. GENERAL PLAN AMENDMENT/REZONE/PARCEL MAP/PARCEL MAP AMENDMENT**

A07-0017/Z07-0053/P07-0048/P76-0466-C submitted by LORRIE and JERRY STARK (Agent: Carlton Engineering/Ted Woessner) to amend General Plan land use designation for Assessor's Parcel Number 102-070-17 from Rural Residential (RR) to Low Density Residential (LDR); Rezone Assessor's Parcel Number 102-070-17 from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5); Tentative parcel map for Assessor's Parcel Number 102-070-17 to create four lots, five acres in size, on a 20 acre site; Amend Parcel Map PM12-119 for Assessor's Parcel Numbers 102-070-29 and ~~107-020-30~~ 102-070-30 to remove a 50-foot non-exclusive road and public utility easement; and to request the following design waivers: (a) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and (b) Allow a hammerhead "T" at road terminus in lieu of a cul-de-sac. The property, identified by Assessor's Parcel Numbers 102-070-17, -29, and ~~107-020-30~~ 102-070-30, consisting of 42 acres, is located on the east side of Deer Valley Road, approximately two miles north of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Mitigated negative declaration prepared)\*

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

Jim Wilson/Carlton Engineering, the applicant's agent, commented on the last sentence in the Monitoring section for Conditions 2, 3, and 4, which states a letter from the agency shall be provided to Planning Services stating no permit shall be required for the project prior to issuance of grading permits. He stated it is very difficult to get responses from these agencies and it would delay the project. Mr. Wilson also requested that DOT's Condition 22 be removed since the project will not have CC&Rs and this condition would require it to have them just for that one item.

Pierre Rivas stated that staff would be agreeable to the removal of Condition 22. Eileen Crawford/DOT stated it was a standard condition but had no opposition to its removal for this project.

Jeff Little, Sycamore Consulting, stated that per CEQA, if there is no impact, then no mitigation measures are required and, therefore, does not see the need for a condition requiring letters stating that no permit is needed. He agrees with the applicant's agent that the sentences in the three conditions should be removed.

Chair Mathews inquired if there was any other methodology beside the requirement of a letter in order to meet the condition.

Mr. Mount indicated that verification is needed from the agencies and other applicants have not had difficulty in obtaining the letters.

County Counsel Paula Frantz cautioned the Commission that if they wanted to change the mitigation measures as requested by the applicant, then she would recommend a continuance. A

possible option would be for them to direct staff to work with the agencies to determine if there is an alternate mitigation besides the requirement of a letter.

Mr. Little stated that there wasn't a problem with the mitigation measure, it was the monitoring component.

Commissioner Rain was not comfortable in the possibility of not having it in writing, as that protects everyone involved.

Mr. Wilson stated that they did not want a continuance, but had just wanted to bring this to the attention of the Commission.

It was noted that a letter of opposition was received.

Colleen O'Brien, resident adjacent to parcel, does not want to be impacted by someone developing close to her property line. She is concerned with a building or fence blocking her views and is particularly concerned about AB885 as her septic is close to the property line.

County Counsel Paula Frantz stated that you cannot condition a General Plan Amendment or Rezone application, but you can find that the application will only be approved if certain conditions were added.

Mr. Wilson stated that there were building sites further down the hill away from Ms. O'Brien. He also indicated that the test sites for the septic were conducted 300 feet from the property line and that the well would be close to the house. He suggested that a condition be placed on the project for a 100 foot rear setback on the eastern side.

Chair Mathews wanted to ensure that it was understood that the only reason the issue of a view was being considered was due to the fact that the application included a General Plan amendment.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and unanimously carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures as proposed by staff; 3. Approve A07-0017 for APN 102-070-17 based on the findings proposed by staff; 4. Approve Z07-0053 for APN 102-070-17 based on the findings proposed by staff; 5. Conditionally approve parcel map application P07-0048 for APN 102-070-17 and conditionally approve map amendment P76-0466-C, amending Parcel Map PM12-119 for APNs 102-070-29 and 102-070-30, based on findings proposed by staff, subject to conditions as modified, which include the removal of Condition 22 and adding a new condition to include a 100 foot non-building setback from the eastern property line; and 7. Approve the following design waivers since appropriate findings have been made:**

**(a) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and (b) Allow a hammerhead “T” at road terminus in lieu of a cul-de-sac.**

*[Clerk’s Note: During the motion, it was discovered that APN 102-070-30 was incorrectly listed as APN 107-020-30 in the Staff Report and was changed accordingly, with the motion reflecting the correct APN.]*

**AYES: MacCready, Heflin, Rain, Mathews**  
**NOES: None**  
**ABSENT: Tolhurst**

**Findings**

**1.0 CEQA Findings**

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

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, 2.2.1.2, 2.2.5.3, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.1.2.1, 7.3.3.4, and 7.4.4.4, concerning, adequate roadways, water supply, land use density, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, disturbance of slopes in excess of 30 percent, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as groundwater capability to support wells, septic and leach field



capability, capacity of the transportation system serving the area, and existing land use patterns. There are no existing CC & R's. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

- 2.2 The proposed General Plan Amendment from RR to LDR is consistent with all other applicable policies of the General Plan including 2.2.1.2 and 2.2.5.21 concerning the project's location within a rural region, land use compatibility with adjacent residential development, lot sizes, and overall project density. The proposed project would create four five-acre lots from a twenty acre site. The RR General Plan land use designation allows a density of one dwelling unit per 10 to 160 acres while the LDR General Plan land use designation allows a maximum allowable density of one dwelling unit per 5 acres. The current General Plan land use designation would permit a maximum density of two lots and the proposed General Plan amendment would increase the density to four lots. Therefore, this project would provide an appropriate residential density with adequate circulation and access and is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.
- 2.3 As proposed, the project is consistent with the Low Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable maximum density of one dwelling per five acres. The proposed project density conforms to the General Plan land use designation.

### **3.0 ZONING FINDINGS**

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards and the proposed development plan because the proposed lots meet the development standards of the RE-5 zone district pursuant to section 17.28.210 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.
- 3.2 The existing residential structures at the subject site are permitted by right under Section 17.28.190.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Tentative Parcel Map**

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.* As proposed, the tentative map conforms to the LDR General Plan land use designation and applicable General Plan policies including adequate roadways, compatibility with the surrounding neighborhood, groundwater capability, septic and leach field capability, adequate emergency access, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention.

- 4.1.4 *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 Estate Residential Five-Acre (RE-5) Zone District and the Minor Land Division Ordinance.*
- 4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1 unit per five acres. Adequate groundwater capability and septic and leach field capability exists on the site.*
- 4.1.3 *The proposed subdivision is not likely to cause substantial environmental damage. A mitigated negative declaration was prepared for the proposed tentative subdivision map. Based on the Initial Study, staff finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant.*

## **4.2 Map Amendment Findings**

- 4.2.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary. Alternative access has been granted to Parcel A of PM 12-119 by an encroachment onto Deer Valley Road and development of the proposed parcel map will ensure access to Parcel B of PM 12-119 and Parcel 5 of PM 8-60. The subject easement was never used or developed by any affected land owners or utility companies. All parcel owners with deeded rights to the easement also did not oppose the project as well. Therefore, the subject easement is not needed.*
- 4.2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property. The abandonment and relocation of the road and public utility easement being requested would benefit, and not burden, the current owners.*
- 4.2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map. The full 50-foot easement for road and public utilities was for the benefit of the parcels identified by Assessor's Parcel Numbers 102-070-17, -29, and -30. The subject road and public utility easement was never developed and alternative access has been shown for all three parcels through processing of the tentative parcel map and the parcel map amendment. Therefore, the map may be amended to reflect the project request.*
- 4.3.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code. The applicable portion of Section 66474(g) requires that the County find the reduction of the road and public utility easement will not conflict with easements for access through or use of, property within the parcel map. No utility company, public agency, or parcel owner with interest in the easement, objected to the reduction in the length of the 50 - foot non-exclusive road and public utility easement subject of this permit request.*

## 5.0 DESIGN WAIVER APPROVAL FINDINGS

### 5.1 Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual

- 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 project design for the onsite roadway includes two stream crossings, removal of oak tree canopy, and areas of steep slopes. Both DOT and the responsible Fire District are supportive of the design waiver request.
- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements will require increased impact to the two stream crossings, additional grading, and additional oak tree canopy removal. The onsite road will be developed to the full fire safe required width of 20 feet.
- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the Fire District has determined that the reduced shoulder width will still provide adequate emergency vehicle access, connection to adjoining residences, and on site circulation.
- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

### 5.2 Allow a hammerhead "T" at road terminus

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Due to steep slopes and oak tree canopy, the approval of the hammerhead "T" turnaround will reduce the grading and oak tree impacts by fifty percent as compared to the use of a standard cul-de-sac. The Fire District has no objections to the hammerhead "T" turnaround.
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The hammerhead "T" at road terminus will reduce potential project grading and oak tree canopy removal impacts.
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The Fire District determined

that the hammerhead “T” would provide the same turnaround objective as a standard cul-de-sac.

- 5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County’s implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

**Conditions of Approval**

**I. PROJECT DESCRIPTION**

1. This tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-H, approved February 12, 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:

General Plan amendment from Rural Residential (RR) to Low Density Residential (LDR), rezone from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5), a parcel map creating four lots five acres in size from a 20 acre lot for APN 102-070-17, and a parcel map correction to amend Parcel Map P12-119 to remove and relocate a 50-foot non-exclusive road and public utility easement for APNs 102-070-29 and 102-070-30. An onsite road will be developed to provide access to the proposed parcels with a width of twenty feet and will be privately maintained. Water supply will be from individual wells and sewage disposal will be individual septic systems.

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 required plans must be submitted for review and approval and shall be implemented as approved by the County.

**II. CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION**

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

2. [MM Bio1]. Prior to disturbance of any waters of the United States including any wetland features, a wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

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

3. [MM Bio 2]. A Streambed Alteration Agreement shall be obtained from California Department of Fish and Game, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with California Department of Fish and Game in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

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

4. [MM Bio 3]. Water Quality: The applicant shall determine if a 404 permit is required for the proposed project, water quality concerns during construction would be addressed in a required Section 401 water quality certification by the Regional Water Quality Control Board. A Storm Water Pollution Prevention Program (SWPPP) would be required during construction activities in conjunction with the 401 water quality certification. SWPPPs are required in issuance of a National Pollutant Discharge Elimination System (NPDES) construction discharge permit by the U.S. Environmental Protection Agency. Implementation of Best Management Practices (BMPs) during construction is standard in most SWPPPs and water quality certifications. Examples of BMPs include stockpiling of

debris away from regulated wetlands and waterways; immediate removal of debris piles from the site during the rainy season; use of silt fencing and construction fencing around regulated waterways; use of drip pans under work vehicles; and containment of fuel waste throughout the site during construction.

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

5. [MM Bio 4]. A 50-foot setback line shall be recorded on the final map that begins at all high-water marks or the outer boundary of any adjacent wetlands along Martel Creek and all other intermittent streams as determined by the submitted wetlands delineation and shown on the tentative map. No development shall occur within the setback area. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the final map, Site Plan Review, grading and building plans where applicable. [MM Bio 2].

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

### **III. PROJECT CONDITIONS OF APPROVAL**

#### **Planning Services**

- ~~6.~~ A 100 foot non-building setback line from the eastern property line of APN 102-070-17 shall be shown on the final map.
- ~~6.7.~~ The applicant shall choose to mitigate for oak canopy loss with either Option A or Option B, pursuant to General Plan Policy 7.4.4.4.

If Option A is chosen, the applicant shall be required to replant 90 one-gallon sized interior live oaks (*Quercus wislizenii*) trees (200 trees x 0.45 acre = 90). Alternatively, the applicant may plant 270 acorns [(200 trees x 0.45 acre) x 3 acorns = 270 acorns]. Prior to filing of the parcel map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

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

Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The fee shall be paid prior to filing of the parcel map.

- ~~7.8.~~ 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.
- ~~8.9.~~ 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).
- ~~9.10.~~ The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

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

- ~~10.11.~~ This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
- ~~11.12.~~ All fees associated with the tentative parcel map shall be paid prior to recording the final subdivision map.
- ~~12.13.~~ The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 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.
- ~~13.14.~~ In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

**El Dorado County Department of Transportation**

- ~~14.~~15. Access Roadway: Applicant shall construct and/or verify that the proposed access roadway is constructed to the provisions of El Dorado County Design and Improvements Manual (DISM) 101C and the CA Fire Code 2007, a 20-ft roadway and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
- ~~15.~~16. Encroachment Permit: The applicant shall construct and/or verify the roadway encroachment from the onsite access road onto Deer Valley Road is consistent with the provisions of County Design Std 103D. If it is not, the applicant shall obtain an encroachment permit from DOT and construct the encroachment. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
- ~~16.~~17. Road & Public Utility Easements: The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map. Additionally, since the project includes abandonment of the existing 50-ft wide non-exclusive road and public utilities easement along the south side of the property, the new easement must be written in such a way as to convey all of the same rights to the previously benefited parcels. Finally, sight distance easements, as necessary, shall be provided at the project encroachment as indicated on the map.
- ~~17.~~18. Gates: Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.
- ~~18.~~19. Turnaround: The applicant shall provide a turn around at the end of the access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.



- ~~19.~~20. Easements: All applicable existing and proposed easements shall be shown on the project plans.
- ~~20.~~21. Signage: The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
- ~~21.~~22. Maintenance Entity: The proposed project must form an entity for the maintenance of the private road, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
- ~~22.~~ ~~Common Fence/Wall Maintenance: The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).~~
23. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
24. 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.
25. DISM Consistency: The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
26. Road Improvement Agreement & Security: The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
27. 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.

28. Grading Permit / Plan: If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
29. Grading Plan Review: Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
30. RCD Coordination: The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
31. Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
32. Drainage Study / SWMP Compliance: The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

The site can be adequately drained;

The development of the site will not cause problems to nearby properties, particularly downstream sites;

The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.

The ultimate drainage outfall of the project.

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

33. Drainage, Cross-Lot: Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the map.
34. Drainage Easements: The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the map.
35. NPDES Permit: At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

36. Off-site Access Easements: The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.
37. 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.
38. TIM Fees: The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**El Dorado County Department of Environmental Management**

39. Prior to filing the parcel map each parcel shall have a safe and reliable water supply

**Rescue Fire Protection District**

40. A Fuel Modification and Wildland Fire Safety Plan by a Registered Forester shall be required by Rescue Fire Protection District and the California Department of Forestry and Fire Protection. The Fuel Modification and Wildland Fire Safety Plan shall be reviewed and approved by the Rescue Fire Protection District and the California Department of Forestry and Fire Protection prior to the parcel map being filed.
41. The fire access road and turnaround shall meet the minimum requirements of the fire and will be addressed in the required Fire Safety Plan.
42. The construction of this project shall comply with all codes and regulations as required by the California Building Code, Fire Code, and Fire District requirements.

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

43. The property owners shall submit a "Certificate of Correction" amending PM 12-119. The certificate shall be prepared by an appropriately licensed professional, to the County Surveyor pursuant to the Subdivision Map Act and County Code for review. Then upon approval by the County Surveyor the "Certificate of Correction" shall be recorded in the County Recorders Office, a copy of which shall be provided to Planning Services. The property owners are responsible for all associated processing and recording fees.
44. All survey monuments must be set prior to filing the parcel map.
45. The road serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the parcel map.

46. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on P07-0048 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the consultant and the applicant.

**13. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP**

**Z07-0027/PD07-0017/~~TM96-1325E~~ TM08-1473/Cameron Hills Subdivision** submitted by DOUGLAS HANZLICK (~~Agent: Dunmore Communities~~) to rezone from One Family Residential (R1) to One Family Residential-Planned Development (R1-PD); Allow clustering of lots to avoid sensitive plant species and steep slopes, and a reduction in the minimum parcel size of 5 acres in the Airport Safety Zone 3; Create 41 residential lots ranging in size from 0.14 to 0.47 acres and five lettered open space lots totaling 8.16 acres and a design waiver from the required sidewalk width of 6 feet to 4 feet. The property, identified by Assessor’s Parcel Number 116-010-04, consisting of 20.13 acres, is located on the west side of Cambridge Road approximately 150 feet south of the intersection with Berry Road in the Cameron Park area, Supervisorial District I. (Mitigated negative declaration prepared)\*

Mel Pabalinas presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He stated that comments have been received from the public and agencies in regards to traffic and environmental effects. Staff has determined that the proposed development is consistent with the area and mitigation measures have been proposed to decrease impacts.

Mr. Pabalinas made reference to a staff memo, dated January 20, 2009, regarding corrections to the submitted Staff Report. Included in the corrections is the explanation that TM96-1325E was an old time extension file and has since been withdrawn and is superseded by a new tentative map file application TM08-1473.

Mr. Pabalinas also indicated that staff is recommending a new condition be added to include the Avigation and Noise Easement. County Counsel Paula Frantz stated that this condition had been on the previous map. It was stated that the applicant was agreeable to this new condition.

Staff is also recommending that in Condition 1, in the sentence above Table 1, that the word “approximate” be added before the word “gross”. In addition, at the request of the applicant, Dunmore Communities is to be removed as the project’s agent as they are no longer a part of the project.

The Commission inquired on the Open Space in regards to maintenance and access. Gene Thorne, applicant’s agent, responded that the Open Space in the project is not due to Density Bonus. Open Space Lot C is a drainage easement. Each Open Space has access to the road and is an amenity to the homeowners.

Mr. Thorne proceeded to respond to the various letters received on the project and distributed two maps to the Commission for ease in his explanation. He indicated that the first map clearly

shows that this is an infill project. This property was planned to be developed due to the location of roads and the access provided. In response to the issues brought up in the letters, he stated the following: (1) Site distance is appropriate; (2) Original map had no Open Space and larger parcels, but now project has natural buffers and Open Space adjacent to lots located in the north; (3) An FIL letter from EID states that there is water on the property; (4) Open Space is beneficial to the neighborhood and for fire safety; (5) Already have a R1 designation and is just adding the Planned Development; (6) There was already an approved subdivision map on the parcel when the applicant purchased the property; and (7) Traffic Study is not biased as it goes through DOT to the County's consultant and is then reviewed by DOT.

Bill Johnston stated that the traffic study did not indicate the date or time of when the study was conducted. He made reference to a DOT map and stated that the current levels are what the study is proposing when the development is completed. Eileen Crawford/DOT distributed copies of the map that Mr. Johnston was referring to in his statement.

Jean Costello stated that her issues have been addressed, but still was concerned over the impact of traffic from the development of 41 new homes and that due to the Open Space it was really only 12 acres for 41 homes. Ms. Costello is also concerned about the clustering of lots, reduction of parcel size, and water availability due to the possibility of a drought.

Martha McGoldrick stated that a telephone pole would have to be moved and since she works from home, she cannot have any down time. Also, there have already been two accidents on her property and she is concerned about the increase in traffic.

Tamlynn Katz said that there is already significant traffic and in less than one year, there have been two accidents. She inquired as to why access could not be from Cambridge Road. She also indicated that since her house abuts Open Space Lot A, she is concerned about erosion due to grading and also inquired about fencing to prevent trespassers onto her property.

Tyler Mussetter was concerned regarding all of the issues brought forth, particularly the traffic. He also stated that environmental impacts were a concern. Although he is not against development, the picture painted to him when he moved to the area was that they were going to be large lots. Mr. Mussetter also stated that a road through Cambridge Road instead of Kimberly should be proposed.

Rainer Brueggemann stated that the access should be through Cambridge Road to avoid the increase in traffic on Kimberly.

Judy Mathis agreed that access should be through Cambridge Road. She also stated that the subdivision was well-placed and suggested that staff should review parcels contiguous to the development's Open Space Lots in order to provide public access.

Catherine (?) cited traffic concerns. She also stated that she had contacted the Cameron Park Community Services District (CSD) and they were not aware of this project and it had not gone through their design review for the rezone.

Ms. Crawford responded to inquires of accessing Cambridge Road and said that the General Plan states that a major two-lane road requires ¼ mile spacing and the proposed access meets this requirement. In addition, she stated that DOT has a hired consultant for traffic studies and although the applicant pays for the service it is an outside consultant.

Gina Hunter informed the Commission that in July 2007, the Cameron Park CSD had responded regarding this project, although now it is under a new tentative subdivision map number. Therefore, this application does not need to be resubmitted to the Cameron Park CSD as this new map is the same map that they had commented on.

Mr. Thorne addressed the traffic, access, and grading concerns brought up during the meeting and also indicated that none of the proposed lots are less than standard size and they are providing Open Space.

Chair Mathews stated that since most of the concerns are traffic-related, he would like to see some type of mitigation. Ms. Crawford responded that the County has a committee called "Traffic Advisory Committee" that meets twice a month to provide analysis on speeds, road widths, and traffic accidents in areas of concern brought to the County's attention. The Committee provides recommendations to alleviate issues and they are a separate County process and are not project-related. She indicated that she would contact them that day to notify them to begin the process of evaluating Kimberly Drive.

Commissioner Rain stated that he went to Kimberly Drive and would like to address the neighbors concerns and make it safer with perhaps stops signs and would like to have the Committee review that area.

Chair Mathews said that this was always an infill project and it also creates a through-flow which is separate from Cambridge Road.

Commissioner MacCready inquired on Condition 15 in regards to what an appropriate maintenance program is and what type of criteria is used to evaluate it.

Ms. Frantz stated that it is difficult to prepare criteria in advance since each developer can have a different intent of the purpose and use for proposed Open Space. She also stated that this particular project is subject to General Plan Policy 2.2.3.1.a as it is not using Open Space for Density Bonus. Ms. Frantz recommended that Condition 15 have additional language to state that the Open Space maintenance program shall be submitted to Planning for review and approval. The applicant was agreeable to that new language. Mr. Thorne stated that on page 11 of the Environmental Checklist Form, this is already included, however was also agreeable to adding the additional language.

No further discussion was presented.

**Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (4-0), to recommend the Board of Supervisors take the following action: 1.Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by**

staff; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures proposed by staff; 3. Approve Rezone Z07-0027 based on the findings proposed by staff; 4. Conditionally approve Planned Development application PD07-0017, Tentative Subdivision Map application TM08-1473 and adopting the Development Plan as the official development plan, based on the findings proposed by staff, subject to the conditions as modified, which include amendments to Conditions 1 and 15 and a new condition to include the Avigation and Noise Easement; and 5. Approve Design Waiver request to reduce the required sidewalk width of 6 feet to 4 feet.

**AYES:** Heflin, Rain, MacCready, Mathews  
**NOES:** None  
**ABSENT:** Tolhurst

### **Findings**

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

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA FINDINGS**

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



## **2.0 GENERAL PLAN FINDINGS**

- 2.1** The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, and 7.4.4.4 regarding oak woodland preservation and mitigation.
- 2.2** The proposed use and design conforms to the High Density General Plan Land Use Designation. The project area is located within a Community Region, the proposed use and development density are consistent with the land use designation. The project is consistent with all applicable policies including General Plan Policies 2.2.1.2 regarding land use designations, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, and 7.4.4.4 regarding oak woodlands.
- 2.3** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

## **3.0 ZONING FINDINGS**

- 3.1** The subdivision contains 41 residential lots which are consistent with the development standards identified within the R1 zone district outlined in Sections 17.28.040 of the Zoning Ordinance. Proposed residential lot sizes range from 6,000 acres to 20,317 square feet.

## **4.0 ADMINISTRATIVE FINDINGS**

### **4.1 Planned Development**

- 4.1.2** *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the Planned Development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3** *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 8.16 acres of

open space within natural setting. As such, the development is designed to provide a desirable environment within its own boundaries.

- 4.1.4** *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The project does not require any deviations from the zoning regulations for the R1 zone district. The project does deviate from the required lot size of 5 acres in the Airport Safety Zone 3, but this is justified by the fact that the property is lower in elevation than surrounding residences and topography, and as such the proposed residential development does not create an air traffic hazard.
- 4.1.5** *The site is physically suited for the proposed use.* The 20.13-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.
- 4.1.6** *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water and sewer will be provided to the project site by EID based upon their letter dated September 8, 2009. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to accommodate project traffic.
- 4.1.7** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project will alter the character of the project site from its existing undeveloped, natural character; however, 40 percent of the site is to remain in open space, therefore, the project will maintain the character of the site over and above the high-density character of the surrounding neighborhood.

## **4.2 Tentative Subdivision Map**

- 4.2.1** *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the HDR General Plan land use designation and applicable General Plan policies including access, public water and sewer service, grading, transportation, and fire protection.
- 4.2.2** *The site is physically suitable for the type and density of development proposed.* The site is physically suitable for the proposed type and density of development. Development avoids steep slopes, drainages, and sensitive vegetation to the maximum extent feasible.
- 4.2.3** *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit I) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

**4.2.4** *The subdivision shall have adequate access to accommodate the proposed density.* The project will develop an internal public road system consistent with design standards of surrounding roadways. Access will be taken from Harvey Road and Kimberly Road, connecting the existing neighborhood and providing additional circulation throughout the area.

**4.2.5** *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Cameron Park Fire Department has reviewed the proposed Tentative Subdivision Map and will require new fire hydrants for the site as well as road improvements as shown on the Tentative Subdivision Map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

The applicant requested a Design Waiver to allow a reduction in sidewalks to a 4-foot width instead of the required 6-foot width.

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

The project has been proposed as a clustered development to avoid steep slopes and sensitive plant species. This clustering has resulted in reduced lot sizes and a tighter roadway system. This tighter development warrants the reduced sidewalk width. In addition, surrounding development which would connect to this project have 4-foot sidewalk widths.

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

Strict adherence to County design guidelines for sidewalk widths would result in an expanded development area which would result in reduced open space area, larger lots, and greater impacts to sensitive plant species.

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

The proposed Design Waiver would be consistent with sidewalk widths of adjacent development to the north. There are no sidewalks in the existing neighborhood to the south.

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

The proposed waiver is consistent with the design standards applied to other subdivisions in the area, including development to the north of the project site.

**Conditions of Approval**

**CONDITIONS OF APPROVAL**

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

This rezone, planned development and tentative subdivision map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits E-H (Rezone/Planned Development/Tentative Subdivision Map) dated February 12, 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.

**Project Description:** The project request includes a Rezone, Planned Development, and Tentative Subdivision Map. The zone change request would add the Planned Development (PD) overlay to project parcels currently zoned R1 as required for developments within Airport Safety Zone 3. The Tentative Map and Development Plan would create 41 residential lots ranging in size from 6,000 square feet to 20,317 square feet, and 5 lettered open space lots ranging in size from 0.08 acres to 4.91 acres, totaling 8.16 acres (See Table 1). The project requires annexation into the Cameron Park Community Services District (CSD) and Fire Department Boundaries. A Design Waiver has been proposed to allow sidewalk widths to be modified from 6 feet to 4 feet. Water and sewer would be provided by the El Dorado Irrigation District (EID). Access would be provided via an internal roadway system with points of access at Kimberly Road and Harvey Road.

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

Table 1. Lot Sizes					
Lot #	Gross Area(s.f.)	Net Area (s.f.)	Lot #	Gross Area(s.f.)	Net Area (s.f.)
1	11,938	4,083	24	6,603	3,531
2	11,458	4,447	25	14,270	2,467
3	20,317	5,671	26	19,462	5,297
4	14,857	3,890	27	12,901	4,734
5	13,164	3,975	28	9,840	2,533
6	11,501	4,300	29	6,965	3,572
7	12,976	4,665	30	7,329	3,185
8	11,991	4,904	31	7,844	2,810
9	11,185	4,438	32	7,741	3,575
10	10,741	4,627	33	8,629	4,056
11	7,173	3,525	34	6,960	2,508
12	9,958	3,425	35	7,783	3,259
13	8,889	3,390	36	6,000	2,947
14	9,914	3,753	37	6,000	2,925

15	9,935	4,019	38	6,000	2,963
16	7,958	3,369	39	6,000	3,250
17	11,977	3,410	40	8,133	4,237
18	11,318	3,311	41	7,140	3,646
19	6,661	2,839	“A”	4.91 acres	
20	8,661	4,582	“B”	1.01 acres	
21	8,917	4,019	“C”	0.08 acres	
22	9,113	3,910	“D”	0.36 acres	
23	7,767	4,578	“E”	1.80 acres	

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 Plant Replacement Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Conditions from the Mitigated Negative Declaration**

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

2. A pre-construction survey for California horned lizard shall be conducted not more than one hour prior to clearing or grubbing of vegetation. The preconstruction survey will be conducted at a time of day when the lizard is most likely to be found (basking behavior during mid-morning), determined by a qualified biologist, and most likely to result in detection and capture of California horned lizard if present. California horned lizards, if found, will be moved to an open space area on-site. **(MM BIO-1)**

*Timing/Implementation: Prior to issuance of grading permits, a note shall be included on all grading plans which states the above measure. This measure shall be implemented prior to clearing, grubbing, or grading on the project site.*

*Enforcement/Monitoring: El Dorado County Planning Services*

3. The Pine Hill Plants that are within the limits of grading shall be transplanted and/or propagated to designated open space areas. The transplanting and/or propagation shall be overseen by a qualified botanist, approved by the El Dorado County Planning Services. The botanist shall identify the location to receive the plants, identify the methods of transplantation and/or propagation, and oversee the work. **(MM BIO-2)**

*Timing/Implementation: Prior to issuance of the grading permits, the applicant shall prepare a transplant/propagation plan for plants within the limits of grading areas. The applicant shall submit the plan with the qualifications of the botanist to El Dorado*

*County Planning Services for review and approval. The Pine Hill Plants within the grading limits will be transplanted and/or propagated prior to issuance of a grading permit.*

*Enforcement/Monitoring: El Dorado County Planning Services*

4. A deed restriction shall be placed on the project open space and incorporated into the CC&Rs except for a 25-foot buffer from limit of grading. The deed restriction shall restrict activities not compatible with long-term preservation of the Pine Hill Plants such as grading, plowing, or use of herbicides not specific to groups of plants that do not include any of the Pine Hill Plant species present on the site. The deed restriction shall allow activities compatible with the long-term preservation of the Pine Hill Plants such as large brush removal above the soil surface, and passive recreational uses such as a trail. The deed restriction shall be written in consultation with a qualified botanist, approved by El Dorado County Planning Services. **(MM BIO-3)**

*Timing/Implementation: The deed restriction shall be recorded at the time of filing of the final map. This deed restriction shall be noted and incorporated into the project CC&Rs.*

*Enforcement/Monitoring: El Dorado County Planning Services*

5. If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has begun, then the bird is considered adapted to construction disturbance.
  - If construction is scheduled to begin between 1 February and 31 August, then a qualified biologist shall conduct a preconstruction survey for active nests in the construction footprint and within 250 ft of the construction footprint from publicly accessible areas within two weeks prior to construction. If no active nest of a bird of prey or Migratory Bird Treaty Act (MBTA) bird is found, then no further mitigation measures are necessary.
  - If an active nest of a bird of prey or MBTA bird is found, then the biologist shall flag a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.
    - No construction activity shall be allowed in the ESA until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest.
    - The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends on the species of bird, the location of the nest relative to the

project, project activities during the time the nest is active, and other situation specific conditions.(MM BIO-4)

*Timing/Implementation: The above described measures shall be included as a note on all grading plans. El Dorado County Planning Services shall verify that this measure has been included as a note on grading plans prior to issuance of a grading permit. The applicant shall conduct the monitoring no more than two weeks prior to clearing and grubbing if construction begins during the nesting season (1 February – 31August).*

*Enforcement/Monitoring: El Dorado County Planning Services*

6. Construction activities shall be limited to between the hours of 7:00 AM and 5:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on weekends and federally-recognized holidays.(MM NOI-1)

*Timing/Implementation: All building and grading plans shall include a note reflecting the above referenced measure. El Dorado County Planning Services shall verify that this note has been included on all grading and building plans prior to issuance of grading and building permits.*

*Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the building and grading plans prior to issuance of building and grading permits.*

7. Any landscaping at the proposed Road “Z” intersection at Kimberly Road shall be limited to low lying landscaping no more than 3 feet in height and trees with canopies no lower than 10 feet from the ground. Sight triangles meeting County standards shall be maintained at this intersection.(MM TRA-1)

*Timing/Implementation: Prior to issuance of grading and building permits the applicant shall include a note reflecting the above requirement on all building, landscaping and grading plans. DOT and El Dorado County Planning Services shall review plans to ensure that these measures have been included on all relevant plans.*

*Enforcement/Monitoring: El Dorado County Planning Services & DOT shall verify that the above measure has been incorporated on the plans prior to issuance of a building and/or grading permit.*

## **CONDITIONS OF APPROVAL**

### **Planning Services**

8. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.

9. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of project implementation (Total 0.72 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Management Plan and shall be based on the fee established by the Board of Supervisors. Based on existing oak canopy coverage, the applicant shall mitigate at a 1:1 ratio for 0.072 acres, and a 2:1 ratio for 0.647 acres. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.
10. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
11. 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.
12. 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).
13. Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
14. At time of final map filing, CC&R's shall be submitted and reviewed by Planning Services.
15. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program. The open maintenance program shall be submitted for review and approval by Development Services Department-Planning Services prior to final map.



16. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.
17. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
18. The location of fire hydrants and systems for fire flows are to meet the requirements of the Cameron Park CSD and the Cameron Park Fire Department. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. If fire flows cannot be met, all habitable structures shall be sprinklered in accordance with Fire Department requirements. This condition shall be included in the CC&Rs for the project.
19. A fire safe management plan, acceptable to the Cameron Park Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
20. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
21. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
22. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
23. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements

including the full costs of acquiring any real property interests necessary to complete the required improvements.

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

24. The developer shall pay all applicable school fees at the time of issuance of building permits for individual lots.
25. Prior to filing of the final map, the applicant shall record a noise and mitigation easement on all lots located within the Airport and Safety Area Zone 4 and/or those lots located within the 55 CNEL noise contour as identified by the Cameron Park Airport Comprehensive Land Use Plan.

### **Cameron Park Fire Department**

- ~~25.26.~~ Prior to recordation of the final map, the project shall annex into the Cameron Park CSD and Fire Department boundaries.
- ~~26.27.~~ Prior to issuance of building permits, the applicant shall demonstrate to the satisfaction of the Cameron Park Fire Department that minimum fire flow requirements have been met as described herewith:
  - The minimum fire flow requirements for one and two family residential floor area, which does not exceed 3,600 sq ft shall be 1,000 gallon per minute. One and two family residential dwellings that are over 3,600 sq ft shall have a minimum fire flow of 1,500 gallons per minute. Fire flow shall meet Appendix B Table B105.1 and Cameron Park Fire Department amendments.
- ~~27.28.~~ Prior to issuance of grading permits, the Cameron Park Fire Department shall review and approve plans for fire hydrants. Fire hydrant spacing shall not exceed 300 feet in residential area per Appendix C Table C105.1 and Cameron Park Fire Department amendments. All hydrants shall be on a loop system.
- ~~28.29.~~ Prior to issuance of building permits, the Cameron Park Fire Department shall review plans to ensure that they meet fire department requirements for driveways and sprinklering. The driveways serving this project shall be designed to a maximum of 16% grade. Any driveway exceeding this requirement shall require installation of fire sprinklers per NFPA 13D within the dwelling unit.
- ~~29.30.~~ Fire hydrants and roadways shall be completed before issuance of any building permits.
- ~~30.31.~~ All roadway width shall meet California Fire Code Appendix D and Cameron Park Fire Department amendments. The Cameron Park Fire Department shall review and approve improvement plans prior to issuance of grading permits.

31.32. A fire safe management plan, acceptable to the Cameron Park Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Cameron Park Fire Department to Planning Services prior to filing the map.

**El Dorado County Department of Transportation**

**Project Specific DOT Conditions**

32.33. All roads shall be constructed in conformance with the El Dorado County Design and Improvements Standard Manual (DISM) with the following widths, and must be substantially complete, as determined by the Department of Transportation, prior to the filing of the final map:

ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
Harvey Road (offsite)			Type 1 rolled curb & gutter, 4-ft sidewalk
Road X,Y,Z (onsite)	StdPlan101B	36ft(50ft R/W)	Type 1 rolled curb & gutter, 4-ft sidewalk

Notes for Condition 1 table:

Road widths in the preceding table are measured from curb face to curb face.

Curb face for rolled curb and gutter is 6" from the back of the curb.

33.34. Prior to filing of the final map, an irrevocable offer of dedication for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map.

34.35. Applicant shall install stop signs and striping on Harvey Road at the Berry Road intersections, and must be substantially complete, as determined by the Department of Transportation, prior to the filing of the final map.

35.36. **Off-site Improvements (Cambridge Rd & US 50):** The applicant shall provide an all way stop at the Cambridge Road/ US 50 eastbound on-off ramps, providing an all way stop. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD). 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 filing of the final map. In addition, the applicant shall obtain an approved encroachment permit from Caltrans for the required improvements.

36.37. Applicant shall show sight distance triangles on the improvement plans, including a sight distance profile, at all intersections, especially at Road Z and Kimberly Road.

- ~~37.~~38. Per Section 3.B.6. of the DISM, a tangent at least one hundred feet long shall be introduced between reversed curves. A line and curve table should be introduced to demonstrate that street alignments meet County design criteria prior to filing the final map.
- ~~38.~~39. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements along the northern, western, and southern boundaries of this project.
- ~~39.~~40. Prior to recordation of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
- ~~40.~~41. Prior to filing the final map, the applicant shall form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
- ~~41.~~42. 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 incorporated if drainage increases more than the pre-development 10-year storm event, prior to the filing the final map
- ~~42.~~43. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a twenty-percent (20%) contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements

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.

**Standard DOT Conditions**

- ~~43.44.~~ 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 prior to filing of the final map.
- ~~44.45.~~ The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
- ~~45.46.~~ The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
- ~~46.47.~~ All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis.
- ~~47.48.~~ An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
- ~~48.49.~~ The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
- ~~49.50.~~ A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of

Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.

- ~~50.~~51. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
- ~~51.~~52. 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.
- ~~52.~~53. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
- ~~53.~~54. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
- ~~54.~~55. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
- ~~55.~~56. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
- ~~56.~~57. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).

- ~~57.~~58. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
- ~~58.~~59. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer shall 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.
- ~~59.~~60. This project disturbs more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

#### **El Dorado County Surveyor's Office**

- ~~60.~~61. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
- ~~61.~~62. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

#### **El Dorado County Environmental Management**

##### **Air Quality Management**

- ~~62.~~63. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated August 13, 2007 prior to issuance of any permits associated with this project.

##### **Hazardous Materials**

- ~~63.~~64. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in

the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

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

County Counsel Paula Frantz informed the Commission that the Court of Appeals had made a ruling on the case against the Congregated Care project. It had been determined that an Environmental Impact Report (EIR) had been required and the project was incorrectly approved utilizing a Mitigated Negative Declaration. Although the project is completed and has occupancy, an EIR will be prepared and Mitigation Measures reviewed.

18. **DIRECTOR’S REPORTS** – None
19. **ADJOURNMENT**

Meeting adjourned at 12:23p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Walter Mathews, Chair